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DATE OF PUBLICATION

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 77 NEW YORK, MONDAY, OCTOBER 1, 1934 TEN CENTS

# MPTOA Fight On Duals to Be Continued

## *Kuykendall Predicts An Amendment to Code*

A fight to the finish on double featuring by the M. P. T. O. A. if and when the code is rewritten is indicated in the latest bulletin of the organization, issued Saturday.

Describing Code Authority's ruling that a theatre's clearance cannot be predicated on whether or not it employs dual bills as "a short-sighted and regrettable one which has demoralized exhibition in many cities and enables powerful buyers to 'hog the market' without overbuying," the M.

(*Continued on page* 3)

## *Kuykendall Expects Two or Three Units*

Two or three new units are expected to be annexed to the M. P. T. O. A., Ed Kuykendall, president, stated Saturday. He would not give the exact locations because the associations have not definitely committed themselves to joining. Kuykendall said he is going to confer with exhibitor leaders in these units shortly.

Discussing the M. P. T. O. A. stand on the music tax situation, Kuykendall declared that his organization will continue to organize exhibitors against the increased assessment by the society.

"We are not going to quit fighting," the M. P. T. O. A. head said. "We are

(*Continued on page* 3)

## *Broadway Takes Off Generally for Week*

Broadway grosses generally were weak last week, the Capitol taking a nosedive with Jackie Cooper and Ed Sullivan on the stage with "Death on the Diamond" on the screen. Intake for the week was $37,640, which is just about average.

The initial week of "Chu Chin Chow" garnered $32,600 at the Roxy.

"Affairs of Cellini," winding up a third week at the Rivoli, took in $15,000. "The Richest Girl in the World" at the Music Hall got around $70,000 for the week.

## *N. C. Grosses Total $4,100,000 in 1933*

WASHINGTON, Sept. 30.—Box-office receipts of 184 North Carolina theatres last year totaled $4,100,000, according to the Census Bureau. Pay-

(*Continued on page* 6)

# *Ban 7 Changes Weekly*

**Kansas City, Sept. 30.—Seven features weekly are too many for an exhibitor if his opposition is short of product, the local grievance board ruled in awarding J. E. Whitten, Gem Theatre, Neodesha, Kan., 71 features from Glenn Klock of the Klock, same town.**

**Tesimony showed Klock had been running double and triple bills, plus shorts, in an attempt to fulfill his contracts with Fox, M-G-M, Vitagraph, Paramount, Universal, Columbia, Radio and some independents.**

**The board found that while Klock had been operating on this policy for some time and though his 1934-35 contracts had been signed prior to the time Whitten began operating the Gem, in all fairness to the complainant as well as to the distributors, Klock should confine his operations to five or six changes weekly.**

# Grosses Only Measure for Pay—Cantor

Real talent in the industry is rare and should be adequately rewarded, declares Eddie Cantor. Regardless of the basis of compensation, whether it is percentage, weekly salary or a flat figure per picture, it should be commensurate with the artist's ability, he insisted.

Cantor's remarks were made upon his arrival here yesterday from the coast with his family.

Commenting on the proposed royalty

(*Continued on page* 3)

## Interfaith Group Will Review Work

The interfaith committee, formed several months ago during the crusade for clean films, is scheduled to meet shortly to discuss whether or not Will H. Hays, president of the M. P. P. D. A., has kept his pledge to reform the industry.

Right Rev. Monsignor Michael J. Lavelle, vicar general of the Roman Catholic archdiocese of New York,

(*Continued on page* 6)

# S. & C. Dates Key to Local Product Deal

Springer & Cocalis now hold the key to the RKO-Loew-Fox-Columbia-Universal product situation locally.

Loew completed its negotiations with RKO about three weeks ago and left the matter of clearances of Fox product, which it is transferring to RKO, up to Skouras and Ranforce, two independent circuits holding 10-year franchises.

The first move made by Skouras was to pool the Academy with RKO's

(*Continued on page* 6)

## Selling Plans Up At 1st Div. Meet

Future sales policies, new production plans and exchange expansion highlighted talks by Harry H. Thomas, president; Nicholas Ludington, William M. L. Fiske, 3rd, Charles Rosenzweig, Al Friedlander and Julius Chapman at the First Division convention held at the Park Central over the week-end.

Thomas assured the men that First

(*Continued on page* 2)

# *Russians to Make 80 for Next Season, Rapf States*

Returning from a two months' survey of film and theatre conditions in Russia, Maurice Rapf, son of Harry, who is an M-G-M executive producer, says Russia is far behind us but their picture business is on a sound basis, more unified in control, and run by the Communist party which has a central committee to control policies of the various production units.

He says Russia plans 80 pictures for

(*Continued on page* 3)

# Lease Clause May Be Taken From the Code

## *Campi Legal Committee In Favor of Move*

A move has been started to withdraw from the code Article V, Section E, Part 6, dealing with interference with leases of theatres.

A recommendation for removal of the clause was made by Campi's legal committee at a hearing last Thursday and protracted arguments between distributors and exhibitors followed.

Before a vote could be taken, members of the body decided to table the question until the next session, Oct. 11.

Independent exhibitors are understood to be strongly in favor of retaining the clause since it is regarded as a protection from outside interests which may attempt to oust unaffiliated

(*Continued on page* 3)

## *Yamins' Analysis of Sales Pacts Held Up*

Due to differences of opinion on Nathan Yamins' report analyzing standard contracts in force this season by major distributors, the legal committee has decided to hold another meeting for discussion of the various points brought out by Yamins before submitting the analysis to Campi for action.

Code Authority has been receiving complaints that distributors are violating the code by certain clauses in

(*Continued on page* 3)

## *Coast Group in for Campi Conferences*

Ben Berinstein, Harry Hicks and five other California exhibitors arrived yesterday from the coast to confer with Ed Kuykendall and to attend the clearance and zoning hearing for this territory.

Jack Miller of Associated Exhibitors' Ass'n. of Chicago is expected in town within the next few days.

## *Sign Writers' Wage Talks Resume Today*

Week-end conferences between sign contractors and circuit representatives on the 10 per cent wage increase demanded by Local 230, N. Y. Sign Writers' Union, failed to effect a settlement and will be resumed today.

Sign writers are threatening a strike vote in the event their scale is not increased from $13.20 to $14.70 per day.

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MOTION PICTURE
DAILY

(Registered U. S. Patent Office)

Vol. 36 October 1, 1934 No. 77

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*Editor*
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## *Warner Will Start Four Big Specials*

HOLLYWOOD, Sept. 30.—Upon his return here Saturday, Jack L. Warner, vice-president in charge of production for Warner-First National, said the company would put four big specials into work immediately on a budget representing about $4,000,000 for the quartette.

The pictures will be: "Gold Diggers of 1935," "Sweet Music," with Rudy Vallee, "Casino de Paree," headed by Al Jolson and Ruby Keeler, and "Devil Dogs of the Air," teaming James Cagney and Pat O'Brien.

## *Audio Closes New Deal*

Audio Prod., Inc., has completed a deal for distribution of a series of six films produced by the Cinelog Corp. under the supervision of Lorenzo Del Riccio, according to a joint statement of W. A. Bach, president of Audio, and Harry H. Thomas, president of First Division Exchanges. The six films will be known as the "Thrilling Journeys" series.

!!! BARGAIN !!!
1200 USED SQUAB SEATS
OPERA CHAIRS
5 ply inserted panel locks
in excellent condition.
Must sell for cash, SACRIFICE.
P. F. Masucci, Para. Bldg., N.Y.C.

## *Trading Light on Big Board*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 35⅜ | 35 | 35⅜ | — ¼ | 500 |
| Eastman Kodak | 99¼ | 99¾ | 99¾ | ..... | 200 |
| Eastman Kodak, pfd. | 141½ | 141½ | 141½ | —1½ | 20 |
| Fox Film "A" | 12½ | 12½ | 12½ | ..... | 300 |
| Loew's, Inc. | 29¼ | 28½ | 29¼ | + ¾ | 1,200 |
| M-G-M, pfd. | 25 | 25 | 25 | +1 | 100 |
| Paramount Publix, cts. | 4⅜ | 4¼ | 4¼ | — ⅛ | 1,200 |
| Pathe Exchange | 1⅜ | 1⅜ | 1⅜ | ..... | 100 |
| Pathe Exchange "A" | 13¼ | 13⅛ | 13⅛ | — ⅛ | 200 |
| RKO | 2½ | 2⅜ | 2⅜ | — ⅛ | 200 |
| Warner Bros. | 5⅛ | 4⅞ | 5⅛ | ..... | 2,900 |

## *Technicolor Off ¼ on Curb*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 12½ | 12½ | 12½ | — ¼ | 100 |
| Trans Lux | 2 | 2 | 2 | ..... | 100 |

## *Paramount Broadway Bonds Off 1*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 6¾ | 6¾ | 6¾ | + ⅛ | 2 |
| Loew's 6s '41, ww deb rights | 101¾ | 101¾ | 101¾ | ..... | 4 |
| Paramount Broadway 5½s '51 | 41½ | 41½ | 41½ | --1 | 5 |
| Paramount F. L. 6s '47 | 60 | 59½ | 59¾ | ..... | 10 |
| Paramount Publix 5½s, '50 | 60¾ | 60 | 60¾ | + ¾ | 28 |
| Pathe 7s '37 ww | 98 | 98 | 98 | ..... | 1 |
| Warner Bros. 6s '39 wd | 61 | 60¾ | 61 | — ½ | 18 |

## Selling Plans Up At 1st Div. Meet

(*Continued from page 1*)

Division would be in every key center within the next few months. He also spoke on the type of product the reorganized company planned. Friedlander talked on exploitation.

In addition, Budd Rogers, general sales manager for Liberty, which First Division is releasing in a number of territories, spoke on the 12 pictures his company is producing this season. Louis Hyman, executive of Sol Lesser's company, talked on "Chandu."

Several Audio shorts were screened Saturday, including "Musical Moods," "Thrilling Journeys," "Mexican Idyll" and "Old Faithful Speaks." After the screening in Erpi's projection room in the Fisk Building, Gar O'Neill, E. S. Gregg and W. A. Bach spoke to the men.

Features shown were "Schools for Girls," "Curtain Falls" and "Return of Chandu."

A dinner was held at the Casino de Paree Saturday night when "Hei Tiki" rings and bracelets were distributed in conjunction with an exploitation campaign on a special of that name being handled by First Division.

The convention adjourned yesterday after Thomas gave a final talk on the aims and ideals of the company. He stated four major pictures are slated for production by First Division with top-notch writers, casts and directors.

About 60 branch managers, salesmen, bookers and home office representatives attended the three-day session.

## *Churchill Does Script*

LONDON, Sept. 30.—Winston Churchill, former chancellor of the exchequer, has written the scenario for Alexander Korda's forthcoming feature, "The Reign of King George V." The film is to be released next year during King George's silver jubilee.

## *Cohan Gives a Party*

George M. Cohan threw a surprise cocktail party at the Eastern Service Studios last Saturday for members of the "Gambling" unit.

## *Fox Renews on Fetchit*

HOLLYWOOD, Sept. 30.—Fox has taken up its option on Stepin Fetchit's contract.

## *Stuart Takes New Post*

Herschel Stuart takes over his new post as director of advertising, publicity and exploitation at Columbia today. George Brown, whom he succeeds, has gone into an executive post at the Biow advertising agency. Brown will be guest of honor at a farewell luncheon in the M. P. Club tomorrow.

## *Charter Col. of India*

DOVER, Sept. 30.—Columbia Films of India, Ltd., was chartered here to deal in films, etc., listing capital of $10,000. The incorporators are Max Seligman, Richard Philpitt and Floyd Weber, Prentice-Hall, Inc., of Delaware, is the agent for the company.

## *Purely Personal*

JOHN BOLES, who recently completed work in "The White Parade" for Fox, arrived in town Saturday with MRS BOLES, his first visit here in seven years. He will be here about four weeks.

ADOLPH POLLAK, president of Showcraft Pictures, plans to leave for Hollywood next week. He recently returned from a quick trip to the coast.

ANNA MAY WONG is in New York from Hollywood and will attend a showing of "Chu Chin Chow" at the Roxy tomorrow.

ED FINNEY is in Providence for the opening of "Girl of the Limberlost" at the Strand.

BARNEY ROSENTHAL of the St. Louis Monogram exchange is in town conferring with W. RAY JOHNSTON.

STEVE BRODIE of the Boston Monogram exchange is also in town.

RENE ROBERT, Fox fashion designer, sailed Saturday on the *Ile de France.*

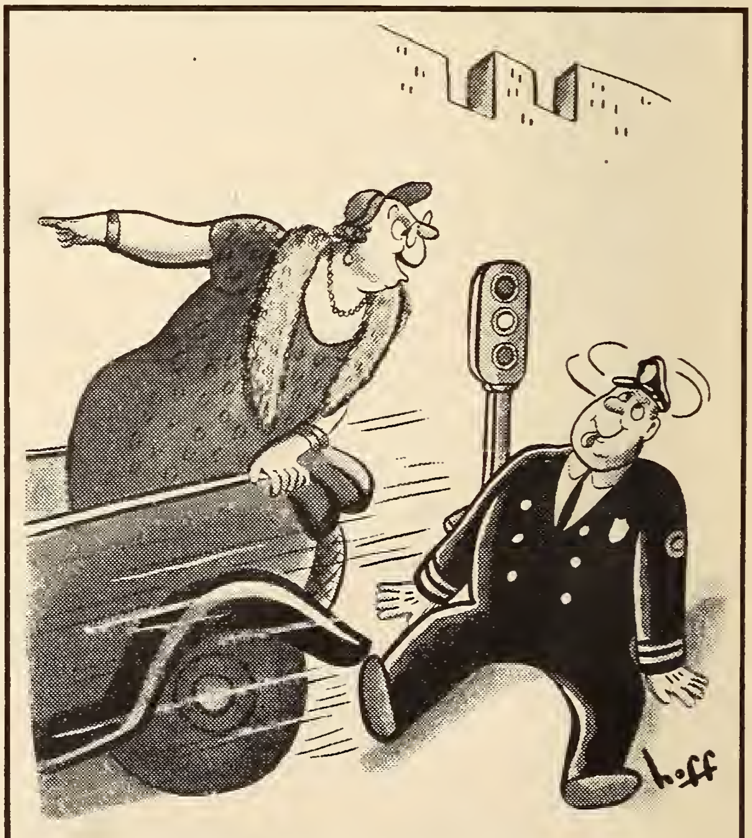
PAULINE LORD has arrived from the coast.

## *Colonel Levy in Town*

Col. Fred Levy of Louisville is in town for a week. He arrived Saturday to confer with Sol Lesser before the latter sailed for England.

## *Brandt in Newark House*

NEWARK, Sept. 30.—Harry Brandt is understood to have closed a deal to take over the Shubert, now playing Italian films.



*"A thousand pardons, officer, but there's Happiness Ahead"*

mcn May 2, 1936

# Lease Clause May Be Taken From the Code

*(Continued from page 1)*

theatre owners from properties being operated by them.

The leasing clause has been one which has been regarded by some Campi members as full of grief. In many instances where cases have come up before appeal boards involving interference with peaceful operation of theatres Campi has played a hands-off policy and dismissed the complaints. This has happened in several instances with the result that court action has been taken by those involved.

If Campi passes the recommendation by a majority vote, the NRA in Washington must first approve the resolution before it can be taken out of the code. This, it is held by some exhibitors, may be opposed.

## *Second Bank Night Is Banned in Omaha*

OMAHA, Sept. 30.—The second bank night case to be heard by the local grievance board has been adjudged a violation and a stop order has been issued against Gus Zaffries, manager of the West, Sioux City, Iowa. The complaint was filed by Nathan Dax, manager of the Hipp.

The board also found that P. E. Johnson of Stuart, Neb., had not completed a transfer of his theatre in order to avoid a contract as charged by RKO Distributing Corp. It was disclosed that Johnson had merely made an agreement with the lessee allowing him 10 per cent of the gross for running the house. Under the board ruling Johnson must fulfill his RKO contract.

Distributors were warned by the grievance board to stop picture service to G. K. Werner, Fairfield, Neb., because he has ignored rulings of the board to stop reduced admissions. The order is effective next Friday.

DES MOINES, Sept. 30.—Bank nights have been ruled unfair competition in two cases brought here. Lester F. Martin, executive secretary for Allied of Iowa and Nebraska, appeared for the respondents, as representative of Affiliated Distributors, Inc.

T. W. Thompson of the Rex, Fairfield, was complainant against Louis Gaines of the Orpheum at Fairfield, and C. W. Roskopf of the Casino, Marshalltown, was complainant against Don Thornberg, Strand, Marshalltown. Gaines says he will appeal to Campi.

## *Lichtman Third Man On Zone Committee*

Because of his wide experience, Al Lichtman, vice-president and general sales manager of United Artists, has been unanimously appointed by Campi as a member of the clearance and zoning committee. He makes the third member, George J. Schaefer and Charles L. O'Reilly having previously been named to the committee.

In making the selection, Code Authority feels that Lichtman's advice on clearance and zoning problems is of great value. Lichtman has agreed to serve.

# Grosses Only Measure for Pay—Cantor

*(Continued from page 1)*

plan for studio talent, which has received intermittent discussion in production circles, Cantor said the method of compensation was not as important as the rate of compensation.

"After all," he declared, "the box-office draw should be the only measuring stick for talent. For instance, Goldwyn pays me a percentage of everything that comes in at the box-office.

"Who can arbitrarily estimate what a Mae West is worth, save by what she draws at the box-office? Some players are paid $800 weekly who should be paid $8,000, and the opposite is also true."

Asked about the reported possibility that Division Administrator Sol A. Rosenblatt may recommend a royalty plan, Cantor commented that anything he might say would be only one man's opinion.

### May Confer With Rosenblatt

"Producers know what they are doing," he continued. "Talent is ruled by the old law of supply and demand. That's why they pay Fritz Kreisler so much—because there are so many Rubinoffs."

Cantor said that while he is in the east he may confer with Rosenblatt with whom he discussed the salary situation for two days while Rosenblatt was on the coast the last time.

Cantor is to make personal appearances with "Kid Millions," scheduled to open at the Rivoli Nov. 6 or 7. He also will appear in Pittsburgh and Baltimore at the openings.

After completion of his coffee hour radio contract in two months he intends to take his family to London, where he will keep his promise to appear at benefits for London hospitals, and at another for German-Jewish relief. He will remain abroad for two months. When he returns he will broadcast on the Pebeco hour.

## *Yamins' Analysis of Sales Pacts Held Up*

*(Continued from page 1)*

contracts. Yamins was delegated to make a study of the various pacts. The legal committee met last week at the M. P. Club, but disagreed on the report, which was to have been submitted to Campi.

It is expected that the report will be ready by the Oct. 11 authority session.

## *Vallee on Coast Oct. 8*

HOLLYWOOD, Sept. 30.—Rudy Vallee and his band will report here at Warners Oct. 8 to begin work in "Sweet Music" at the Burbank studio. Alice White and Robert Armstrong have been signed for the cast.

# *Russians to Make 80 for Next Season, Rapf States*

*(Continued from page 1)*

the coming season and the heads of all studios are gathered by the central committee and assigned pictures. Where the committee feels one studio can make a certain type of picture better than another, this studio is given the script. There are six studios.

Rapf states each studio has a business manager whose principal worry is getting the money from the government for each picture. Unit managers line up directors, stars and writers.

Directors, scenarists and composers work on a royalty basis, he says. In addition to a small remuneration, each of the three principals gets three-quarters of one per cent of the gross on every picture. The life of a picture runs from seven to eight years and these men continuously get royalties as the grosses are checked in.

### Appear in Few Films

Stars, or players, get fabulous salaries because it is rare that a player is seen in more than one picture in two years. The Russians do not believe in star power. Producers call upon the layman or studio help to portray characters in pictures if they are suited for the roles. Experience is not essential, Rapf says. Actors and actresses are paid by the day.

Russia has to import its film, he avers, and most of it is from Germany and America. He added more American stock is being bought now than ever before. Because film is scarce, producers must use one of every three feet of film shot.

Discussing new product, Rapf states the big hit of the year in Russia is a picture on the Chelyuskin Expedition in the Arctic. It's in eight reels and in chronological form, something on the type of the Byrd Antarctic film made by Paramount. "The Road to Life" is now in its fifth year and has about three more to go before it completes the round of all Russian theatres.

### Film on Lenin's Life

"Three Songs of Lenin" is the latest picture made. It is based on the life of the Russian leader. The producers are working on a new idea, Rapf says. They are making "Gulliver's Travels" with dolls as the cast. Only one human being is in the picture, which will be eight reels in length.

A new academy is being built which will house a school for training students interested in film and theatre work. The structure will also have a film laboratory. The site is on the Volga river. The new laboratory will solve a lot of film problems for Russia, Rapf predicts.

"The Treachery of Marvin Blake," which is known in America as "Cabin in the Cotton," is the only American film being shown in Russia. It has been cut in half and subtitles are dubbed in.

Comedies are rare and are only put on when the feature is short. Film theatres, as well as legitimate houses, have intermissions.

All film houses have reserved seats.

He says most of the picture theatres are in poor condition and cannot be compared to the legitimate theatres.

# MPTOA Fight On Duals to Be Continued

*(Continued from page 1)*

P. T. O. A. bulletin declares that the ruling will "eventually destroy many small exhibitors unless it is modified."

"When the code is rewritten," the bulletin continues, "this question (duals) will have to be threshed out or it will slowly strangle the business, as well as bring on another wave of indignation against the movies. It is unfortunate that some producers will let their greed for the immediate dollar wreck the business by thwarting efforts to curb the evil of this form of cut-throat competition," the bulletin states.

Legislative activity against the American Society of Composers, Authors and Publishers to prevent music tax assessments is urged upon exhibitors by M. P. T. O. A. as the most important step that can be taken individually. The bulletin points out that anti-trust suits against the music licensing organization have failed in the past because of inability to demonstrate that interstate commerce was involved, as these actions were tried in the silent picture era. Now, it states, neither the music nor the words can be reproduced without the positive print which circulates in interstate commerce.

### Touches on A.S.C.A.P. Action

The bulletin observes that if the Federal suit pending against A. S. C. A. P. is unsuccessful a film suit can always be instituted against the society.

M. P. T. O. A. re-states its block booking policy, based on a straight 15 per cent cancellation privilege. The bulletin also warns exhibitors against relaxing efforts to maintain programs of discrimination and prudent public relations in the face of a decline in publicity on the church campaign. It cites the probability of legislative and tax moves against the industry in coming sessions of legislative bodies and urges an organized exhibitor front to oppose them on their appearance.

The bulletin also touches upon loans to theatre owners through the Federal Housing Administration, which, it sets forth, may be obtained in amounts up to $2,000 for repairs and improvements of a permanent nature. It is stated that no applications for loans are considered if taxes on the property are not paid, or, in most instances, if there are interest arrears on mortgages.

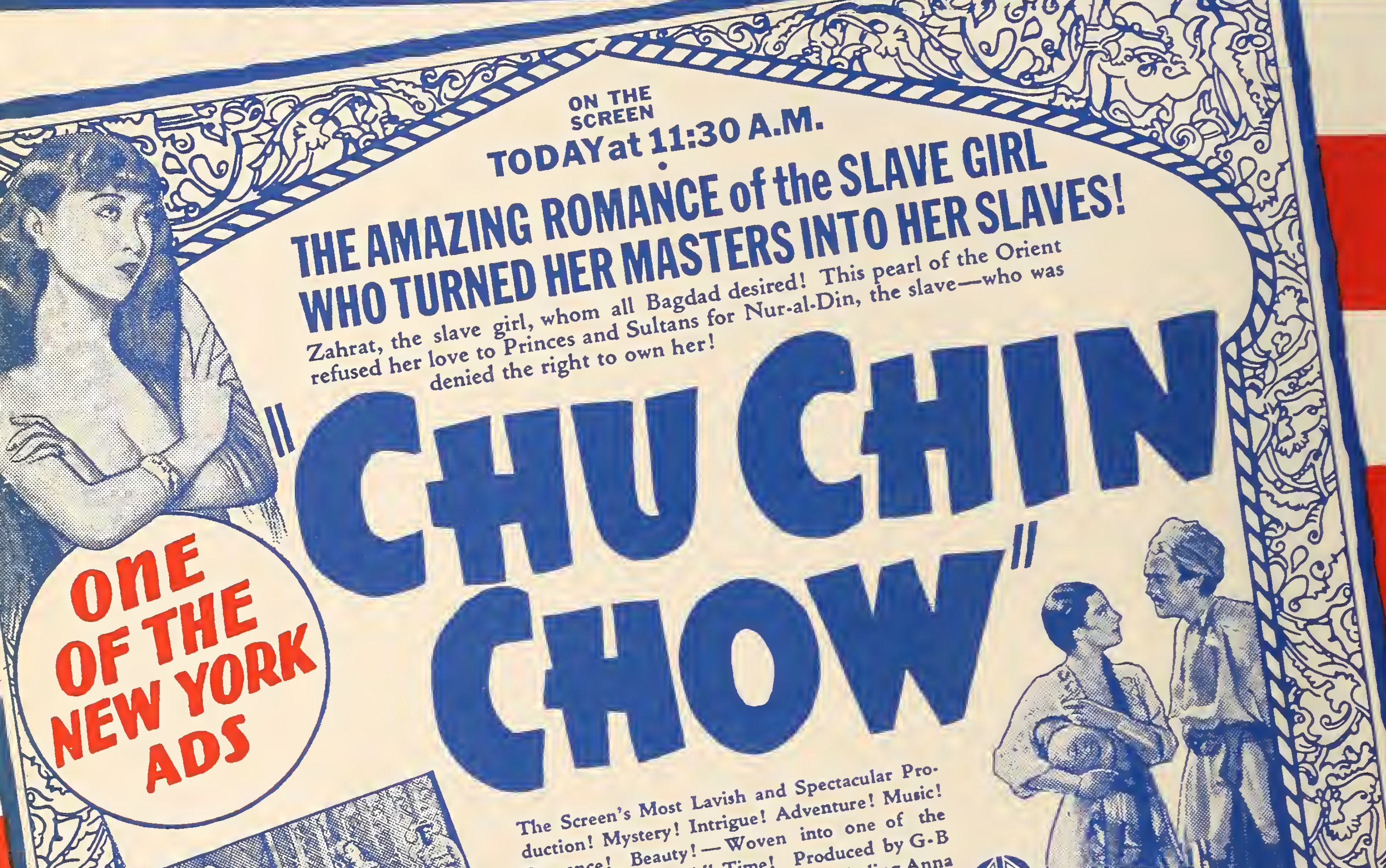
## *Kuykendall Expects Two or Three Units*

*(Continued from page 1)*

willing to go along on a reasonable and fair basis, but the society won't even talk about it."

Kuykendall plans to leave for Memphis Thursday to attend the annual convention on Oct. 7-8 of the M. P. T. O. of Arkansas, Mississippi and Tennessee. He recently returned from Atlanta where he spoke at the G. F. T. A. Independent Theatre Owners' Ass'n session. Kuykendall stated business in the South is very good and exhibitors are optimistic. In other parts of the country, he said, business is spotty.

# CHU CHIN CHOW"



ON THE SCREEN
TODAY at 11:30 A.M.

THE AMAZING ROMANCE of the SLAVE GIRL WHO TURNED HER MASTERS INTO HER SLAVES!

Zahrat, the slave girl, whom all Bagdad desired! This pearl of the Orient refused her love to Princes and Sultans for Nur-al-Din, the slave—who was denied the right to own her!

"CHU CHIN CHOW"

ONE OF THE NEW YORK ADS

The Screen's Most Lavish and Spectacular Production! Mystery! Intrigue! Adventure! Music! Romance! Beauty! — Woven into one of the Great Pictures of All Time! Produced by G-B with a Cast of International Stars, including Anna May Wong, Fritz Kortner and George Robey

**SEE** SLAVE LOVERS... FORBIDDEN TO LOVE! Victims of a Barbarous Civilization!

**SEE** The Famous Bagdad Slave Bazaar where thousands of Oriental Beauties are auctioned off to Harems!

**SEE** the Treacherous Betrayal of Chu Chin Chow by the Slave Girl He Had Tortured on the Rack! →

**ROXY**

★ On the Stage ★
GALA VARIETY REVUE
MILLER & WILSON
RUTH & EDDIE · MARK
LEDDY SINGERS · BYRNES
& FARNEY · MANY OTHERS
GAE FOSTER GIRLS

**SEE** Bagdad's Mammoth Temple of Love! Thousands of Slaves and their Masters in Oriental Revels!

ANY DAY! 35¢ TO

of the NATION

## ONLY PICTURE IN ROXY FOR FLAT 2 WEEKS

OCTOBER RELEASE. G. B. SALES FORCE AT ALL FOX

# WRECKING ROXY RECORDS . . .

## PRESS and PUBLIC CONFIRM HOWARD S. CULLMAN'S JUDGMENT

**"THREE ★ ★ ★ STARS"**
—Kate Cameron, N. Y. Daily News

**"Most pretentious screen spectacle!"**
—Regina Crewe, N. Y. American

**"Stunning sets and lavish production!"**
—Rose Pelswick, N. Y. Journal

**"Tuneful, spectacular, robust!"**
—N. Y. Times

**"Entertaining spectacle! Lively story!"**
—Marguerite Tazelaar, N. Y. Herald-Tribune

**"I enjoyed it immensely. Colorful, lavish, spectacular and tuneful!"**
— William Boehnel, N. Y World-Telegram

**"Good entertainment; lavish spectacle, produced with much imagination, excellently acted . . . exciting dramatic situations . . . good comedy, unusually good musical score and fine voices. Class A.!"**
—Harrison's Reports

## HISTORY BOOKED
*Directly After Screening!*

**EXCHANGES IN U. S. REGAL FILMS LTD., IN CANADA**

# New English Tax Plan Up For Decision

By BRUCE ALLAN

LONDON, Sept. 30 (*By Mail*).—Plans for the new entertainment tax campaign are set for discussion soon by the C. E. A. general council. One proposal before them will be that the duty should in future take the form of a flat percentage of total receipts instead of a levy on individual seats. Whatever decision is reached on matters of tactics, exhibitors approach this problem with the big encouragement that the chancellor of the exchequer has as good as promised relief in some form in the next budget. A lot still depends, nevertheless, on the general state of trade at the end of the financial year.

* * *

"Quota quickies" are also very much on the agenda. In a few weeks the president of the Board of Trade is to receive the C. E. A. deputation on this question, and a great deal depends on the exact form of the recommendations which are made to him. If they offer a practicable method of compelling the production of quota films of a minimum entertainment value, it can be taken for granted that legislation will be introduced to give effect to them. On the other hand, there have been pretty broad official hints that a minimum cost clause is not regarded as completely filling the bill, while the "quality clause," implying the issue of a certificate of suitability for exhibition, is regarded as of even more doubtful workability. As between these two solutions probability favors the first, but the prospect of an amendment to the Films Act to penalize the "just quota" producer would be heightened if the C. E. A. could produce a policy independent of trade influences and the possibility of trade intrigue.

* * *

Revision of the Cinematograph Act, the other measure by which the trade is governed, is also being sought. The National Ass'n. of Theatrical Employes, which has so far failed to secure its wage claims through the Joint Conciliation Board, has now secured the powerful support of the Trade Union Congress, to its suggestion to seek the imposition of trade union conditions by Parliamentary action. This development was foreseen when negotiations faltered.

## *Stallman Promoted By Stanley-Warner*

PHILADELPHIA, Sept. 30.—J. Lester Stallman, manager of the Circle, key Stanley-Warner neighborhood house in the northeast section of the city, has been promoted to district manager for Warners for northern Philadelphia.

Stallman has been district manager for Warners in Atlantic City, Camden and Wilmington. Recently, George Keenan of Warners' publicity staff was appointed his aide at the Circle.

## *Peggy Wood Gets Role*

HOLLYWOOD, Sept. 30. — Peggy Wood has been engaged by Warners to replace Genevieve Tobin in "Right to Live."

## *Hollywood Personals*

**Hollywood, Sept. 30.—Jack Fier, assistant to Nat Levine, is back from a month's tour of Mascot exchanges. . . . Columbia has decided not to change George Murphy's name after all. . . . Victor Jory will not have a stand-in that cannot play chess. . . . Frank Capra and Harry Langdon had a grand reunion on the Columbia lot the other day. Capra used to be a gag-man for Langdon. . . . Warners are testing Jetta Goudal for a role in "White Cockatoo." . . . Frank George has arrived from New York to design hats for Warner stars. . . . Charles Bickford will do some fisticuffs with Victor McLaglen in Fox's "East River." . . . Leo Carrillo grabs a featured role in "Backfield" at M-G-M. . . . Greta Garbo recovering from a brief illness in a local hospital. . . .**

# *Mae West Film Holds Up In Second Chicago Week*

CHICAGO, Sept. 30.—"Belle of the Nineties" continued to pack 'em in in the second week at the Chicago, the take running up to $40,000, over average by $5,400.

"The Personality Kid" also developed surprising strength. The $22,000 gross was $7,000 up. "Embarrassing Moments," at the State-Lake, took a fine $16,000.

"Dames" and "Judge Priest" were still going strong in their second weeks at the Roosevelt and Apollo, respectively.

Total first run business was $138,500. Average is $131,600.

Estimated takings:

### *Week Ending Sept. 25:*

**"COUNT OF MONTE CRISTO" (U. A.)**
UNITED ARTISTS—(1,700), 30c-40c-60c, 3rd week, 9 days. **Gross:** $17,000. (Average, $17,000)

### *Week Ending Sept. 27:*

**"BELLE OF THE NINETIES" (Para.)**
CHICAGO—(4,000), 35c-50c-68c, 2nd week, 7 days. B. & K. stage production. **Gross:** $40,000. (Average, $34,600)

**"THE PERSONALITY KID" (Warners)**
ORIENTAL—(3,940), 25c-40c, 7 days. Mills Bros., Al Norman & Co. on stage. **Gross:** $22,000. (Average, $15,000)

**"RICHEST GIRL IN THE WORLD" (Radio)**
PALACE—(2,509), 25c-35c-50c, 7 days. Lillian Shade & J. Fred Coots, Stuart & Lash, 12 Aristocrats on stage. **Gross:** $22,000. (Average, $22,000)

### *Week Ending Sept. 28:*

**"CRIME WITHOUT PASSION" (Para.)**
GARRICK—(900), 25c-35c-40c, 7 days. **Gross:** $4,500. (Average, $5,000)

**"DAMES" (Warners)**
ROOSEVELT—(1,591), 25c-35c-50c, 3rd week, 4 days. **Gross:** $7,000. (Average, $11,000)

**"JUDGE PRIEST" (Fox)**
APOLLO—(1,400), 25c-35c-50c, 7 days, 2nd week. **Gross:** $10,000. (Average, $12.000)

### *Week Ending Sept. 29:*

**"EMBARRASSING MOMENTS" (Univ.)**
STATE-LAKE—(2,776), 20c-25c-35c, 7 days. Lina Basquette, Jay C. Flippen, Ross & Ayres, 5 Blue Eagles on stage. **Gross:** $16,000. (Average, $15,000)

## *N. C. Grosses Total $4,100,000 in 1933*

(*Continued from page 1*)

roll payments for 1933 aggregated $660,000.

Reporting on the most important cities, the bureau showed that four houses in Durham had a box-office take of $233,000 and payrolls of $34,000; five in Winston-Salem took in $331,000 and had a payroll of $48,000; five in Greensboro took $315,000 on a payroll of $42,000; and four in Charlotte took in $346,000 and had a payroll of $60,000.

## "Belle" Is $8,500 Seattle Smash Hit

SEATTLE, Sept. 30.—This town went for "Belle of the Nineties" in a big way, piling up a take of $8,500 at the Fifth Avenue. This is $1,500 to the good.

This made it hard on other first runs. "The Last Gentleman" was the only one to get anywhere near average.

Total first run business was $30,800. Average is $31,000.

Estimated takings for the week ending Sept. 29:

**"BRITISH AGENT" (Warners)**
BLUE MOUSE—(950), 25c-40c-55c, 7 days. (Extended run from Music Hall.) **Gross:** $3,200. (Average, $4,000)

**"BELLE OF THE NINETIES" (Para.)**
FIFTH AVENUE—(2,450), 25c-40c-55c, 7 days. **Gross:** $8,500. (Average, $7,000)

**"CRIME OF HELEN STANLEY" (Col.)**
**"WEST OF THE DIVIDE" (Monogram)**
LIBERTY—(1,800), 10c-15c-25c, 7 days. **Gross:** $3,800. (Average, $4,000)

**"CASE OF THE HOWLING DOG" (Warners)**
**"ADVENTURE GIRL" (Radio)**
MUSIC BOX—(950), 25c-35c-50c, 7 days. **Gross:** $3,300. (Average, $3,500)

**"THE LAST GENTLEMAN" (U. A.)**
MUSIC HALL—(2,275), 25c-40c-55c, 7 days. **Gross:** $6,400. (Average, $6,500)

**"THE HIDEOUT" (M-G-M)**
PARAMOUNT—(3,050), 25c-35c, 7 days. Vaudeville headed by Fay Courtney. **Gross:** $5,600. (Average, $6,000)

## *National Screen to Retain M-G-M Work*

National Screen Service will continue to make trailers on all M-G-M subjects, it was stated Saturday. The company has been turning out advance announcements on Warner-First National pictures ever since Warners decided to make its own trailers.

M-G-M starts releasing its own trailers early in January, using actual scenes from films for the announcements. National Screen, which has been using stills and off-screen dialogue on Warner trailers, will use the same idea on M-G-M pictures, it is understood.

## *"One Night" Heavy Draw on the Coast*

HOLLYWOOD, Sept. 30.—"One Night of Love" is continuing to do record business on the coast. The picture is now in its fifth week at the Orpheum in San Francisco; in its fourth week at the Sierra in Stockton; in its fifth week at the Sierra in Sacramento; in its second week at the Spreckles in San Diego, and in its fourth week at the Criterion in Los Angeles.

# S. & C. Dates Key to Local Product Deal

(*Continued from page 1*)

Jefferson on product, each of the houses to be operated independently, but with the Academy getting first choice of the combined pictures. George Skouras is now working on a deal with RKO to pool the Riverside, owned by William White and for which Skouras has a management deal, with RKO's 81st St., on a day-and-date product arrangement.

Skouras has Fox, while RKO has half of Paramount and Warner-First National, in addition to all of RKO. Before Skouras gives up any of the Fox bookings, he wants to get the same availabilities as RKO on Paramount and Warner-First National.

Springer & Cocalis come into the picture with second run contracts for Paramount and Warners for the Symphony and Stoddard, after the 81st St. Skouras, in order to get first run bookings, must get the consent of Jack Springer and Sam Cocalis is to play ahead of the Symphony and Stoddard. Negotiations to this end are under way and will probably be settled this week. Distributors are understood willing to cooperate.

Randforce will take over the Utica, Brooklyn, from RKO, when the deal is concluded.

Discussions for half of Universal and Columbia product between distributor representatives and RKO are expected to be completed today or tomorrow.

## Interfaith Group Will Review Work

(*Continued from page 1*)

who is chairman of the committee, has set Oct. 10 as the tentative date for the meeting in the rectory of Holy Cross Catholic Church.

According to reports, both Protestant and Catholic members of the committee are pleased with the work of Joseph I. Breen, production code administrator, as head of the industry's new self-regulatory body. Fear is expressed, however, lest Breen be removed from his present duties after the agitation for reform subsides.

## *Future of Mexican Trade Now in Doubt*

MEXICO CITY, Sept. 30.—Whether or not high taxation will compel American distributors to abandon Mexico is the question being studied by Joseph M. Schenck, president of United Artists, who arrived here recently with Douglas Fairbanks.

Every effort will be made by American producers to supply Mexico with films in the future as they have in past, Schenck said. As an added difficulty, however, he cited the recent imposition of an additional 10 per cent tax on gross receipts.

In addition to Schenck and Fairbanks, Dolores del Rio, Ramon Novarro, Jose Mojica, Joan Marsh and Katherine de Mille were here for the opening of the recently completed Palace of Fine Arts last night.

# THEATRE OWNERS TAKE *ACTION*

ON

## *NATIONAL HOUSING ACT*

Stirred to action by reports in Motion Picture Daily, Motion Picture Herald and Better Theatres that the National Housing Act provides $33,000,000 in credit to motion picture theatres for repairs, replacements and improvements, hundreds of theatre owners have signified intention to borrow as quickly as possible to recondition their theatres.

The Government has presented an opportunity and a challenge that has awakened the interest of the whole motion picture industry. The theatre is the proving ground for all the costly efforts in production, and must add its share toward the final triumph of its presentations. It is necessary that motion pictures be shown in surroundings that are not only safe and sanitary but pleasing and comfortable. Theatre owners recognize that these attributes of their theatres contribute solidly to their rewards.

Although the National Housing Act was designed as a broad recovery measure for the 16,000,000 buildings in the country in need of repair, the Government has recognized the importance of the motion picture theatre in the prosperity and well-being of the nation and made definite provision for them. It remains for theatre owners to make immediate use of so rare an opportunity.

Better Theatres will continue to report and assist the progress of theatre modernization and invites exhibitors to make free use of its services; questions relating to reconstruction, replacements and improvements will receive immediate attention and replies made available to all theatre owners by publication in forthcoming issues. On request, Better Theatres will supply list of local financial institutions through which loans may be obtained.

BETTER · HOUSING · PROGRAM

# BETTER THEATRES

1790 BROADWAY, NEW YORK CITY

# Boston Slips; "Belle" Gets $31,000 Take

Boston, Sept. 30. — Grosses were somewhat disappointing last week. After a steady recent climb, the totals were confidently expected to surpass those of a week ago. Instead, the drop was about $3,000 .

Metropolitan's total, $31,000, was lower than had been expected, with Mae West's "Belle of the Nineties" grossing a scant $3,000 over average. Keith's held over "The Count of Monte Cristo" which was good for $16,000, the house average, after doing $17,500 the previous week.

"The Scarlet Letter" at the Boston grossed $1,500 over average with a vaudeville program on the boards.

Total first run business was $100,500. Average is $94,000.

Estimated takings for the week ending Sept. 27:

**"THE SCARLET LETTER" (Majestic)**
BOSTON—(2,900), 25c-50c, 7 days. Vaude. **Gross:** $17,500. Average, $16,000.)

**"THE WORLD MOVES ON" (Fox)**
**"WAGON WHEELS" (Para.)**
FENWAY—(1,800), 30c-50c, 7 days. **Gross:** $9,500. (Average, $9,000.)

**"THE COUNT OF MONTE CRISTO" (U. A.) (Second week)**
KEITH'S—(3,500), 30c-65c, 7 days, **Gross:** $16,000. (Average, $16,000.)

**"THE BARRETTS OF WIMPOLE STREET" (M-G-M)**
LOEW'S STATE—(3,700), 35c-50c, 7' days. Gross: $16,500. (Average, $16,000.)

**"BELLE OF THE NINETIES" (Para.)**
METROPOLITAN—(4,350), 30c-65c, 7 days. Borrah Minnevitch and His Rascals. **Gross:** $31,000. (Average, $28,000.)

**"THE WORLD MOVES ON" (Fox)**
**"WAGON WHEELS" (Para.)**
PARAMOUNT—(1,800), 30c-50c, 7 days. **Gross:** $10,000. (Average, $10,000.)

# Buffalo Stampedes To Mae West Film

Buffalo, Sept. 30.—Even temperatures of 85 and 87, followed by rain, high wind and cold, failed to prevent a boom week. The best record was Mae West's "Belle of the Nineties," which did $18,800, or $8,800 over normal, and was held over.

"One Night of Love" is going for a third week in the Lafayette, having got more its second week than its first. The second week takings were $9,700, or $3,200 over average. "Hideout" and Morton Downey got $17,200, or $2,900 to the good.

Total first run grosses were $58,800. Average is $46,300.

Estimated takings for the week ending Sept. 28:

**"HIDEOUT" (M-G-M)**
BUFFALO—(3,500), 30c-55c, 7 days. Stage: Morton Downey; Ben Dova; Three Samuels Brothers, with Harriet Hayes and Madalyn White; fashion show. **Gross:** $17,200. (Average, $14,300.)

**"FRIENDS OF MR. SWEENEY" (Warners)**
**"THE CRIME DOCTOR" (Radio)**
CENTURY—(3,000), 25c, 7 days. **Gross:** $6,100. (Average, $6,000.)

**"ELMER AND ELSIE" (Para.)**
**"MAN OF TWO WORLDS" (Radio)**
COURT STREET—(1,200), 25c, 7 days. **Gross:** $500. (Average, $1,500.)

**"BELLE OF THE NINETIES" (Para.)**
GREAT LAKES—(3,000), 25c-40c, 7' days. **Gross:** $18.800. (Average, $10.000.)

**"A LOST LADY" (F. N.)**
HIPPODROME—(2,100), 25c-40c, 7 days **Gross:** $6,500. (Average, $8,000.)

**"ONE NIGHT OF LOVE" (Col.)**
LAFAYETTE—(3,000), 25c, 7 days, 2d week. McLarnin-Ross fight films. **Gross:** $9,700. (Average, $6,500.)

# Denver Tips "Belle" Huge $16,500 Take

Denver, Sept. 30.—After piling up $16,500 at the Denham, just $12,500 over average, "Belle of the Nineties" was held for a second week and probably will run into a third.

"British Agent" was pulled at the end of six days in the Denver with a take of $4,000. The weather turned cool. "Chained" took a strong $2,100 at the Paramount after having had a fine seven days previously at the Denver.

Total first run business was $31,500. Average is $20,500.

Estimated takings for the week ending Sept. 27:

**"CHARLIE CHAN IN LONDON" (Fox)**
ALADDIN—(1,500), 25c-35c-50c, 7 days. **Gross:** $2,000. (Average, $2,500)

**"BELLE OF THE NINETIES" (Para.)**
DENHAM—(1,500), 25c-35c-50c, 7 days. **Gross:** $16,500. (Average, $4,000)

**"BRITISH AGENT" (F.N.)**
DENVER—(2,500), 25c-35c-50c, 6 days. **Gross:** $4,000. (Average, $6,000)

**"HIDE OUT" (M-G-M)**
ORPHEUM—(2,600), 25c-35c-50c, 7 days. **Gross:** $6,000. (Average, $6,000)

**"TOMORROW'S CHILDREN" (Fox)**
PARAMOUNT—(2,000), 25c-40c, 3 days. **Gross:** $900.

**"CHAINED" (M-G-M)**
PARAMOUNT—(2,000), 25c-40c, 5 days. **Gross:** $2,100. (Average for week, $2,000)

# "Wimpole" $13,000 Hit in Providence

Providence, Sept. 30.—"Barretts of Wimpole Street" clicked to the biggest business in town here, catching $13,000 at Loew's State to better the par figure by $1,000. Fay's, with a combo bill of "Housewife" and "Spices of 1934," caught a neat $8,000, also $1,000 to the good, and the Majestic did $8,000 with "British Agent" and "Lovetime."

One of the surprises of the week was the failure of "One Night of Love" and "Crime Without Passion" to pull more than $7,000 at the Strand.

Total first run business was $44,200. Average is $40,500.

Estimated takings for the week ending Sept. 27:

**"BARRETTS OF WIMPOLE STREET" (M-G-M)**
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $13,000. (Average, $12,000)

**"HOUSEWIFE" (Warners)**
FAY'S—(1,600), 15c-40c, 7 days. "Spices of 1934" heading stage bill. **Gross:** $8,000. (Average, $7,000)

**"BRITISH AGENT" (Warners)**
**"LOVETIME" (Univ.)**
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $8,000. (Average, $7,000)

**"ONE NIGHT OF LOVE" (Col.)**
**"CRIME WITHOUT PASSION" (Para.)**
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $7,000. (Average, $6,500)

**"AGE OF INNOCENCE" (Radio)**
RKO ALBEE—(2,300), 15c-40c, 7 days. "Dance Gaieties" on stage. **Gross:** $7,000. (Average, $7,000)

**"HAT, COAT AND GLOVE" (Radio)**
**"THEIR BIG MOMENT" (Radio)**
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,100. (Average, $1,000)

# *"Side Streets" with Show Is Minneapolis Top at $6,500*

Minneapolis, Sept. 30.—"Side Streets," with a stage show, led off here with $6,500 at the Orpheum, while "Servants' Entrance" topped St. Paul with $6,000 at the Paramount.

"Belle of the Nineties" also made a good showing here, getting $6,000, over par by $500, at the State. "One More River" was $500 up on a $3,000 gross at the World in its second week.

"The Cat's Paw" was a good draw at $4,500 in the St. Paul Riviera.

Total business in the six Minneapolis first runs was $23,500. Average is $21,000. Five St. Paul houses took $18,800. Average there is $16,000.

Estimated takings:

### *Minneapolis:*

### *Week Ending Sept. 27:*

**"THE CAT'S PAW" (Fox)**
CENTURY—(1,000), 25c-40c, 7 days. **Gross:** $2.500. (Average, $4,000)

**"STRAIGHT IS THE WAY" (M-G-M)**
LYRIC—(1,000), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

### *Week Ending Sept. 28:*

**"SIDE STREETS" (F. N.)**
RKO ORPHEUM—(2,900), 25c-30c, 7 days. "The Passing Review" on stage. **Gross:** $6,500. (Average, $5,500)

**"BELLE OF THE NINETIES" (Para.)**
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

**"FINISHING SCHOOL" (Radio)**
TIME—(300), 25c-35c, 7 days. **Gross:** $2,000. (Average, $2,500)

**"ONE MORE RIVER" (Univ.)**
WORLD—(400), 25c-75c, 7 days, 2nd week. **Gross:** $3,000. (Average, $2,500)

### *St. Paul:*

### *Week Ending Sept. 27:*

**"SERVANTS' ENTRANCE" (Fox)**
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

**"THE CAT'S PAW" (Fox)**
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4.500. (Average, $3,500)

**"ROMANCE IN THE RAIN" (Univ.)**
RKO ORPHEUM—(2,000), 20c-40c, 7 days. George Beatty heading five acts. **Gross:** $4.000. (Average, $4,000)

**"DEATH ON THE DIAMOND" (M-G-M)**
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,800. (Average, $1,500)

**"JANE EYRE" (Monogram)**
WORLD—(300), 25c-75c, 7 days, 2nd week. **Gross:** $2,500. (Average, $2,000)

## *"We Live" Runs Held Up*

Hollywood, Sept. 30.—Samuel Goldwyn will not permit "We Live Again" to be shown in any other theatre until after the Broadway run at the Rivoli, Oct. 10-17, if "The Count of Monte Cristo" is out by that time.

## *Oberon for "Follies"*

Hollywood, Sept. 30.—Merle Oberon, fiancee of Joseph M. Schenck, gets the feminine lead opposite Maurice Chevalier in 20th Century's "Follies Bergere." Reginald Owen has been signed for the second male lead.

# "Chan," Show Pull $18,500, Philadelphia

Philadelphia, Sept. 30.—"Charlie Chan in London," with Thurston, the magician, on the stage, was the big draw of the week here. The $18,500 gross was over par by $6,500.

"Belle of the Nineties" also was a heavy draw at $14,000, over the line by $2,000.

Total first run business was $76,800. Average is $66,100.

Estimated takings for the week ending Sept. 27:

**"COUNT OF MONTE CRISTO" (U. A.)**
ALDINE—(1,200), 40c-55c-65c, 6 days, 2nd week. **Gross:** $9,500. (Average, $7,000)

**"PARIS INTERLUDE" (M-G-M)**
ARCADIA—(600), 25c-40c-50c, 4 days, 2nd run. **Gross:** $1,300. (Average, 6 days, $2,400)

**"CHAINED" (M-G-M)**
BOYD—(2,400), 40c-55c-65c, 6 days, 2nd week. **Gross:** $9,500. (Average, $12,000)

**"CASE OF THE HOWLING DOG" (War.)**
EARLE—(2,000), 40c-55c-65c, 6 days. Stage: "Rise of the Goldbergs"; Radio Aces, Wonder Girls, Medley and Duprey. **Gross:** $16,000. (Average, $12,000)

**"CHARLIE CHAN IN LONDON" (Fox)**
FOX—(3,000), 30c-40c-65c, 6 days. Stage: Thurston, the magician. **Gross:** $18,500. (Average. $12,000)

**"THERE'S ALWAYS TOMORROW" (Univ.)**
KARLTON—(1,000), 30c-40c-50c, 6 days. **Gross:** $2,400. (Average. $3.500)

**"BELLE OF THE NINETIES" (Para.)**
STANLEY—(3,700), 40c-55c-65c, 6 days. **Gross:** $14,000. (Average, $12.000.

**"DEATH ON THE DIAMOND" (M-G-M)**
STANTON—(1,700), 40c-55c-65c. 6 days. **Gross:** $5,600. Average, $6,000)

# "Hideout" Strong In Omaha, $4,800

Omaha, Sept. 30.—The World, which has been at the bottom of the gross averages for weeks, did an outstanding business with "Hideout" and "Heat Lightning." The take was $4,800.

"Servants' Entrance" and "The Human Side" pulled heavily at the Orpheum, reaching $9,200.

Total first run business was $18,300. Average is $16,000.

Estimated takings:

### *Week Ending Sept. 26:*

**"HIDEOUT" (M-G-M)**
**"HEAT LIGHTNING" (Warners)**
WORLD—(2,200), 25c-40c, 7 days. **Gross:** $4,800. (Average, $4,000)

### *Week Ending Sept. 27:*

**"THE RICHEST GIRL IN THE WORLD" (Radio)**
**"THEIR BIG MOMENT" (Radio)**
BRANDEIS—(1,500), 20c-25c-35c, 7 days. **Gross:** $4.500. (Average. $4,000)

**"SERVANTS' ENTRANCE" (Fox)**
**"THE HUMAN SIDE" (Univ.)**
ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $9.200. (Average, $8,000)

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## Moross Urges Rate Tip by K. C. Houses

### *Campi Aide Critical of Subsequent Scales*

KANSAS CITY, Oct. 1. — Admission increases at subsequent runs was urged on local exhibitors by S. A. Moross, assistant to John C. Flinn, Campi secretary, in informal discussion of a workable method whereby prices may be stabilized.

"The day of the nickelodeon is past and we certainly don't want to bring it back," he said.

Moross encountered a situation among Kansas City subsequents he

*(Continued on page 6)*

## Coast Production Takes Sharp Rise

HOLLYWOOD, Oct. 1.—Production last week took a sharp rise over the preceding week and passed the average for the past three years. Forty-four features and six shorts were in work as against 36 and six for the preceding week.

Paramount and Radio led the feature field with seven pictures each before the cameras. This was followed by Warners with six; Columbia and M-G-M, five each; Universal, four;

*(Continued on page 8)*

## *Revamped Newsreels Making Debut Today*

The first issue of the new Fox Movietone News makes its appearance today simultaneously with the initial release of the reorganized Hearst Metrotone News. The Fox newsreel is now under the editorship of Laurence Stallings, with Lowell Thomas serving as commentator-in-chief. It is reported the reel will be longer and contain a number of new features. Edwin C. Hill will be the "voice" of Hearst Metrotone.

## *Wyoming Grosses in 1933 Were $873,000*

WASHINGTON, Oct. 1.—Box-office receipts of $873,000 and aggregate payrolls of $163,000 were reported for 1933 by 37 film and vaudefilm houses in Wyoming, it was announced today by the U. S. Census Bureau.

Results of the census in Idaho and Nebraska show that the former state

*(Continued on page 6)*

## Hope Gaining For Averting Mexican Tax

### *American Group in Talk With the President*

By JAMES LOCKHART

MEXICO CITY, Oct. 1.—American distributors are optimistic over the progress of negotiations with the Mexican government for the purpose of averting the proposed application of a 10 per cent tax on rented articles to films.

The American delegation, Joseph M. Schenck, Douglas Fairbanks and Major F. L. Herron of the Hays office, in an interview with President Rodriguez, urged exemption of films on the ground that the tax would make it impossible for American companies to continue in business.

Distributors believe the Finance Ministry is favorably disposed towards exempting films. It has pointed out that the duties on films and discs were not for the purpose of banning imports, but were designed to stimulate Mexican production.

## *Pathe Hearing Goes Over for More Facts*

Hearing on application of Pathe Exchange for permission to hold an extraordinary meeting of stockholders to pass on reorganization plans was put over a week in the New York Supreme Court yesterday. The postponement was made to allow for filing additional information concerning the plan.

## *French-Soviet Deal Set for Joint Film*

By BELLA KASHIN

MOSCOW, Oct. 1.—A French film group known as the European Cinema Trust has stolen a march upon American producers who have been negotiating deals for joint Soviet-American production.

It was announced today that the Soviet authorities have closed a deal for joint filming of "Peter the Great,"

*(Continued on page 6)*

## *Theatre Valuations Cut by $1,305,000*

Assessment cuts totalling $1,305,000 on 13 film theatres for 1935 were announced yesterday by William Stanley, acting president of the Department of Taxes and Assessments. The cuts range from $200,000 down

*(Continued on page 8)*

### *Giannini Colonel*

**Dr. A. H. Giannini will be added to the list of Kentucky colonels Thursday when the appointment will be made officially by Governor Ruby Laffoon.**

## Tobis Begins Distribution For England

By J. K. RUTENBERG

BERLIN, Oct. 1.—Tobis Film Distribution, Ltd., founded by the Internationale Tobis Maatschappij N. V., Amsterdam, some time ago, has started with distribution of Tobis films in England. A contract with Curzon Cinemas, Ltd., guarantees the showing of films which have been made by the various Tobis subsidiaries in Germany, France, Austria, Spain and Portugal.

* * *

The German film offer for 1934-35 amounts to 231 feature films, according to the latest figures available.

*(Continued on page 6)*

## Rosenblatt Going To Address Labor

WASHINGTON, Oct. 1.—Division Administrator Sol A. Rosenblatt will leave Washington tomorrow morning by air for San Francisco where, on Friday, he will address the American

*(Continued on page 6)*

## *Photoplay's Medal To "Little Women"*

"Little Women," which starred Katharine Hepburn, has been awarded the *Photoplay Magazine* Gold Medal as the finest film produced during 1933, Katharyn Dougherty, publisher of the magazine, states in the November issue.

At the International Exposition, held in Venice, Miss Hepburn was awarded the gold medal to the actress giving the "supreme dramatic performance on the screen," for her work in "Little Women."

## *M-G-M Drops Plans On 'Wandering Jew'*

M-G-M yesteray definitely dropped "The Wandering Jew" and Franklin Films Co., which owned the American

*(Continued on page 8)*

## Grosses Run On Level of Last Autumn

### *Reports Are Compiled From 22 Key Spots*

Grosses are running pretty closely along the levels they followed last year at this time. For the third week of September the total take in 22 key cities was $1,393,008. A year ago in the final week of September the total was $1,342,710.

This is a little below the high level reached during the first two weeks of the month, when takes went up to the

*(Continued on page 6)*

## Para. Claims Up To $154,047,735

That claims filed against Paramount Publix stood at $154,047,735.82 on Sept. 15 was revealed yesterday in a statement issued by the trustees. On June 18, when the bankruptcy ended and the corporation went into receivership, a report made to the court by the trustees listed total claims at that time as $50,600,000.

Yesterday's statement follows:

"The total of claims filed in the Paramount bankruptcy proceeding

*(Continued on page 8)*

## *GFTA Opens 2-Day Session at Atlanta*

ATLANTA, Oct. 1.—G.F.T.A. Independent Theatres' Ass'n opened its two-day convention here at the Robert Fulton Hotel today, with Ike Katz, Montgomery, Ala., president, in the chair. Sidney Samuelson addressed the convention. A dinner-dance is a feature of the entertainment, to be held at Wieuca Inn.

Among important matters before the convention is a report from a special committee which went to Washington for a conference with Division

*(Continued on page 8)*

## *Wehrenberg Shaken In Motor Car Crash*

ST. LOUIS, Oct. 1.—Fred Wehrenberg, president of the M.P.T.O. unit here, and Louis C. Hehl, secretary-treasurer, had a narrow escape from death when Wehrenberg's car skidded off an oiled road in a rain storm late at night. They were returning from the dedication of the New Mercier Theatre, Perryville, Mo.

Wehrenberg was bruised. Hehl's nose was fractured and he was cut painfully.

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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*Editor*
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## Harry Askin Funeral

Funeral services for Harry Askin, legitimate theatre manager and former manager of John Philip Sousa, will be held today in the Campbell Funeral Church at 10 o'clock. He died Sunday.

Askin is survived by his widow, a son and a daughter by a former marriage and a brother.

## Start Ohio Tax Fight

COLUMBUS, Oct. 1.—The first of a series of meetings under the auspices of the Ohio I. T. O. as part of a campaign to secure repeal of the 10 per cent admission tax was held here today. Another is to be held in Cleveland tomorrow, with a third at Cincinnati on Friday.

## Mayer Here Tomorrow

Louis B. Mayer returns from a two-month absence in Europe tomorrow aboard the *Paris.* Howard Strickling, M-G-M's publicity director on the coast, will be with him.

## Quigley Ampa Chairman

Martin Quigley will be guest chairman at the Ampa Thursday. Mark Ostrer and Jeffrey Bernerd of Gaumont British will be guests of honor.

## DeMille Recovering

HOLLYWOOD, Oct. 1.—Cecil B. DeMille was recuperating today from a minor operation. His condition is pronounced as favorable.

## First Division Sets June for New Lineup

First Division expects to complete national representation in the United States by next June. With 60 per cent of the country now covered, the company plans to be in every important situation with its own branch within the next nine months.

Al Friedlander in all probability will handle the development of exchanges in the west. He figured importantly in setting up a number of the company's branches in the east, midwest and south. The company has just closed a franchise deal with Mike Howard for Atlanta.

For the present, First Division will concentrate on production of four pictures which will supplement product contracted for with outside producers. Stories, stars and directors are now being lined up.

## U. A. Sets Six Deals

United Artists has closed deals with six Greater New York circuits involving 115 theatres. Circuits and theatres represented are: Randforce, 42; Century, 30; Prudential, 28; Harry Harris, seven; RKO, five; Roth, three, and Sidney Samuelson's Newton, at Newton, N. J. Other deals for RKO theatres as well as Skouras are in negotiation and will probably be closed within the next few days.

## Ernest Schwartz Gaining

CLEVELAND, Oct. 1.—Ernest Schwartz is still in a critical condition as a result of the shooting nine days ago during which he was struck by four bullets, but hospital authorities report that he is resting comfortably, and if no complications set in he has an excellent chance of recovery.

## Hollywood to Lew Brown

Lew Brown, stage producer, has leased the Hollywood Theatre here from Warners and will present a number of musical shows there, the first to be "Calling All Stars," which opens Thanksgiving week.

## Film & Photo Revivals

The Film & Photo League will present its second subscription series of film revivals at the New School for Social Research beginning Oct. 13. Ten pictures will be shown.

## Katz Theatres Go On

**Operation of Monarch Theatres will not be affected by the fact that Sam Katz is joining M-G-M as an executive assistant to Louis B. Mayer. Milton Field is president of the circuit.**

**Katz has not yet made up his mind when he will leave for the coast. He is waiting for Mayer to arrive from London tomorrow to discuss future plans.**

## Weeks Lines Up Men In Three Key Cities

George Weeks has appointed Tony Ryan manager of Gaumont British exchanges in Buffalo and Albany and Herb Given as head of the Philadelphia office.

James Sper will be attached to the Buffalo office, while Lester D. Wolfe will handle Albany sales. Joe Singer is on Given's Quaker City force.

Weeks arrives in Washington today and will be in Pittsburgh tomorrow. On Thursday he will be in Cincinnati and the following day in Cleveland. On Saturday Weeks will be in Detroit. He is lining up sales staffs to work out of Fox exchanges as he goes along.

## Van Leer Goes to G-B

Arnold Van Leer, who handled publicity for Morris Gest for 10 years and has been identified with Warners, RKO and Columbia, has joined A. P. Waxman's staff at Gaumont British. He will handle the Criterion for G-B when "Man of Aran" opens Oct. 19 on a two-a-day policy.

## G-B Declares Dividend

Gaumont British has declared a four per cent quarterly dividend on its outstanding common stock.

## Stebbins Heads East

HOLLYWOOD, Oct. 1.—Arthur W. Stebbins is scheduled to leave for New York today.

## Columbia Signs Jory

HOLLYWOOD, Oct. 1. — Columbia has signed Victor Jory to a termer.

## Purely Personal

MONROE GREENTHAL, U. A. exploitation chief, has returned from Washington where he arranged a special showing of "Our Daily Bread" at the White House for PRESIDENT and MRS. ROOSEVELT.

NOVA PILBEAM, young English player; JACK HULBERT, MARK OSTRER, JEFFREY BERNERD and ARTHUR LEE were week-end guests of HOWARD S. CULLMAN at Purchase, N. Y.

IDA LUPINO, accompanied by her mother, MRS. CONSTANCE LUPINO, will sail for England the latter part of this week. They will return in January.

JULIAN JOHNSON, head of the Fox story department, left Hollywood last night for New York. He'll attend home office conferences on his arrival here.

MORT BLUMENSTOCK, in charge of advertising for Warner theatres, is away on a week's business trip to Pittsburgh, Cleveland and Washington.

BENITA HUME, English actress, will arrive tomorrow on the *Paris* to attend the premiere of "Power" at the Music Hall on Thursday.

DOUGLAS CHURCHILL, who writes the Hollywood column in the Sunday *New York Times,* is in town on his first visit in 10 years.

DR. A. H. GIANNINI will remain here about a week longer and then return to Los Angeles.

WILLIAM GARGAN returns from England today aboard the *Olympic* en route to Hollywood.

ROBERT BENCHLEY and J. WALTER RUBEN arrive from the coast today.

## Korda Signs Churchill

LONDON, Oct. 1.—Winston Churchill has been signed by Alexander Korda, head of London Films, to edit a series of shorts dealing with topical interest. Among those in preparation are "Will Monarchies Return?" "The Rise of Japan," "Marriage Laws and Customs," "Unemployment," and "Gold."

Release in America will be handled by United Artists.

## Forming Stock Group

HOLLYWOOD, Oct. 1.—A stock company made up of star material will be formed by Walter Wanger, independent producer for Paramount. The first two to be signed are Peggy Conklin and Charles Boyer. Wanger is now negotiating for other performers.

## Owns Newslaughs 100%

Herman B. Freedman, producer of the Irvin S. Cobb "Newslaughs," is now sole owner of the stock of Newslaughs, Inc., having purchased H. L. Cohen's interest in the firm.

## Reisman in Tomorrow

Phil Reisman, foreign sales manager of RKO, arrives from Europe tomorrow on the *Paris* after an extended tour that took him to most of the principal continental cities.

## Loew's Off 2 on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 34¾ | 34⅜ | 34⅜ | — ⅞ | 400 |
| Consolidated Film Industries | 3 | 3 | 3 | — ½ | 300 |
| Eastman Kodak | 99⅝ | 99½ | 99½ | — ¼ | 200 |
| Eastman Kodak, pfd | 141 | 141 | 141 | — ½ | 8,000 |
| Fox Film "A" | 12⅝ | 11¾ | 11¾ | — ¾ | 1,000 |
| Loew's, Inc. | 28¾ | 27¼ | 27¼ | —2 | 5,500 |
| Paramount Publix | 4⅜ | 4⅛ | 4¼ | ..... | 2,100 |
| Pathe Exchange | 1⅜ | 1¼ | 1¼ | — ⅛ | 400 |
| Pathe Exchange "A" | 13 | 12 | 12 | —1⅛ | 400 |
| RKO | 2½ | 2⅜ | 2⅜ | ..... | 1,100 |
| Warner Bros. | 5 | 4¾ | 4¾ | — ⅜ | 3,500 |

## Technicolor Only Issue on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 12½ | 12⅜ | 12½ | ..... | 300 |

## Warner Bonds Drop 2 Points

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 6⅝ | 6⅝ | 6⅝ | — ⅛ | 2 |
| General Theatre Equipment 6s '40, ctf | 6¾ | 6¾ | 6¾ | — ⅜ | 4 |
| Keith B. F. 6s '46 | 62⅜ | 61¾ | 62⅜ | + ⅜ | 6 |
| Loew's 6s '41, ww deb rights | 101¾ | 101⅜ | 101½ | — ¼ | 2 |
| Paramount F. L. 6s '47 | 59¾ | 59¼ | 59¼ | — ½ | 17 |
| Paramount Publix 5½s '50 | 60¾ | 59¼ | 59¼ | —1½ | 32 |
| RKO 6s '41, pp | 31 | 31 | 31 | —1 | 3 |
| Warner Bros. 6s '39, wd | 61 | 59 | 59 | —2 | 23 |

# THE BIGGEST NEWS TODAY

EXTRA!
HEARST METROTONE
EXTRA

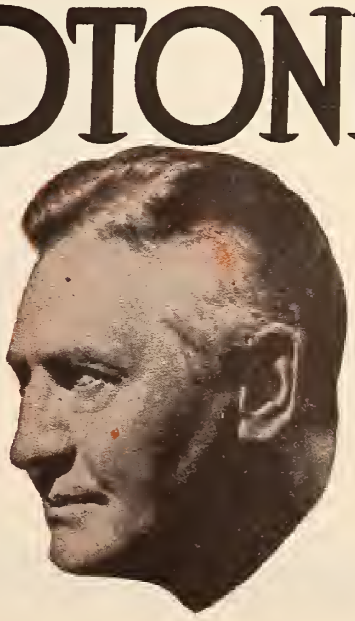
is the first Issue of the NEW and GREATER

## HEARST METROTONE NEWS

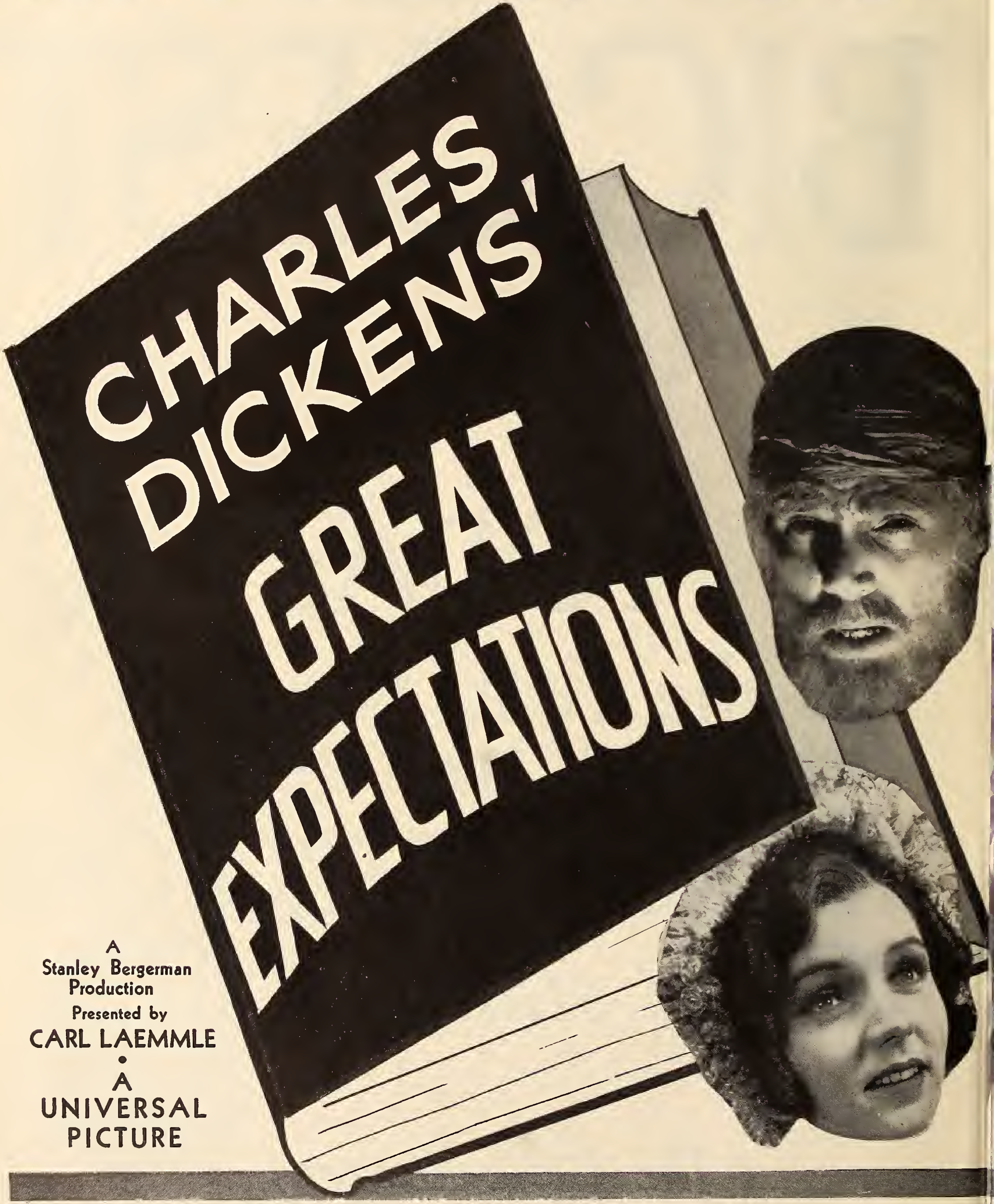
*starring*

## EDWIN C. HILL

*(The Globe Trotter)*



# The SCREEN SCOOP


CHARLES DICKENS'
GREAT EXPECTATIONS

A
Stanley Bergerman
Production
Presented by
CARL LAEMMLE
•
A
UNIVERSAL
PICTURE

# OF THE YEAR!!

**Universal crashes through first with a Dickens picture in a Dickens year! ...Bringing to life on the screen those well-known characters of one of his most popular stories—Magwitch, Pip (as boy and man); Estella, Miss Havisham, Joe Gargery and all the others!...What a showman's opportunity—and what a wonderful picture to back up everything you do and everything you say about it!**

STEP OUT WITH UNIVERSAL

with

**HENRY HULL**

**PHILLIPS HOLMES**

**JANE WYATT**

Florence Reed, Valerie Hobson, Alan Hale, Georgie Breakstone and many, many others. Screenplay by Gladys Unger. Directed by Stuart Walker.

# Moross Urges Rate Tip by K. C. Houses

(*Continued from page 1*)

said he had found nowhere else in his swing around the middle west and south. He was surprised and somewhat amused to discover what he termed a "trick price system" in effect here, whereby subsequents charge three different prices for as many weekly changes of program. These range from bargain nights at 10 cents to supposedly regular admissions at 20 cents.

Moross felt a practical plan could be set up that would be equitable to all concerned, and believed bargain prices could be eliminated, at least to some extent.

"The code is designed to protect exhibitors from ruinous low price competition," he commented.

While he found situations where individual exhibitors blocked cooperative action, Moross reported that on the whole there was a desire to work together in the cities he had visited, adding that if exhibitors would act harmoniously among themselves and with other branches of the industry, the problems that now loom large could be solved without difficulty.

Members of the local boards expressed themselves as appreciative of the counsel given by Moross, since he helped clarify a number of points on which there had been considerable argument.

# *Grosses Running Closely Along Last Year's Levels*

(*Continued from page 1*)

October and November levels of last year.

Last week was $20,737 higher than the previous week, with gains reported in 13 of the 22 keys reporting.

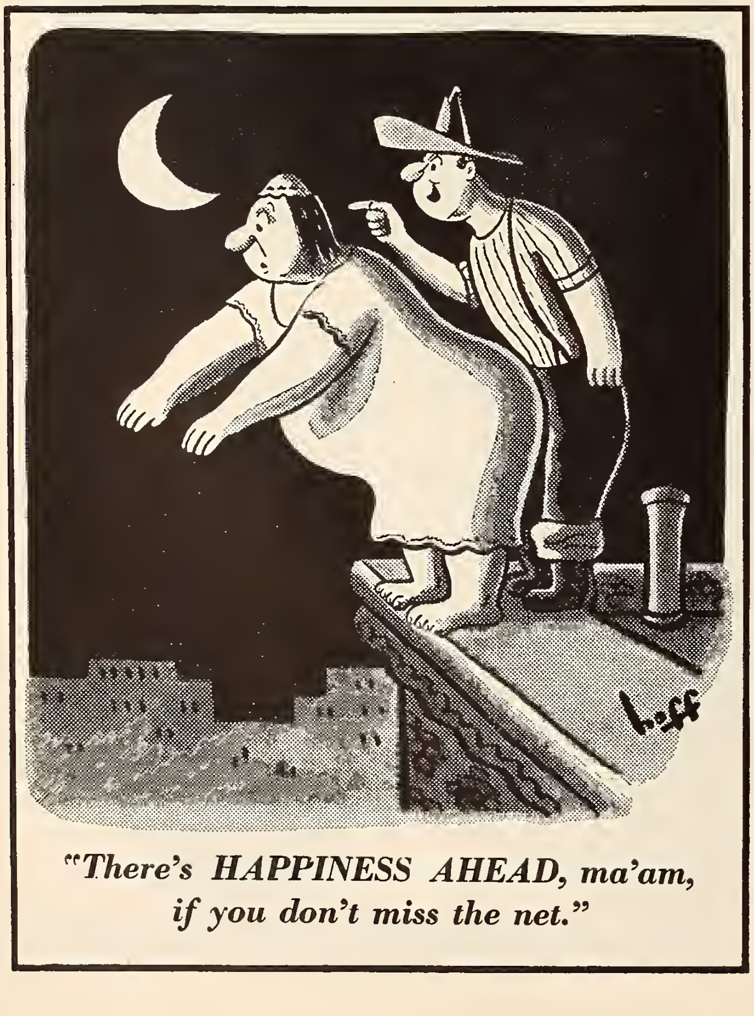
Comparative grosses for the latest available periods:

| | *Week Ending Sept. 20-21* | | *Week Ending Sept. 13-14* | |
|---|---|---|---|---|
| | No. Theatres | Gross | No. Theatres | Gross |
| Boston | 6 | $103,000 | 6 | $98,500 |
| Buffalo | 6 | 46,700 | 6 | 46,100 |
| Chicago | 8 | 167,000 | 8 | 154,000 |
| Cleveland | 5 | 45,500 | 5 | 45,200 |
| Denver | 5 | 24,500 | 5 | 20,500 |
| Detroit | 7 | 79,800 | 5 | 65,700 |
| Indianapolis | 5 | 23,500 | 5 | 25,500 |
| Kansas City | 5 | 42,500 | 5 | 37,400 |
| Los Angeles | 7 | 69,475 | 7 | 74,504 |
| Minneapolis | 6 | 23,500 | 6 | 23,600 |
| Montreal | 5 | 43,000 | 5 | 40,500 |
| New York | 9 | 279,633 | 9 | 313,192 |
| Oklahoma City | 4 | 12,200 | 4 | 12,500 |
| Omaha | 3 | 18,700 | 3 | 18,000 |
| Philadelphia | 8 | 85,300 | 8 | 75,300 |
| Pittsburgh | 6 | 55,000 | 6 | 71,900 |
| Portland | 5 | 24,200 | 6 | 24,000 |
| Providence | 6 | 39,200 | 6 | 34,875 |
| San Francisco | 7 | 80,000 | 7 | 85,500 |
| St. Paul | 5 | 19,000 | 5 | 18,000 |

(*Continued on page 8*)

## *Butterfield with Hearst*

Allyn Butterfield, who resigned last week as editor of Universal Newsreel, has joined the editorial staff of Hearst Metrotone News. He is on a two-week vacation, his first in four years, before taking up his new duties.



"*There's HAPPINESS AHEAD, ma'am, if you don't miss the net.*"

## *Wyoming Grosses in 1933 Were $873,000*

(*Continued from page 1*)

last year had 61 film theatres with receipts of $105,000 an dpayrolls of $100,000 and 10 other theatres with receipts of $250,000 and payrolls of $51,000.

Nebraska had 231 film houses with receipts of $2,590,000 and payrolls of $464,000, and 10 other theatres with receipts of $216,000 and payrolls of $34,000.

None of the Idaho cities was large enough to warrant the making of a separate report, but separate figures were given for two Nebraska cities, Omaha being shown to have 28 film houses with receipts of $1,118,000 and payrolls of $246,000, and Lincoln four with receipts of $104,000 and payrolls of $26,000.

## *French-Soviet Deal Set for Joint Film*

(*Continued from page 1*)

a Soviet play by Alexander Tolstoi, descendant of Count Leo Tolstoi. The plan calls for two identical films, one in Russian and the other in French. Soviet Regisseur Petrov, who made "The Tempest," will direct both. Production will begin in January at the Leningrad studio, and it is planned to have the picture ready for release in the fall.

## *Cools to Grauman Deal*

LOS ANGELES, Oct. 1.—Fox West Coast has cooled to an operating deal for Grauman's Chinese, which went into bankruptcy last week. United Artists will reopen the theatre shortly at popular prices with Sid Grauman in charge.

## *Actress Weds Director*

SANTA BARBARA, Oct. 1.—Ruth Channing, an actress, and Hamilton McFadden were married in Hollywood Sunday and are here on their honeymoon.

# Tobis Begins Distribution For England

(*Continued from page 1*)

Germany is represented with 177 films, while various film importers will bring 54 foreign films into Germany. Paramount is distributing seven; Fox, 16 (seven German and nine American); M-G-M, six; Rota, on behalf of Universal, five.

* * *

Shareholders of Tobis Tonbildsyndikat A. G., comparable with Western Electric, will meet tomorrow to approve the balance of the company and to decide payment of a dividend.

* * *

The Czechoslovakian republic is discussing the possibilities of a law prescribing that all German films imported after Jan. 1, 1935, must be dubbed or distributed with super-imposed Czech titles.

* * *

Tobis will distribute some RKO pictures in France. A contract has recently been signed by both companies. The contract will embrace "Little Women" and "Wild Cargo." The Hepburn film will be distributed in Germany by Europa.

* * *

The president of the German State Film Chamber has prohibited erection of new theatres until March 31, 1935. The ban is equally extended on all houses which have been closed down for a considerable time. An exception from the stipulations of this law is possible when a direct need is obvious.

## Rosenblatt Going To Address Labor

(*Continued from page 1*)

Federation of Labor annual convention.

Although Rosenblatt received the invitation to make the address some days ago, he was not sure until today that he could make the trip. His acceptance is believed in line with the administration's efforts to head off the attack on the NRA which is threatened by labor leaders. This also is believed to have been the cause of the President's evident effort to please labor in his radio address last night by supporting a strike truce, which it is held will benefit labor more than employers, and the suggestion that labor should be guaranteed an annual income, rather than hourly or weekly wages.

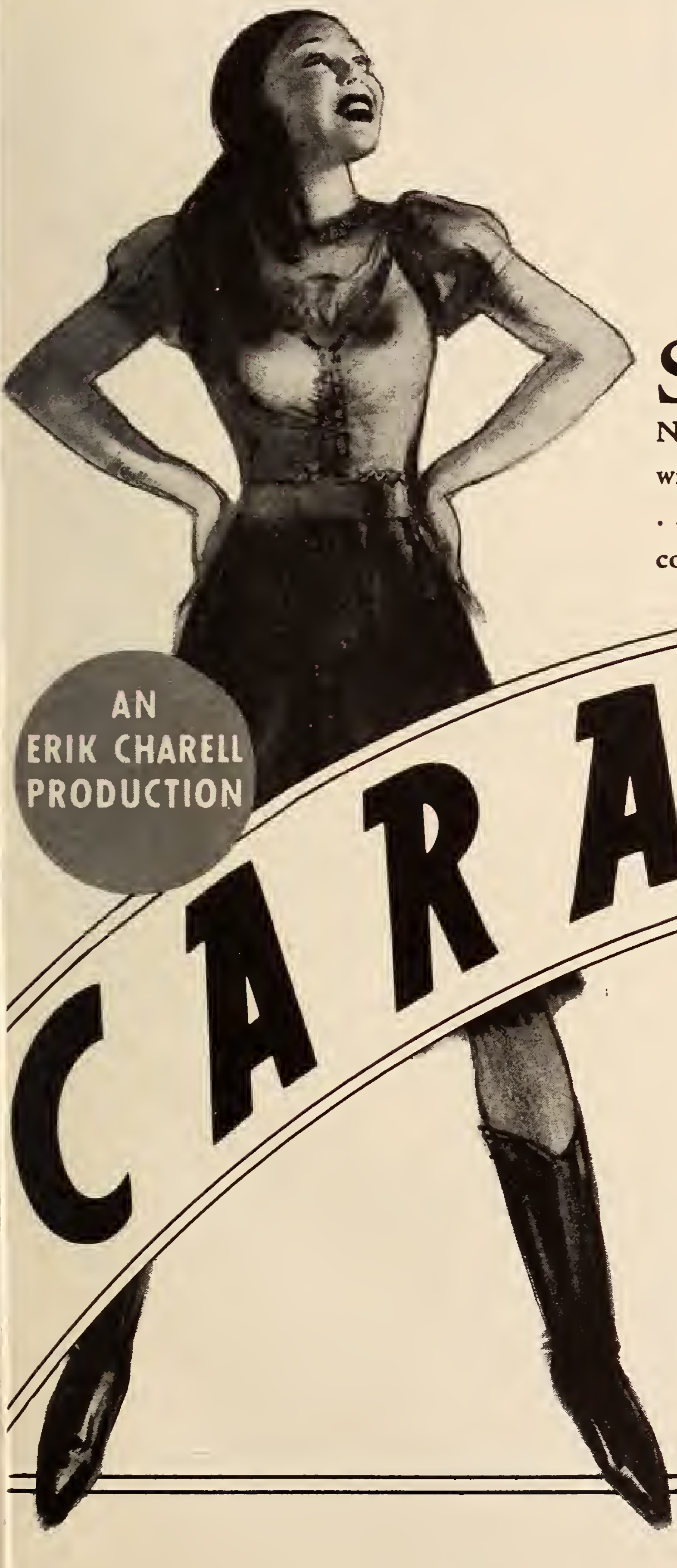
## *Capital Hearing on Agents Irks Coast*

WASHINGTON, Oct. 1.—West coast interests are represented as displeased over the decision to hold the Agency Committee hearing in Washington instead of California. It is explained by NRA officials, however, that none of the west coast bodies have any funds for the printing of the transcript of the hearings and that the rule of the organization is to hold all hearings in Washington except where they affect purely local situations.

# *First* GREAT TRIUMPH FOR THIS GREAT FOX PICTURE

**The applause that resounds through the Music Hall will re-echo around the nation!**

SOON all America will be singing its praises and pushing to see the production that is now thrilling New York in its Radio City showing. And everyone will be the happier for seeing its impetuous romance . . . hearing its tantalizing tunes . . . marveling at its colorful multitudes and amazing spectacles.



AN
ERIK CHARELL
PRODUCTION

# CARAVAN

**CHARLES BOYER**
**LORETTA YOUNG**
**JEAN PARKER**
**PHILLIPS HOLMES**
**LOUISE FAZENDA**
**EUGENE PALLETTE**
**C. AUBREY SMITH**
**CHARLEY GRAPEWIN**
**NOAH BEERY**

Executive Producer, Robert T. Kane. Directed by Erik Charell. Screen Play and Dialogue, Samson Raphaelson. Continuity by Robert Liebmann. From a story by Melchior Lengyel. Music by Werner Richard Heymann. Lyrics by Gus Kahn.

FOX

## Coast Production Takes Sharp Rise

(Continued from page 1)

Fox, three; Roach and Century, one each, with the scattered independents reporting a total of five.

In the short subject division M-G-M and Universal each reported one before the cameras, while the independents had a total of four.

Continued activity for the next two weeks is assured by the fact that 22 features and 14 shorts are in the final stages of preparation, while 51 features and 23 shorts are in cutting rooms. Fox reports three features preparing and five editing; Paramount, three and two; M-G-M, zero, and nine; Goldwyn, zero and two; Universal, two and three; Columbia, three and six; Warners, three and 11; Radio, two and six; while the independents have six and seven.

In the short subject division M-G-M reports two preparing and four editing; Roach has one and two; Universal, one and one; Columbia, one and three; Warners, zero and one; Radio, one and seven, while the independents report eight and five.

## *Theatre Valuations Cut by $1,305,000*

(Continued from page 1)

to $50,000, the largest being $200,000 on Loew's State.

Another $200,000 cut was on the Roxy, the assessment on which was cut to $3,650,000.

The cuts in detail follow:

| Theatres | 1934 | 1935 |
|---|---|---|
| Astor | $1,725,000 | $1,675,000 |
| Capitol | 2,600,000 | 2,500,000 |
| Gaiety | 2,250,000 | 2,175,000 |
| Globe | 1,125,000 | 1,075,000 |
| Loew's State | 4,100,000 | 3,900,000 |
| Mayfair | 1,800,000 | 1,750,000 |
| Palace | 1,350,000 | 1,250,000 |
| Rialto | 2,900,000 | 2,825,000 |
| Rivoli | 1,600,000 | 1,550,000 |
| Roxy | 3,850,000 | 3,650,000 |
| Strand | 3,250,000 | 3,200,000 |
| Times-Apollo | 1,700,000 | 1,625,000 |
| Ziegfeld | 1,150,000 | 1,090,000 |

## *GFTA Opens 2-Day Session at Atlanta*

(Continued from page 1)

Administrator Sol A. Rosenblatt on the legality of retaining Nat Williams and Oscar Lam as unaffiliated members of the local grievance and clearance boards. It is charged that the two are affiliated with Lucas & Jenkins, who are affiliates of Publix. Ike Katz, N. H. Waters, Sam Borisky and an attorney composed the committee.

## *Roach Arrives on Coast*

HOLLYWOOD, Oct. 1.—Hal Roach returned from the east today with the statement he is optimistic over the outlook for theatre attendance throughout the nation for the next six months. He said he planned staging a musical revue in New York this winter, using stage and screen names.

## *Re-elect Nathan Levinson*

HOLLYWOOD, Oct. 1.—Major Nathan Levinson was re-elected chairman of the technicians' branch of the Academy today. Wesley C. Miller was elected chairman of the sound section; George Barnes, of the photographic section, and James Wilkinson, of the film editors' section, while S. J. Twining was re-elected chairman of the papers and programs committee.

## *Grosses Running Closely Along Last Year's Levels*

(Continued from page 6)

| | | | | |
|---|---|---|---|---|
| Seattle | 6 | 26,800 | 6 | 28,700 |
| Washington | 7 | 84,500 | 6 | 68,800 |
| | 131 | $1,393,008 | 129 | $1,372,271 |

Comparative grosses compiled from day-to-day reports for 52 weeks show this:

| *Week Ending* | *Theatres* | *Grosses* |
|---|---|---|
| September 29-30, 1933 | 135 | $1,342,710 |
| October 6-7 | 141 | 1,417,886 |
| October 13-14 | 143 | 1,544,838 |
| October 20-21 | 141 | 1,581,308 |
| October 27-28 | 143 | 1,509,422 |
| November 3-4 | 142 | 1,500,740 |
| November 10-11 | 141 | 1,379,560 |
| November 17-18 | 144 | 1,375,132 |
| November 24-25 | 141 | 1,431,209 |
| December 1-2 | 141 | 1,418,753 |
| December 8-9 | 142 | 1,558,832 |
| December 15-16 | 139 | 1,221,032 |
| December 22-23 | 133 | 1,071,457 |
| December 29-30 | 138 | 1,433,289 |
| January 5-6, 1934 | 136 | 1,714,824 |
| January 12-13 | 138 | 1,435,649 |
| January 19-20 | 136 | 1,305,267 |
| January 26-27 | 135 | 1,348,517 |
| February 2-3 | 135 | 1,338,371 |
| February 9-10 | 135 | 1,270,345 |
| February 16-17 | 136 | 1,317,011 |
| February 23-24 | 136 | 1,316.421 |
| March 2-3 | 135 | 1,350,548 |
| March 9-10 | 134 | 1,378,865 |
| March 16-17 | 133 | 1,302,020 |
| March 23-24 | 128 | 1,291,695 |
| March 30-31 | 134 | 1,247,322 |
| April 6-7 | 135 | 1,571,695 |
| April 13-14 | 132 | 1,360,061 |
| April 20-21 | 135 | 1,342.151 |
| April 27-28 | 133 | 1,307,764 |
| May 3-4 | 134 | 1,256,631 |
| May 10-11 | 133 | 1,250,702 |
| May 17-18 | 133 | 1,260,655 |
| May 24-25 | 133 | 1,209,381 |
| May 31—June 1 | 132 | 1,209,113 |
| June 7-8 | 128 | 1,123,764 |
| June 14-15 | 125 | 1,111,452 |
| June 21-22 | 127 | 1,173,017 |
| June 28-29 | 124 | 1,076,284 |
| July 5-6 | 121 | 1,084,997 |
| July 12-13 | 116 | 1,041,876 |
| July 19-20 | 110 | 919,932 |
| July 26-27 | 113 | 998,285 |
| August 2-3 | 112 | 1,010,499 |
| August 9-10 | 113 | 1,102,887 |
| August 16-17 | 112 | 1,044,965 |
| August 23-24 | 114 | 1,241,121 |
| August 30-31 | 116 | 1,261,278 |
| September 6-7 | 129 | 1,471,742 |
| September 13-14 | 129 | 1,372,271 |
| September 20-21 | 131 | 1,393,008 |

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## *Flash Reviews*

*The Curtain Falls*— . . . acceptable entertainment for neighborhood houses. . . .

*A Successful Failure*—An entertaining melodrama designed for family appeal. . . .

*The Man from Hell*— . . . may prove mildly entertaining to the youngsters. . . .

*These films will be reviewed in full in a later issue of* MOTION PICTURE DAILY.

## *Col. Sales 25% Above 1933, Says Montague*

KANSAS CITY, Oct. 1.—Columbia sales this year are running 25 per cent ahead of last year, Abe Montague, the company's sales head, said here tonight on his way back to New York. Today he was guest of Max Roth, Columbia district manager, at a Variety Club luncheon. Late this evening Montague left for Chicago to make preparations for the opening of "One Night of Love" at the B. & K. Chicago there on Oct. 19.

In addition to Roth, Montague conferred today with Harry Taylor, Columbia branch manager.

Montague said opposition to duals on the coast was petering out. He asserted that the Legion of Decency influence seemed to be strong in the Middle West but hardly so on the coast.

Montague expects to be in New York Wednesday after an absence from the home office of four weeks.

## Para. Claims Up To $154,047,735

(Continued from page 1)

and deemed filed under Section 77-B of the bankruptcy act and the new claims filed in the latter proceeding, exclusive of duplications, up to Sept. 15, 1934, according to a recent calculation made by counsel for the Paramount trustees, is $154,047,735.82. This figure includes a large number of claims which have been filed in amount believed to be considerably higher than those at which such claims will be finally liquidated."

## *M-G-M Drops Plans On 'Wandering Jew'*

(Continued from page 1)

distribution rights, will send the picture back to Twickenham Studios in England without showing it in a theatre here.

Phil Meyer of General Pictures Exchange held the territorial contract for New York, which likewise was sold to M-G-M. No other territory was sold.

In releasing M-G-M from the contract, William Shapiro, president of Franklin, and Meyer do not receive any money in the settlement other than the expense incurred through advance fees, duty, legal fees and other disbursements involved in the negotiation. Mayer, however, loses a minimum of $12,500 against anticipated earnings, in settling rather than have the picture go out after Rabbi Stephen Wise and a rabbinical committee recommended not showing it in the United States.

## *Industry Heads at Luncheon for Nizer*

Industry leaders yesterday paid tribute to Louis Nizer at a luncheon in his honor at the M. P. Club. Among those who spoke were Will H. Hays, Dr. A. H. Giannini, Harry M. Warner, Al Lichtman, Felix F. Feist, Hal Horne, Phil Baker and the guest of honor.

Jack Alicoate, publisher of *Film Daily*, was toastmaster. In addition to speakers, sitting on the dais were, Jules E. Brulatour, David Bernstein, Albert Warner and Jack Cohn. About 200 attended.

## *Deny Saenger Listings*

WASHINGTON, Oct. 1.—In one of the first moves on taking over supervision of stock exchanges throughout the country, the Securities Exchange Commission has refused registration and listing priviliges to Saenger Theatres, Inc., certificates for deposit for first mortgage and collateral trust sinking fund 6 per cent gold bonds.

Applications for listing of the Saenger bonds is understood to have been in line with reorganization plans recently completed.

NEW ORLEANS, Oct. 1.—Saenger officials here will not comment on the Washington story whereby the exchange commission has refused to allow listing of 6 per cent bonds.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 79 NEW YORK, WEDNESDAY, OCTOBER 3, 1934 TEN CENTS

## Phila. Agog Over Warner Theatre Yarn

### *H. M. Warner Denies Buy For Own Operation*

Philadelphia, Oct. 2.—Film and real estate circles were agog this morning following publication of a story to the effect that Harry M. Warner had bought the Pennsylvania-Publix Theatres here. There are four of them, the Tower and Nixon in West Philadelphia and the Frankford and Roosevelt in Frankford.

According to the story, the purchase price was $1,645,000 to be paid mainly to the estates of William Friehofer and Fred G. Nixon-Nirdlinger.

The original story said that Warner had bought the houses for personal

(*Continued on page* 12)

## No British Quota Jump Planned Now

London, Oct. 2.—No increase in the amount of British film footage which exhibitors are required to show under the quota law is called for during the coming year under the exhibitors' quota schedule.

The annual schedules expire each

(*Continued on page* 12)

## *Universal Booming, Grainger Goes West*

With Universal's sales to date 100 per cent ahead of any identical period in any other year in its history and the first six 1934-35 releases in the exchanges, James R. Grainger, general sales manager, left for the coast yesterday on a "clean up" sales trip. He will stop at Chicago, then head straight for San Francisco, take in other important coast cities and spend two weeks at the studio. The return east, about five weeks hence, will be made via Dallas and New Orleans.

## *Harry Cohn Coming To New York Oct. 9*

Hollywood, Oct. 2.—Harry Cohn will leave here in time to attend a meeting of Columbia stockholders in New York on Oct. 9.

At that time seven directors will be elected and contracts of Harry and Jack Cohn will be ratified. These have three years to run as of July 1, 1934.

## Indies Here For Fight on L. A. Zoning

### *Claim Indirect Ban on Duals Is Included*

Alleged efforts of the Los Angeles board to put into the schedule an indirect ban on duals will be fought today by independent producers and distributors when the plan comes before an appeal body at Campi headquarters.

I. E. Chadwick, representing independent producers, stated yesterday that the board had camouflaged the dual ban, but it is still in the schedule after Campi had ordered all reference to twin bills withdrawn. He also declared that the board is trying to eliminate previews and regulate the showing of independent product.

The independent leader denounced the clause in the schedule which

(*Continued on page* 12)

## Seals Are Awarded To 19 More Films

Hollywood, Oct. 2.—A total of eight features and 11 shorts received certificates of approval from the Production Code Administration during a period of 10 days ending Sept. 26, making a grand total of 149 features and 141 shorts cleared since the new administration went into effect July 15.

Certificates for features handed out to the various companies during the past 10 days were: Fox and Radio,

(*Continued on page* 12)

# LONDON REPORTS BIP BUYING G-B

### *Woolf, Maxwell Admit Conversations Are In Progress*

By BRUCE ALLAN

London, Oct. 2.—The London press today delved into the reports known to a few here on the Gaumont British-British International situation and published stories declaring the reported move was for BIP to purchase control of G-B.

John Maxwell of BIP and C. M. Woolf, one of the joint managing directors of G-B, for the first time admit conversations have been taking place, thereby lending additional strength to the initial story of the negotiations which first appeared in Motion Picture Daily on Sept. 26.

This correspondent learned today that probably the chief remaining difficulty is not terms, which are said to

(*Continued on page* 6)

## ASCAP Ready To Consider Compromises

An exhibitor delegation is scheduled to meet today with E. C. Mills, general manager of the American Society of Composers, Authors & Publishers, presumably to discuss a compromise on the new schedule of music taxes placed in effect on Monday by the society.

Mills stated yesterday that any reasonable compromise reaching the society would be given consideration and recalled that he had suggested such a move to exhibitors when the new rate schedule was first announced about two months ago.

## *Distributors Given Warning on Scales*

Letters have been sent out to all film exchanges warning them that Code Authority has unanimously voted to ban the practice of permitting exhibitors to charge scales below those specified in contracts.

A letter signed by John C. Flinn executive secretary, points out that Campi has received complaints that distributors have consented to lower scales after cases have been decided by local boards. This is ruled an unfair trade practice and distributors

(*Continued on page* 12)

## *Reorganization of FWC To Proceed in 2 Weeks*

Reorganization of Fox West Coast will proceed within the next two weeks as a result of the refusal yesterday of the U. S. Circuit Court of Appeals here to permit the reopening of the agreement by which large Paramount Publix claims against F. W. C. were settled.

The F. W. C. reorganization has been held in abeyance pending the Federal court's action on a petition to reopen the Paramount claims' settlement, which was brought last August by Samuel Zirn, attorney for a small group of Paramount bondholders. The plan of settlement had been approved earlier by the U. S. District Court here.

Plans are now being made for a sale of Fox West Coast assets at foreclosure. A new company, controlled by Chase National Bank and Fox Film, the principal creditors of F. W. C., will bid in the assets at the foreclosure sale. The reorganization plan itself, which goes into effect shortly thereafter, will not disturb the

(*Continued on page* 12)

## GFTA Decides Upon Allied Affiliation

Atlanta, Oct. 2.—The G. F. T. A. Theatres Ass'n voted unanimously today at the second session of its convention to affiliate with Allied.

Sidney Samuelson, Allied head, and Col. H. A. Cole of Texas attended the sessions.

An expansion campaign was authorized and it was decided to start an aggressive move to protect members from adverse legislation.

## *Mayer Heading Film Group on the Paris*

Louis B. Mayer, production head of M-G-M, and Mrs. Mayer will head a group of film notables arriving today on the *Paris*. Others among the passengers are Constance Bennett and her husband, Marquis Henri de la Falaise de Coudraye; Benita Hume, English star, coming for the opening

(*Continued on page* 7)

## *First Division Gets Two Western Series*

First Division has signed for four Hoot Gibson and six Rex Bell westerns to be distributed internationally next season. Gibson will produce his own pictures while Al Mannon will make the Bell westerns.

In addition, the company will handle 24 "Musical Moods" shorts made

(*Continued on page* 12)

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Vol. 36 October 3, 1934 No. 79

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MAURICE KANN
*Editor*
JAMES A. CRON
*Advertising Manager*

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## Sign Painters Win 10% Wage Increases

Theatre sign contractors yesterday granted the 10 per cent wage increase asked by Local 230, N. Y. Sign Writers' Union, although the contractors themselves have not yet reached an agrement with circuits on rate increases which would absorb the increase in wages.

The agreement between the contractors and sign writers resulted in the latter returning to work in a number of shops where walkouts had already occurred. Circuit representatives said yesterday that a final meeting with contractors would be held today.

## Pickford on Air Today

HOLLYWOOD, Oct. 2.—Mary Pickford will make her initial broadcast for Standard Brands at 5 o'clock Pacific Standard Time tomorrow. She will head what is claimed to be the first dramatic stock company. The first will be an adaptation of "The Church Mouse," with Gale Gordon, Jeannette Nolan, Theodore Osborn, Crauford Kent and James Eagles in the cast.

## V. E. Harrison to Sail

V. E. Harrison, managing director of the V. E. H. Cinemas, Ltd., is here with his wife from England. They plan to sail for home on Saturday.

## Columbia Up ⅞ on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 35⅛ | 34¾ | 35¼ | + ⅞ | 300 |
| Consolidated Film Industries | 3 | 3 | 3 | ..... | 300 |
| Consolidated Film Industries, pfd | 13⅝ | 13¼ | 13⅝ | —1 | 200 |
| Eastman Kodak | 99½ | 99½ | 99½ | ..... | 300 |
| Eastman Kodak, pfd | 141 | 141 | 141 | ..... | 4,000 |
| Fox Film "A" | 11¾ | 11½ | 11½ | — ⅝ | 1,000 |
| Loew's Inc. | 28¼ | 27⅜ | 28 | + ¾ | 1,400 |
| Paramount Publix | 4¼ | 4⅛ | 4¼ | ..... | 4,100 |
| Pathe Exchange | 1⅜ | 1¼ | 1¼ | ..... | 700 |
| Pathe Exchange "A" | 13 | 12⅞ | 12⅞ | + ⅞ | 600 |
| RKO | 2⅜ | 2⅜ | 2⅜ | ..... | 200 |
| Warner Bros. | 5 | 4⅞ | 4⅞ | + ⅛ | 2,900 |

## Trans Lux Off ⅛ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 12½ | 12 | 12½ | ..... | 300 |
| Trans Lux | 1⅞ | 1⅞ | 1⅞ | — ⅛ | 100 |

## Warner Bonds Gain 1½ Points

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 6¾ | 6¾ | 6¾ | + ⅛ | 1 |
| Keith B. F. 6s '46 | 62½ | 62½ | 62½ | + ⅛ | 1 |
| Loew's 6s '41, ww deb rights | 101½ | 101½ | 101½ | ..... | 3 |
| Paramount F. L. 6s '47 | 60¼ | 59¼ | 60¼ | +1 | 12 |
| Paramount Publix 5½s '50 | 60¾ | 60 | 60¼ | +1 | 14 |
| Pathe 7s '37, ww | 98 | 98 | 98 | ..... | 1 |
| RKO 6s '41, pp | 31½ | 31½ | 31½ | + ½ | 1 |
| Warner Bros. 6s '39, wd | 60½ | 59 | 60½ | +1½ | 8 |

## Reception for Munro

C. E. Munro, managing director of Fox theatre interests in Australia, who is in New York for conferences, was guest at a reception in the N. Y. Athletic Club last night. Among those present were:

S. R. Kent, Winfield Sheehan, W. C. Michel, Sydney Towell, W. Eadie, Truman Talley, Laurence Stallings, Felix Jenkins, E. P. Kilroe, Hunter Lovelace, John D. Clark, William Clark, C. P. Sheehan, Roger Ferri, Charles E. McCarthy, Arch Reeve, Earl Wingart, James Clark, Clarence Hill, W. J. Kupper, E. C. Collins, Jack Sichelman, Nat Finkler, Harry Lawrenson, Frank Harris, Louis Hyman, Sam Fox, Leonard Greene, Harvey Day, E. W. Hammons, Al Boyd, Mark Ostrer, Jeffrey Bernerd, Michael Balcon, Arthur Lee, George Weeks, Lou Guimond, I. A. Maas, M. L. Ahern, A. T. Stromberg and Max Goosman.

## Chadwick Talks to Hays

I. E. Chadwick yesterday conferred with Will H. Hays, Gabriel Hess and Vincent G. Hart on the production code as it affects independents. As a representative of independent producers, Chadwick yesterday stated that all independent pictures produced since Aug. 15, about 20, have been passed by Joseph I. Breen. He says his members are unanimously cooperating on the production code.

## Two Fox Players Ill

HOLLYWOOD, Oct. 2.—Illness of two featured players is holding up production at Fox. Richard Arlen's eye infection has forced a suspension of work on "Helldorado." On "East River" shooting is being done around Vic McLaglen, who is in a hospital with laryngitis.

## Spain in Film Drive

MADRID, Oct. 2.—In emulation of the United States, Spain has started a movement against objectionable films and literature. *El Debatte*, the country's leading Catholic organ, is extremely active in the drive.

## Final League Ball Game

The final game in the M. P. Baseball League will be played today between Erpi and NBC at the Dyckman Oval.

## Brown Luncheon Guest

George Brown, retiring advertising, publicity and exploitation head of Columbia, was tendered a luncheon by his former associates at the M. P. Club yesterday. He was given a walking cane as a gift.

## Pilgrim to Open Soon

Trio-Consolidated opens the Pilgrim, 1,000-seat house at Buhre and Westchester Aves., Bronx, around Nov. 1.

## Bullitt Impressed By Russian Picture

By BELLA KASHIN

Moscow, Oct. 2.—American Ambassador William C. Bullitt and Lord Passfield (Sidney Webb, British Laborite) were guests at a private showing of Director Dzega Viertov's documental film, "Three Songs of Lenin," at the Mezhrapom Studio.

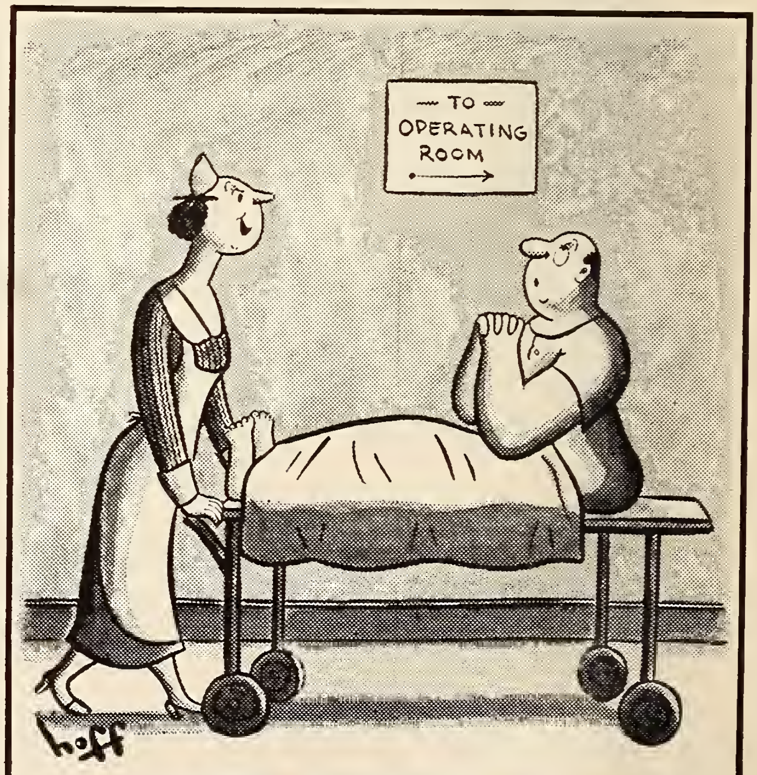
The film has no actors and is described as Russia's highest point in dramatic art in recent years.

Bullitt has this to say about it: "Have rarely been more moved by any work of art—the film is superb. It gives an overwhelming impression of the power of the human will to break through all obstacles and to create new forms of life."

"Three Songs of Lenin" is the first film which expresses the part played by the Bolshevik leader Lenin in the history of Soviet Russia. The film is made up of authentic newsreel material taken from Soviet archives and has most of the existing cinema documents about Lenin's life, including a fragment of his voice that has been recorded by dictaphone.

## DuWorld Increases List

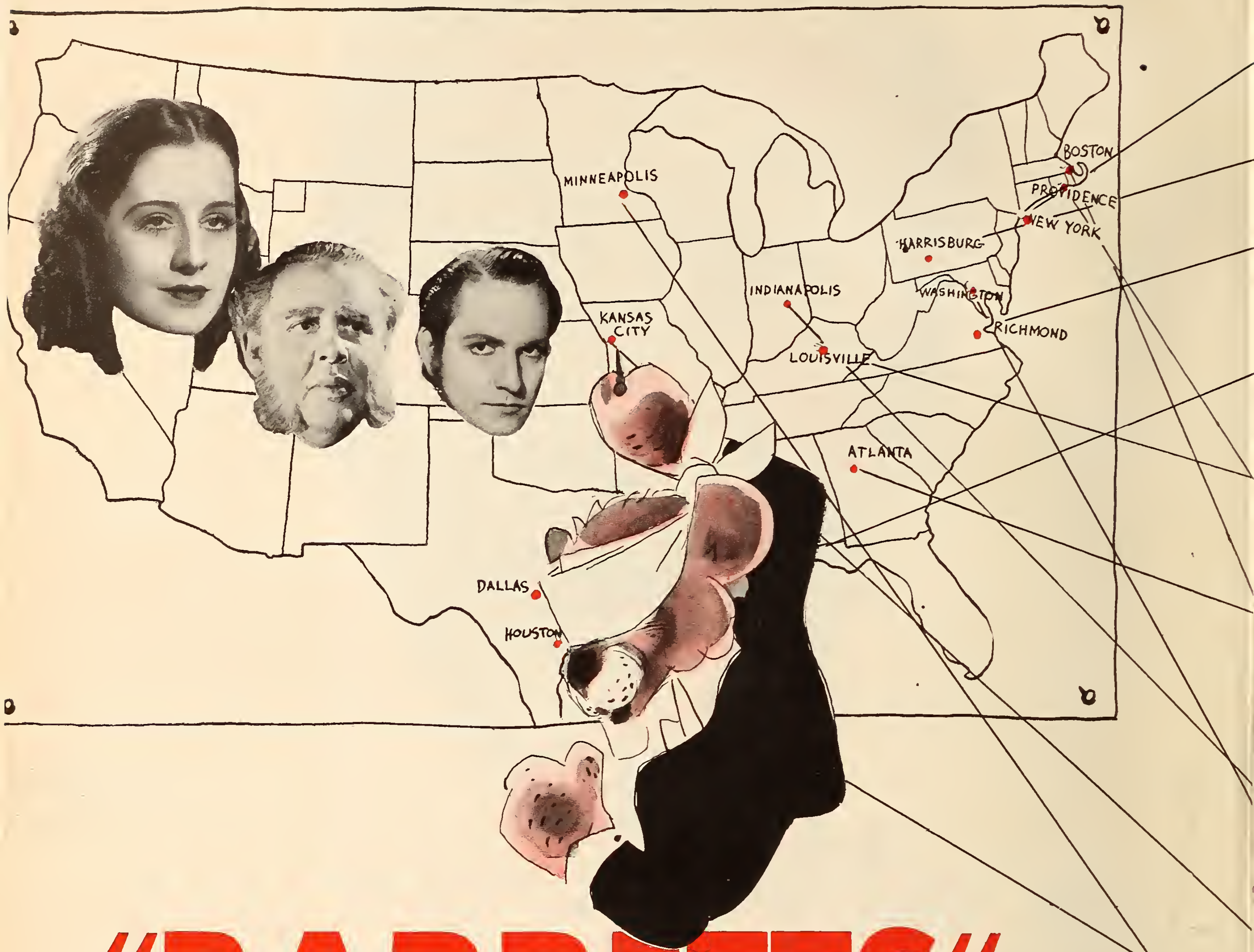
DuWorld has increased its schedule of imported films from 20 to 40, according to Irving Shapiro, general manager. Heading the list is "The Man Who Changed His Name," produced by Julius Hagan, Twickenham Studios, London. Others set so far are one from Ireland, three French features, and one Polish.



"Cheer up, sir—there's HAPPINESS AHEAD"

Love and Kisses
(photographically reproduced)
from DOLORES DEL RIO
and a thousand thanks for the
perfectly darling campaigns which
Warner Bros. Tell me you are planning
for "MADAME DU BARRY"

With Reginald Owen, Verree Teasdale, Victor Jory,
Osgood Perkins. Directed by William Dieterle.


MINNEAPOLIS
BOSTON
PROVIDENCE
NEW YORK
HARRISBURG
INDIANAPOLIS
WASHINGTON
KANSAS CITY
RICHMOND
LOUISVILLE
ATLANTA
DALLAS
HOUSTON

# "BARRETTS" BLINDFOLD TEST!

Pick any city at random
and you'll get a RAVE!
*(and a NEW Box-office record!)*

★ **NEW YORK DAILY NEWS** ★★★★ *(Four Stars)*—"Magnificently and sensitively portrayed by Norma Shearer, Fredric March, Charles Laughton. Stars of 'Barretts of Wimpole Street' in triple triumph!"

★ **HARRISBURG TELEGRAPH**— "Already on our 'Ten Best of 1934' list. In all probability it will be voted THE BEST picture of the year..."

★ **RICHMOND NEWS-LEADER**—"Undoubtedly one of the outstanding screen productions of the year, both for sheer beauty and from the standpoint of individual performances..."

★ **HOUSTON PRESS**—"Picture is certain to enter all lists of the 'best 10' for 1934 . . . one of the finest efforts yet made at a civilized use of the screen...is artistically thrilling and highly entertaining...a motion picture no lover of the movies can afford to miss..."

★ **LOUISVILLE HERALD-POST**—"A vivid, vital and perfect production..."

★ **PROVIDENCE NEWS-TRIBUNE**—" 'The Barretts' a brilliant production —brilliantly conceived, written, acted and directed..."

★ **ATLANTA JOURNAL**—"An extraordinary success . . . direction conspicuously fine...Miss Shearer's performance most appealing one..."

★ **BOSTON POST** "A superb, inspired production . . . for memorable moments in a motion picture theatre we recommend 'The Barretts' ...Miss Shearer's finest picture..."

★ **INDIANAPOLIS STAR**—"A film for everybody. A credit to the screen."

★ **WASHINGTON POST** —"Takes rank virtually in a classification of its own..."

★ **KANSAS CITY STAR**—"Millions of people will see the movie and enjoy it...Literature's loveliest romance..."

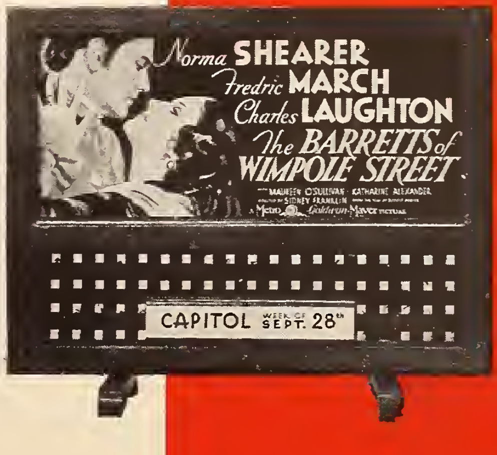
★ **DALLAS MORNING NEWS**—"An outstanding, even epochal, cinema achievement . . . Emphatically one of the best pictures of the talking period..."

★ **MINNEAPOLIS JOURNAL** *(AAAAA—Extraordinary Rating)*—"Film version of 'Barretts' a great, flawless entertainment . . . Miss Shearer must be considered for the 1934 award of the Academy of M. P. Arts and Sciences..."

**AND**
**JUST**
**WHEN**
**YOU**
**THOUGHT**
**YOUR**
**BOX-**
**OFFICE**
**RECORDS**
**WERE**
**"CHAINED"**
**FOREVER—**
**WHOOPEE!**
**ALONG**
**COMES**
**ANOTHER**
**HAPPY**
**M-G-M**
**HIT!**
**HOORAY!**

*(And it's the same sweet story all over the map!)*

Ask your
M-G-M Branch
about this
new accessory.
A miniature
billboard stand.



# Purely Personal

**Russell Gleason**, **Roscoe Ates**, **Joan Lowell** and **Margot Graham** lunched yesterday at the Wyndham. **Miss Lowell** left on the Century for Chicago to make personal appearance at the Playhouse with "Adventure Girl."

**Zion Myers**, associate producer on **Pandro Berman**'s staff at Radio studios, and **William Seiter**, director, arrived yesterday from Boston where they saw the stage production of "Roberta."

**Mrs. Clarence Dane**, writer who was signed by **David Selznick** when the latter was in England recently, arrives today on the *Paris* bound for the coast.

**Johnny Burke** and **Harold Spina**, composers, who did "Annie Doesn't Live Here Any More," are writing a series of shorts in which they will appear.

**F. Lyle Goldman**, director of the theatrical division of Audio Prod., has gone to Hollywood to supervise a color short for an insurance company.

**Milton Douglas**, baritone, who recently worked in "Gigolette," will appear in "Sunday Night Caravan," stage presentation now in work.

**Charles Stern** of United Artists leaves tomorrow for a swing of the Philadelphia, Pittsburgh, Washington and Buffalo exchanges.

**Ida Lupino**, accompanied by her mother, sails for her native England this afternoon. She is on vacation from Paramount.

**Wynne Gibson**, who has just finished work opposite **George M. Cohan** in "Gambling," left yesterday for the coast.

**Edward Golden**, Monogram general sales manager, has returned from a trip to Albany, Pittsburgh and Cleveland.

**Merritt Hulburd**, head of the Paramount editorial department on the coast, gets into town today from Hollywood.

**Waldo Mayo**, conductor of the Capitol radio orchestra, celebrates his first anniversary as conductor next Sunday.

**Sam Benjamin**, Amity exchange manager, left for Oklahoma City yesterday after home office conferences.

**Irving Berlin** and **Hassard Short**, producer of "The Great Waltz," sail today on the *Queen of Bermuda*.

**C. S. Ashcraft** of Imperial Electric Co., Los Angeles, is spending a few days here on business.

**Irving Kaufman**, "Lazy Dan" to radio listeners, will appear in person at the Roxy next week.

**William Gedris** of Ideal Seating, Grand Rapids, Mich., is in town for a few days.

**Kathryn Blake** of Amity Pictures returned yesterday from a Bermuda vacation.

**Louis Phillips** goes to Atlantic City today and returns tomorrow.

**I. E. Chadwick** plans to leave for Hollywood Friday.

**Edward Small** arrives from Hollywood tomorrow.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Menace"*

*(Paramount)*

**Hollywood**, Oct. 2.—This is a murder mystery thriller of the first water, opening in Nairobi, East Africa, and winding up in Santa Barbara, giving the production plenty of latitude for action, suspense and color. The picture is beautifully mounted, with clever, smooth direction by Ralph Murphy, who has extracted the most of every situation in the screen play by Anthony Veiller and Chandler Sprague from Philip MacDonald's original.

The cast, headed by Gertrude Michael, Paul Cavanaugh, Henrietta Crosman, John Lodge, Raymond Milland, Berton Churchill, Halliwell Hobbes and others, contribute well their respective roles in this telling, forceful story of a maniac on the loose with the determination to avenge the suicide of his brother, supposedly caused by the three innocent people he is out to get.

After forwarding a series of terrifying messages and chasing the party from England to Santa Barbara, he catches up with it there by posing as a guest at their home. It is this house party where all the hair-raising episodes take place. Everyone is accused of the murder of one of the trio, producing suspense until the final fadeout. The photography by Benjamin Reynolds aids much in offsetting the gruesomeness of this type of murder mystery story.

Production code seal No. 266. Running time, 60 minutes.

## *"The Gay Divorcee"*

*(Radio)*

**Hollywood**, Oct. 2.—Showmanship in this production magnifies Fred Astaire's marvelous dancing, elevates Ginger Rogers to the terpsichorean altar, and introduces a rhythmic Continental song and dance number heralded as successor to the Carioca, which it is not.

However, when trimmed to exhibition length the film should please where lightness, gaiety and eye values are appreciated.

Unquestionably America's leading exponent of dance, with personality to boot, Astaire, handled properly, promises much for the screen, but love stuff is not his forte.

The story is slight, but taut. Ginger Rogers, to secure a divorce, hires Lawyer Edward Everett Horton, who bungles things between Ginger and a professional co-respondent (Eric Rhodes), hired for the occasion. Mixing his passwords, Rhodes brings Ginger and Fred together.

There is fine entertainment in four dance numbers, while the comedy of Horton; Eric Blore, waiter; Rhodes, gigolo, and Alice Brady contributes to the verve of the film. Mark Sandrich directed with appreciation of dramatic, comedy and musical values adapted from the stage play by Dwight Taylor. The film is well photographed by David Abel. David Gould handled the dance ensemble and Max Steiner the musical direction. For exploitation Astaire and the Continental musical number should do the trick. Previewed without production code seal. Running time, 105 minutes.

# *Looking 'Em Over*

## *"The Fighting Hero"*

*(Reliable-State Rights)*

The main fault to be found with this Tom Tyler vehicle is that it plays fast and loose with the truth. Some of its incidents are so far-fetched that they are certain to be greeted with snickers even from an audience of western fans. That is exactly what happened at a neighborhood showing of the film. Tyler's name is the only one in the cast that means anything.

"The Fighting Hero" is one of those westerns in which the hero, a representative of the forces of law and order, poses as a bad man in order to track down a gang of outlaws. In this instance Tyler is an operative for an express company out to solve the holdup of some gold shipments. After being chased hither and yon by the sheriff and others who really believe him to be a bandit, Tyler reveals his true identity and receives as his biggest reward the love of a Spanish senorita.

The picture creates plenty of noise, is packed with action and is best suited for juveniles. Harry S. Webb directed.

No production code seal. Running time, 56 minutes.

*(Additional reviews on page 7)*

# BIP Reported In London As Acquiring G-B

*(Continued from page 1)*

be arranged, but the cost of buying up directors' and personal service contracts.

It is understood that the basis of the deal whereby BIP seeks to assume control of G-B is the purchase of the Ostrer interests in the latter company, as well as the Fox shares for £3,500,000. This would embrace 75 per cent of the ordinary shares.

Interested in arranging the financing is Maurice Myers, a stock broker originally associated with the Ostrers. He sails for New York Oct. 10, probably to consult with Chase National and Fox Film officials.

The Ostrers would withdraw from G-B and the amalgamated companies if the purchase is consummated.

Efforts to reach Mark Ostrer at the American offices of G-B yesterday were unsuccessful. Jeffrey Bernerd, another G-B executive here launching his company's own sales force in the States, declared he knew nothing about the situation.

At the office of S. R. Kent, denial was made for the Fox president of the angle tying in sale of the Fox shares in G-B.

## *Gaumont British to Be Honored by Ampa*

The Ampa will honor Gaumont British at tomorrow's luncheon, which will have Martin Quigley as guest chairman. The British film organization will be represented by Mark Ostrer, Jeffrey Bernerd, Michael Balcon, Arthur Lee; Nova Pilbeam and Jack Hulbert, G-B stars, and Berthold Viertel and Robert Flaherty, who directed, respectively, "Little Friend" and "Men of Aran" for the company. Tiger King and Michael Dillane, who appear in the latter film, will also be present.

Jeanette MacDonald, Donald Sawyer, Harry Hershfield, Eddie Peabody, Tony Marconi, Bert Biferno and the team of Bernard & Henri will also be on the program.

## *Vergesslich Takes Local G-B Exchange*

Joe Vergesslich, who recently resigned as local branch manager for Majestic, yesterday joined Gaumont British as head of the New York exchange. He will have three salesmen when he moves into the Fox exchange today.

Reginald Weeks, who was attached to the local office, has been switched to Washington. George Weeks, after appointing Vergesslich yesterday, left for the capital to line up a sales staff. He will visit several other spots and return in a week.

## *Two Musicals at M-G-M*

**Hollywood**, Oct. 2.—Establishing a precedent at M-G-M, David O. Selznick will place two musicals in production simultaneously within the next six weeks.

## Mayer Heading Film Group on the Paris

(*Continued from page 1*)

of "Power" at the Music Hall; Phil Reisman, foreign manager of RKO; Leon Garganoff, producer; Howard Strickland, M-G-M studio publicity head; and Edward V. Darling, theatre producer.

Garganoff is head of Lianofilm, Paris. He recently formed an American corporation known as Lianofilm Leon Garganoff, Ltd., to handle English versions of his product here.

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STATEMENT OF THE OWNERSHIP, MANAGEMENT, CIRCULATION, ETC., REQUIRED BY THE ACT OF CONGRESS OF MARCH 3, 1933

Of Motion Picture Daily, published daily except Sunday at New York, N. Y., for October 1, 1934.

State of New York } ss.
County of New York }

Before me, a Notary Public in and for the State and county aforesaid, personally appeared Theodore J. Sullivan, who, having been duly sworn according to law, deposes and says that he is the Business Manager of the Motion Picture Daily and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management (and if a daily paper, the circulation), etc., of the aforesaid publication for the date shown in the above caption, required by the Act of March 3, 1933, embodied in section 537, Postal Laws and Regulations, printed on the reverse of this form, to wit:

1. That the names and addresses of the publisher, editor, managing editor, and business managers are:

Publisher and Editor-in-Chief — Martin Quigley, 1790 Broadway, New York, N. Y.

Editor—Maurice Kann, 1790 Broadway, New York, N. Y.

Managing Editor—None.

Business Manager—Theodore J. Sullivan, 1790 Broadway, New York, N. Y.

2. That the owner is: (If owned by a corporation, its name and address must be stated and also immediately thereunder the names and addresses of stockholders owning or holding one per cent or more of total amount of stock. If not owned by a corporation, the names and addresses of the individual owners must be given. If owned by a firm, company, or other unincorporated concern, its name and address, as well as those of each individual member, must be given.)

Motion Picture Daily, Inc., 1790 Broadway, New York, N. Y.

Quigley Publishing Company, Inc., 1790 Broadway, New York, N. Y.

Quigley Publications, Inc., 19-21 Dover Green, Dover, Delaware.

Martin Quigley, 1790 Broadway, New York, N. Y.

Colvin Brown, 1790 Broadway, New York, N. Y.

3. That the known bondholders, mortgagees, and other security holders owning or holding 1 per cent or more of total amount of bonds, mortgages, or other securities are: (If there are none, so state.)

None.

4. That the two paragraphs next above, giving the names of the owners, stockholders, and security holders, if any, contain not only the list of stockholders and security holders as they appear upon the books of the company, but also, in cases where the stockholder or security holder appears upon the books of the company as trustee or in any other fiduciary relation, the name of the person or corporation for whom such trustee is acting, is given; also that the said two paragraphs contain statements embracing affiant's full knowledge and belief as to the circumstances and conditions under which stockholders and security holders who do not appear upon the books of the company as trustees, hold stock and securities in a capacity other than that of a bona fide owner; and this affiant has no reason to believe that any other person, association, or corporation has any interest direct or indirect in the said stock, bonds, or other securities than as so stated by him.

5. That the average number of copies of each issue of this publication sold or distributed, through the mails or otherwise, to paid subscribers during the twelve months preceding the date shown above is 5,284. (This information is required from daily publications only.)

Theodore J. Sullivan,
Business Manager.

Sworn to and subscribed before me this 21st day of September, 1934.

(SEAL)

Anna Milbert.
(My commission expires March 30, 1936.)

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# Looking 'Em Over

## "The Curtain Falls"

(*Chesterfield*)

Thanks to the presence in the cast of that grand trouper, Henrietta Crosman, "The Curtain Falls" is acceptable entertainment for neighborhood houses. Her performance endows the film with life and gives it a warm, human quality.

Miss Crosman acts the role of an old stage star at the end of her acting days. Rather than throw herself upon charity, she decides to put up a bluff and palm herself off as her wealthy British friend, Lady Scoresby. She is welcomed into the home of the latter's rich nephew (Holmes Herbert) somewhere on Long Island and immediately proceeds to make herself an asset. That the duplicity succeeds is explained by the fact that the family has rarely seen the real Lady Scoresby and just as rarely heard from her.

Miss Crosman uses her position as an instrument for straightening out a number of difficulties that threaten to undermine the family. She prevents Herbert's wife (Natalie Moorehead) from eloping with a charming Lothario (Jameson Thomas), saves Herbert himself from financial ruin, promotes a romance between his daughter (Dorothy Lee) and a chap without social position (William Bakewell), and enables his black-sheep son (John Darrow) to see the error of his ways. In the end she reveals the truth about herself and dies with the gratitude of the entire family.

Charles Lamont directed. Production code seal No. 280. Running time, 67 minutes.

## "The Man from Hell"

(*Willis Kent-State Rights*)

This Willis Kent production is weak. It may prove mildly entertaining to the youngsters. That is all that can be said for it.

That it has an extremely stereotyped story to tell is the least of its faults, as originality is hardly to be expected in a western film. The trouble lies in that its development reveals no spark of imagination, while the acting is almost no help at all. Save for that of Fred Kohler, the performances are lifeless and amateurish.

Fortunately the film has some nice exterior shots, for which thanks should go to Cameraman William Nobles. Two rousing fist fights and a gun battle provide its only excitement.

The plot has to do with Reb Russell's efforts to find the man who committed the crime for which he was sent to jail. The man he wants is Kohler, an escaped convict serving as the mayor of Russell's home town. After a number of physical encounters with him Russell succeeds in bringing the authorities on the convict's neck and clearing himself. The animosity between the two is sharpened by their mutual interest in Ann Darcy.

The most intelligent performer in the cast after Kohler is a milk-white horse called Rebel. Lew Collins directed. No production code number. Running time, 58 minutes.

## "Two Heads on a Pillow"

(*Liberty*)

Despite a lack of cast names, this is an enjoyable picture that should easily please audiences in neighborhood and small town houses. Though primarily a comedy that at times borders on the farcical, its theme—divorce—is well handled. William Nigh's direction drained a fair story of every drop of entertainment. Harry Neuman's photography is good.

The story has Neil Hamilton, a struggling young lawyer, separating from his bride of two months, Miriam Jordan, because of her mother's interference. After the divorce Hamilton achieves success and finds himself defending a case similar to his own divorce, but with his former wife now the opposing attorney. This brings the two together again, but they remarry only after some time is taken up with dissertations on what goes to make up a successful marriage.

The cast also includes Henry Armetta, who almost steals the picture with his infectious comedy; Lona Andre, Hardie Albright and Dorothy Appleby, who shares comedy honors with Armetta by her portrayal of an attractive but slightly moronic girl friend of Albright.

Production code seal No. 187. Running time, 65 minutes.

## David Gould Arrives

David Gould, manager of M-G-M's office in Puerto Rico, arrived yesterday. He is here taking care of his health.

## Seidelman Returning

Joseph Seidelman, head of Columbia's foreign activities, arrives tomorrow on the *Manhattan* after a lengthy stay in London.

## Royster Named Head Of South Ohio Unit

Hamilton, Oct. 2.—Harry L. Royster has been named general manager of South Ohio Theatres, Inc., a new subsidiary of Paramount's Famous Theatres, organized to operate three theatres here and two at Middletown.

The operations return Paramount to a dominant position in both cities, involving leases on the Paramount, Rialto and Palace here and the Paramount and Strand at Middletown. All except the Strand were leased by Paramount prior to the company's bankruptcy, but thereafter were returned to their owner, the Taft Estate of Cincinnati. Rentals on the houses are understood to be $48,000 annually for each with provision for a participation in profits by the owner.

## Saenger Stock Ban Held Not Important

Refusal of the Securities Exchange Commission at Washington to authorize registration and listing of Saenger Theatres and Saenger Realty certificates does not in any way affect the pending reorganization plans of the two companies, it was stated here yesterday by counsel for the Paramount Publix trustees, who are factors in the reorganizations.

The Washington refusal was ascribed here to the application of the New Orleans Stock Exchange which was made under the wrong section of the Securities Act, it was said.

## Quittner's Appeal Is Being Prepared

Preparations are being made for the trial of the Joseph Quittner anti-trust suit against Paramount Publix, M.P.P.D.A. and member companies in the U. S. Circuit Court of Appeals here some time this fall.

Graham & Reynolds, attorneys for Quittner, a former Middletown, N. Y., exhibitor, recently served their proposed case on appeal and it is expected that the defendants soon will ask for time to go over the record of the case which was dismissed by Federal Judge Francis G. Caffey last fall after trial in U. S. District Court here.

## Supreme Court Bars Columbia from Case

Washington, Oct. 2.—The U. S. Supreme Court yesterday refused an application of Columbia Pictures Corp. for leave as amicus curiae to file briefs in the pending appeal action of Paramount Publix, Altoona Publix Theatres, and Wilmer & Vincent Corp. against the American Tri-Ergon Corp.

The case is an application for permission to file an appeal from a decision won by American Tri-Ergon in the Circuit Court of Appeals in New York upholding the Tri-Ergon flywheel patents on reproducers. Tri-Ergon is controlled by William Fox.

## Flash Review

*Freedom of the Seas* . . . . An entertaining bit of humor and drama combined in a nicely balanced story. . . .

*This film will be reviewed in full in a later issue of* Motion Picture Daily.

Only

*a grown-up*

## CAN TRULY FEEL THE JOY AND THRILL AND HEARTACHE...

of this plucky youngster . . . . as he fights for his father's love . . . . . against his scheming aunt and his sly, sniveling cousin!

# Jackie Cooper

in

# PECK'S BAD BOY

**THOMAS MEIGHAN**

**JACKIE SEARL**

**O. P. HEGGIE**

**DOROTHY PETERSON**

A Sol Lesser Production

Directed by Edward F. Cline

*Screen play by Bernard Schubert and Marguerite Roberts*

FOX

# "Barretts" Is Capital's Hit With $21,000

WASHINGTON, Oct. 2.—"The Barretts of Wimpole Street" got off to a flying start at Loew's Palace last week, leaping over average $5,500 for a total gross of $21,000.

This was exceptional in view of the good business done elsewhere. "Desirable," at $20,200, was over the line by $2,600. "Servants' Entrance" and a stage show for the seventh anniversary were strong at $22,000 in Loew's Fox. "Chained," "Million Dollar Ransom" and "The Case of the Howling Dog" also shared in the general prosperity.

Total first run business was $88,200. Average is $74,900.

Estimated takings, exclusive of tax:

*Week Ending Sept. 26:*

**"MILLION DOLLAR RANSOM" (Univ.)**
RIALTO—(1,864), 25c-75c, 7 days. **Gross:** $3,700. (Average, $3,700)

*Week Ending Sept. 27:*

**"DESIRABLE" (Warners)**
EARLE—(2,218), 25c-77c, 7 days. Stage: Dick Powell, Albertina Rasch Girls, Marty Collins & Harry Peterson, Raye & Sunshine, Mary Williams & Jack Myers. **Gross:** $20,200. (Average, $17,600)

**"CHAINED" (M-G-M)**
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement). **Gross:** $4,000. (Average, $3,100)

**"SERVANTS' ENTRANCE" (Fox)**
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Seventh Anniversary, with Arthur Godfrey, m.c.; Yascha Bunchuk, Pat Rooney, Pat Rooney III, Herman Timberg, Herman Timberg, Jr., and local artists and dancing ensemble. **Gross:** $22,000. (Average, $20,500)

**"THE BARRETTS OF WIMPOLE STREET" (M-G-M)**
LOEW'S PALACE—(2,370), 35c-75c, 7 days. **Gross:** $21,000. (Average, $14,500)

**"THE CASE OF THE HOWLING DOG" (Warners)**
METROPOLITAN — (1,591), 25c-40c, 7 days. **Gross:** $6,500. (Average, $4,100)

**"THE COUNT OF MONTE CRISTO" (U.A.)**
RKO-KEITH'S—(1,836), 25c-55c, 7 days, 2nd week. **Gross:** $10,800. (Average, $11,400)

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# "Barretts" $7,500 Indianapolis Lead

INDIANAPOLIS, Oct. 2.—Practically the only theatre excitement in town last week was at the Palace where "The Barretts of Wimpole Street" piled up $7,500. This leaves the $4,500 average for the house away behind.

"The Fountain" was also in the money at $4,500, and "The Case of the Howling Dog" was good for a normal $6,000, but "British Agent" and "The Count of Monte Cristo" failed to make much of an impression.

Total first run business was $25,500. Average is $24,000.

Estimated takings for the week ending Sept. 29:

**"THE COUNT OF MONTE CRISTO" (Fox)**
APOLLO—(1,171), 25c-40c, 7 days. **Gross:** $2,500. (Average, $2,500)

**"THE FOUNTAIN" (Radio)**
CIRCLE—(2,638), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,000)

**"BRITISH AGENT" (F.N.)**
INDIANA—(3,133), 25c-40c, 7 days. **Gross:** $5,000. (Average, $7,000)

**"THE CASE OF THE HOWLING DOG" (Warners)**
LYRIC—(1,896), 25c-40c, 7 days. Vaudeville. **Gross:** $6,000. (Average, $6,000)

**"THE BARRETTS OF WIMPOLE STREET" (M-G-M)**
PALACE—(2,431), 25c-40c, 7 days. **Gross:** $7,500. (Average, $4,500)

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## *Hollywood Personals*

**Hollywood, Oct. 2.—Anna Sten to an unknown destination for a two-week vacation . . . Viola Knapp, Joe Shea's secretary at Fox, has resigned . . . Shea brought back a load of hay fever from New York . . . Stan Laurel and Oliver Hardy have been invited to be guests at next year's World Fair in San Diego . . . Maurice Goldberg, well known New York photographer, shooting Shirley Temple for a *Vanity Fair* layout . . . Sigfried Ruman spotted in "East River" by Fox . . . Erle Kenton will direct "The Depths Below" for Columbia . . . Peggy Wood has arrived by plane for a role in "Right to Live" at Warners . . . William Gargan sails from England Saturday on the *Olympic* . . . Travis Banton is busy designing fall wardrobes for Claudette Colbert, Carole Lombard, and Elissa Landi . . . Madge Evans has a new LaSalle.**

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# "Barretts" Up In Cleveland; Gets $15,000

CLEVELAND, Oct. 2.—"The Barretts of Wimpole Street" was the big box-office noise of last week here. It grossed $15,000, or above average by $5,000 at Loew's State.

"Servants' Entrance" was also a strong draw, getting $7,000 at Warners' Hippodrome, and "Crime Without Passion" was $1,000 on the profit side with a take of $5,000 at Loew's Stillman.

Total first run business was $39,000. Average is $33,000.

Estimated takings for the week ending Sept. 28:

**"THE CAT'S PAW" (Fox)**
(2nd run)
ALLEN — (3,300), 20c-30c-40c, 3 days. **Gross:** $2,100. Average for 7 days, $3,000)

**"DOWN TO THEIR LAST YACHT"**
ALLEN — (3,300), 20c-30c-40c, 4 days. **Gross:** $1,500.

**"SERVANTS' ENTRANCE" (Fox)**
WARNERS' HIPPODROME — (3,800), 30c-35c-44c, 7 days. **Gross:** $7,000. (Average, $6,000)

**"AGE OF INNOCENCE" (Radio)**
RKO PALACE—(3,100), 30c-35c-44c, 7 days. **Gross:** $8,000. (Average, $10,000)

**"BARRETTS OF WIMPOLE STREET" (M-G-M)**
LOEW'S STATE—(3,400), 30c-35c-44c, 7 days. **Gross:** $15,000. (Average, $10,000)

**"CRIME WITHOUT PASSION" (Para.)**
LOEW'S STILLMAN—(1,900), 20c-30c-40c, 7 days. **Gross:** $5,000. (Average, $4,000)

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# *Kuykendall to Talk At SMPE Convention*

Ed Kuykendall, head of the M. P. T. O. A., and Mrs. Frances Taylor Patterson, director of photoplay appreciation at Columbia University, will be the principal speakers at the first day of the S.M.P.E. convention starting at the Hotel Pennsylvania Oct. 29.

Dr. F. B. Jewett, vice-president of A. T. & T. and president of the Bell Telephone Laboratories, will be one of the speakers at the closing banquet of the convention on Oct. 31.

Kuykendall leaves tomorrow for Memphis, where he will talk to Tri-State exhibitors at their convention, Oct. 7-8. From there he will go to New Orleans to address the National Hotel Owners convention, Oct. 10. On Oct. 12 he will be in Oklahoma City, where he will address another exhibitor meeting.

Kuykendall plans to be in Dallas on Oct. 14 for a meeting of Texas exhibitors.

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# "Belle" Gets Big $19,000, Frisco's Best

SAN FRANCISCO, Oct. 2.—"Belle of the Nineties" made this section Mae West conscious last week to the tune of $19,000 at the Paramount. Average is $11,000.

"Affairs of Cellini" pulled in the cash customers $9,000 worth at the United Artists, and "Dames" had an average $6,000 at the St. Francis. "Servants' Entrance" took a normal $23,000 at the Warfield, but business elsewhere was nothing to get excited about.

Total first run business was $83,800. Average is $84,000.

Estimated takings:

*Week Ending Sept. 24:*

**"LET'S TRY AGAIN" (Radio)**
GOLDEN GATE—(2,800), 25c-35c-40c, 7 days. Stage, band. **Gross:** $11,000. (Average, $13,000)

*Week Ending Sept. 25:*

**"CRIME WITHOUT PASSION" (Para.)**
**"HAVE A HEART" (M-G-M)**
FOX—(4,600), 15c-30c-40c, 7 days. **Gross:** $10,000. (Average, $12,000)

**"BELLE OF THE NINETIES" (Para.)**
PARAMOUNT—(2,670), 15c-25c-35c-65c, 7 days. **Gross:** $19,000. (Average, $11,000)

**"SERVANTS' ENTRANCE" (Fox)**
WARFIELD—(2,700), 25c-35c-55c-65c, 7 days. Stage, vaudeville, band. **Gross:** $23,000. (Average, $23,000)

*Week Ending Sept. 25:*

**"ONE NIGHT OF LOVE" (Col.)**
ORPHEUM — (3,000), 15c-30c-35c-40c, 7 days, 4th week. **Gross:** $7,000. (Average, $9,000)

**"DAMES" (Warners)**
ST. FRANCIS—(1,400), 15c-35c-55c-65c, 7 days. **Gross:** $6,000. (Average, $8,000)

**"AFFAIRS OF CELLINI" (U.A.)**
UNITED ARTISTS—(1,200), 15c-35c-55c.

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# *Ohio Sale Tax Idea Is Gaining in Favor*

COLUMBUS, O., Oct. 2.—The general sales tax, five times defeated by the present legislature, has been given a new impetus through withdrawal of protest by the Ohio Council of Retail Merchants, which heretofore has vigorously opposed the measure and been largely responsible for its failure of passage.

The organization has a modified plan. While the details have not been made public, it is said to meet the approval of Governor White and his confreres, and will be the dominating factor of the mid-November session of the General Assembly.

Meanwhile, exhibitors are more hopeful for the ultimate passage of the sales impost, or its equivalent, as they figure the present 10 per cent admission tax will be abrogated.

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# "Cristo" Gets Good $8,500 In Pittsburgh

PITTSBURGH, Oct. 2.—The biggest thing in town last week and probably the outstanding surprise of the year was "The Count of Monte Cristo." It did $8,500 for that house's best business since "The Private Life of Henry VIII" and was held a second week.

At the Stanley, "One Night of Love" at $12,000 did about $3,000 above average. "Servants' Entrance" at the Alvin was another picture that topped average, but was nevertheless disappointing at $6,000.

At the Penn, "Death on the Diamond," with Ben Bernie's band on the stage, did only $18,000, about $4,000 below par, while the Pitt, with vaudeville, and "Name the Woman" likewise dropped below par at $5,400.

Total grosses in six first runs were $54,500. Average is $51,500.

Estimated takings for the week ending Sept. 27:

**"SERVANTS' ENTRANCE" (Fox)**
ALVIN—(2,000), 25c-40c, 6 days. **Gross:** $6,000. (Average, $5,000)

**"COUNT OF MONTE CRISTO" (U.A.)**
FULTON—(1,750), 15c-40c, 6 days. **Gross:** $8,500. (Average, $4,500)

**"DEATH ON THE DIAMOND" (M-G-M)**
PENN—(3,300), 25c-75c, 6 days. Stage: Ben Bernie's band. **Gross:** $18,000. (Average, $22,000)

**"NAME THE WOMAN" (Col.)**
PITT—(1,600), 15c-35c, 6 days. Vaudeville. **Gross:** $5,400. (Average, $6,000)

**"ONE NIGHT OF LOVE" (Col.)**
STANLEY — (3,600), 25c-50c, 6 days. **Gross:** $12,000. (Average, $9,000)

**"CASE OF THE HOWLING DOG" (Warners)**
**"GREAT FLIRTATION" (Para.)**
WARNER — (2,000), 25c-40c, 6 days. **Gross:** $4,600. (Average, $5,000)

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# "Belle" Montreal Hit with $13,500

MONTREAL, Oct. 2.—The big houses went over the top in a big way last week, the leader being the Palace with $13,500 for "Belle of the Nineties," as compared with par of $11,000.

Loew's was in the big money class with $12,500 for "Their Big Moments" and a stage bill, while the Capitol rated $9,500 with "Of Human Bondage." "Down to Their Last Yacht" brought $7,500 to the Princess, all of the above being well above average.

Total business was $47,000. Average is $43,000.

Estimated takings for the week ending Sept. 29:

**"OF HUMAN BONDAGE" (Radio)**
**"BACHELOR BAIT" (Radio)**
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $9,500. (Average, $9,000)

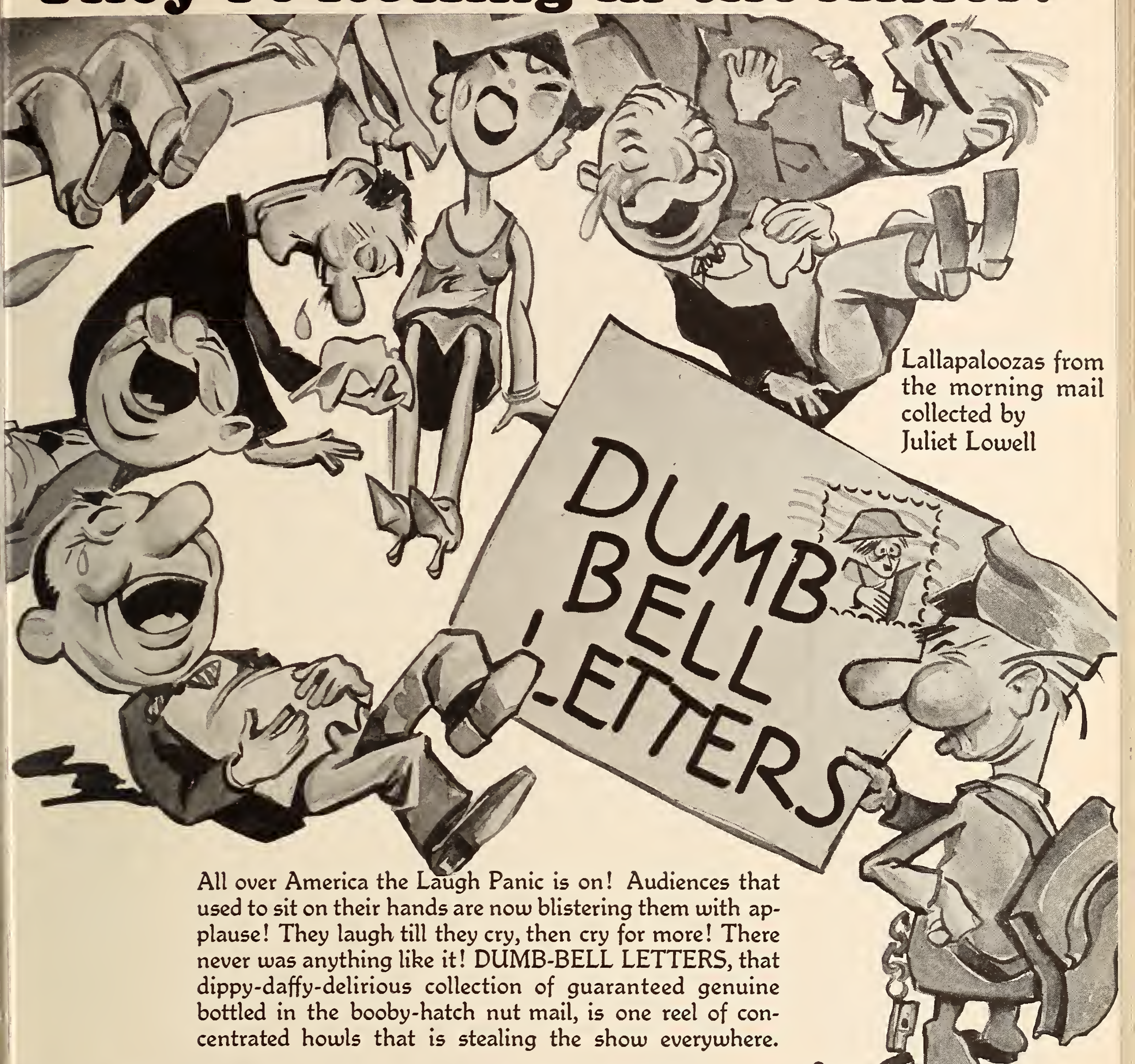
**"HAT, COAT AND GLOVE" (Radio)**
**"THE MOONSTONE" (Monogram)**
IMPERIAL—(1,914), 25c-40c-50c, 7 days. **Gross:** $4,000. (Average, $6,500)

**"THEIR BIG MOMENT" (Radio)**
LOEW'S—(3,115), 29c-34c-40c-57c-75c, 7 days. Stage: Buck and Bubbles in Harlem on Parade. **Gross:** $12,500. (Average, $10,500)

**"BELLE OF THE NINETIES" (Para.)**
PALACE—(2,600), 34c-40c-50c-60c-75c, 7 days. **Gross:** $13,500. (Average, $11,000)

**"DOWN TO THEIR LAST YACHT" (Radio)**
**"IF I WERE FREE" (Radio)**
PRINCESS—(2,272), 25c-35c-50c-65c, 7 days. Added: Ross-McLarnin fight pictures. **Gross:** $7,500. (Average, $6,000)

# They're Rolling in the Aisles!



Lallapaloozas from
the morning mail
collected by
Juliet Lowell

All over America the Laugh Panic is on! Audiences that used to sit on their hands are now blistering them with applause! They laugh till they cry, then cry for more! There never was anything like it! DUMB-BELL LETTERS, that dippy-daffy-delirious collection of guaranteed genuine bottled in the booby-hatch nut mail, is one reel of concentrated howls that is stealing the show everywhere.

## PANIC IN PORTLAND!

*"Thought you would be interested to learn that the audience reaction to* DUMB-BELL LETTERS *has been excellent. This subject can be used to advantage an any program as it will brighten up any show."*

*A. Goodside, Empire Theatre,*
*Portland, Maine.*

## MADHOUSE IN MEMPHIS!

*"Have just had the pleasure of running two of your* DUMB-BELL LETTER *Subjects. They are Marvelous ntertainment and I have never run a short that leased the audience more. In fact the audience pplauded for a full minute after each subject was own. Congratulations for producing this series."*

*Charles Mensing, Manager Orpheum Theatre,*
*Memphis, Tenn.*

## BELLY LAUGHS ON BROADWAY!

'DUMB-BELL LETTERS *is a riot. Our audiences laugh at every one of them and invariably applaud. This is so rare with a short that I am happy to call it to your attention."*

*Arthur L. Mayer, Rialto Theatre,*
*New York City*

## ROARS IN RADIO CITY!

*" the audiences in the Music Hall enjoyed the* DUMB-BELL LETTER *picture in extraordinary fashion. There were roars of laughter, which are always good to hear in an audience."*

*W G Van Schmus, Managing Director,*
*Radio City Music Hall*

## APPLAUSE IN ATLANTIC CITY!

*"Please be advised that the audience's reaction to the* DUMB-BELL LETTER *series has been very, very favorable. In fact the audience heartily applauded at the end of the first series. Would appreciate your letting me know when the next of these series will be released."*

*Herbert Copelan, Seashore Theatres, Inc.,*
*Atlantic City, N. J.*

## LAUGHTER IN LOUISIANA!

*"Audience convulsed at showing of first of* DUMB-BELL LETTERS *and applauded at finish which was very unusual for short subject."*

*Victor Meyer, Orpheum Theatre,*
*New Orleans, La.*

VAN BEUREN
PRODUCTION

RKO-RADIO
PICTURE

# Indies Here For Fight on L. A. Zoning

(Continued from page 1)

states that unless a picture has a first run it cannot be released until 35 days after availability set by distributors. He also added that independents cannot release two pictures a week on the coast, which is unheard of.

It is understood Edward Golden, general sales manager of Monogram, and Louis Nizer, who defended independents at the hearing on the Milwaukee schedule when duals were the main topic, will be ready to fight proponents of the schedule.

Among those here from the coast to attend the hearing are Jack Milstein, M-G-M branch manager in Los Angeles; Harry Chotiner, Ben Berinstein and Harry Hicks.

Every attempt will be made to fight provisions in the schedule which do not conform with the code, one exhibitor stated. "We want a workable schedule and we want it quick. Buying is being held up on the coast until the clearance plan is set," he said.

In addition to the coast men, sales heads of the various major and independent organizations will attend the session today.

Admissions, it is stated, are not one of the major issues in this schedule. Independents hold that if the schedule is passed, it will drive out the small producer and exchange man.

## *Carthage Clearance Is Set at 120 Days*

ALBANY, Oct. 2.—The protest of Minrose Amusement Corp., operator of the State, Carthage, N. Y., against the clearance held by Schine's Strand, that town, over second runs, has been disposed of by the clearance and zoning board. The decision was that first runs should have 120 days' clearance.

After hearing the complaint of William C. Smalley, operator of Smalley's Hamilton, Hamilton, N. Y., against the Glove City Amusement Co., Inc., Gloversville, the grievance board, sitting as an industrial adjustment agency, has passed the case up to Campi.

## *Distributors Given Warning on Scales*

(Continued from page 1)

are warned that "any agreement between an exhibitor and a distributor subsequent to the filing of a complaint or to a decision which would legalize the violation shall be considered a distinctly unfair practice."

## *Sale to Do 6 for M-G-M*

HOLLYWOOD, Oct. 2.—Charles "Chic" Sale will make six more one-reel novelties for M-G-M, although he is under contract to Hal Roach.

## *M-G-M Re-Signs Cobb*

HOLLYWOOD, Oct. 2.—Irvin S. Cobb has signed another contract to write one original feature for M-G-M.

# *Reorganization of FWC To Proceed in 2 Weeks*

(Continued from page 1)

present F. W. C. operating setup in any material way. The election of Sidney R. Kent, Fox president, to the presidency of the reorganized F. W. C. company, contemplated in the plan, is regarded as one of its most important provisions.

Refusal of the Circuit Court of Appeals to hear Zirn's appeal on the settlement also permits Paramount to proceed with its F. W. C. agreement. Paramount's claims against the circuit arose out of alleged defaults by F. W. C. of 1930 leases on seven Pacific Coast theatres which it sublet from Paramount. The theatres involved are the St. Francis, Paramount and California at San Francisco; Paramount at Oakland; Paramount and Rialto at Portland, and Paramount, Seattle.

Under the terms of the settlement F. W. C. takes new 10-year leases on the three San Francisco theatres at an average rental of $214,000 and pays Paramount $114,299 in back rent and an additional amount to be determined by net income on the houses over a specific period. In addition, Paramount is to receive 37½ per cent of the net earnings of all downtown San Francisco houses in which F. W. C. has an interest during the life of the leases.

F. W. C. also takes a new lease on the Paramount, Oakland, and pays $390,000 to Paramount, guaranteed by Fox Film, for back rentals and claims. The landlord of the house withdraws a claim of $2,211,500 filed against Paramount for breach of lease. The settlement also provides for a payment by F. W. C. of $35,030 to Paramount for back rent on the Paramount and Rialto, Portland, and the Paramount, Seattle. The Rialto has been repossessed by the landlord and is not included in the new leases. The Paramount, Portland, will be operated for 10 years by a new company in which F. W. C. will have a 75 per cent interest and Paramount the other 25 per cent. Paramount film franchises are incorporated in the settlement.

The settlement of the Paramount claim was so important a part of future F. W. C. operations that a reorganization of the latter could not be consummated until the Federal court had decided on the Zirn appeal and the approval of the settlement was made final.

## Seals Are Awarded To 19 More Films

(Continued from page 1)

two each; M-G-M, Warners, Columbia and Chesterfield, one each. In the shorts division, Principal received four; Educational and Radio, two each, while Warners, First Division and Animated received one each.

Pictures approved are as follows:

### *Fox*

*(Features)*

"365 Nights in Hollywood" and "Marie Galante."

### *Radio*

*(Features)*

"The Gay Divorcee" and "Wednesday's Child."

*(Shorts)*

"Ruth Etting No. 2" and "An Old Spanish Onion."

### *M-G-M*

*(Features)*

"Student Tour."

### *Warners*

*(Features)*

"The Perfect Week-End."

*(Shorts)*

"Viva Buddy!"

### *Columbia*

*(Features)*

"Lady By Choice."

### *Chesterfield*

*(Features)*

"The Curtain Falls."

### *Educational*

*(Shorts)*

"Nifty Nurses" and "Campus Hoofer."

### *Principal*

*(Shorts)*

"The Invisible Circle," "Chandu's False Step," "Mysterious Magic" and "Edge of the Pit."

### *First Division*

*(Shorts)*

"Mexican Idyll."

### *Animated*

*(Shorts)*

"The Headless Horseman."

## British Takes for '33 $192,156,000

WASHINGTON, Oct. 2.—A total of $192,156,000 was paid in Great Britain for admissions to film houses during 1933, according to a U. S. Department of Commerce statement based on a report from American Consulate-General in London.

The entertainment tax on the $192,156,000 in paid admissions amounted to $32,026,000.

The total number of admissions to British film theatres in 1933 was 958,000,000, or an average of 18,500,000 a week. The inclusion of Ireland, it was pointed out, would bring this figure up to about 19,250,000 a week. The average admission price of 2,000 British theatres during the current year was approximately 20 cents.

During 1933, the report states, 476 films were imported into Great Britain, of which 330 were registered by nine American-owned companies directly representing the leading American film-producing organizations. The value of the American films represented more than 90 per cent of the total imports of films.

The net value, according to the British authority, of remittances to the United States arising from American films imported in 1933 was $25,334,000. During the same period receipts from abroad on account of British films amounted to $2,868,000.

## No British Quota Jump Planned Now

(Continued from page 1)

Oct. 1 up to and including 1938. Under the quota law a minimum of 15 per cent of the total footage exhibited in British theatres last year was required to be of British origin. The same schedule is prescribed for the year ending Sept. 30, 1935, after which the schedule increases to 20 per cent and continues at that level until the expiration of the present Films Act in 1938.

# Phila. Agog Over Warner Theatre Yarn

(Continued from page 1)

operation. This was vehemently denied later in the day from New York by H. M. Warner, who said:

"I wish to deny emphatically the dispatch from Philadelphia published in the *New York Times,* to the effect that I have purchased four theatres in and near that city. The statement in the dispatch, and also, I understand, in Philadelphia newspapers, to the effect that 'it was said that Warner bought the theatres for himself rather than for Warner Bros. and that he would operate them independently of the Warner chain,' is utterly untrue.

"Neither I, nor either of my brothers, nor any executive of our organization, has bought or will buy any theatre for personal operation independently of the theatre operations of Warner Bros. or any of its subsidiaries."

Rumors persisted anyway that the personal buying angle meant sub-operation in the manner of the Earle, which ostensibly is operated by Joseph Feldman, but still is controlled by Warners. The name of William Goldman, former Warner theatre head here, who is now launching an independent circuit, is again prominently mentioned in connection with Warner expansion.

The purchase would solidify the Warner position in both the west and northwest sections of the city.

Albert M. Greenfield & Co. acted as agent for L. M. Mader, who is listed as the buyer.

## *First Division Gets Two Western Series*

(Continued from page 1)

by Audio. The company is negotiating for a number of English pictures and will also distribute Mannon's serial, "The Sky Fighter."

Mike Howard has been appointed division manager of the New Orleans, Charlotte and Atlanta offices. Al Friedlander shortly will open First Division exchanges on the coast.

## *Gomersall Back on Job*

T. T. ("Peck") Gomersall, western sales manager for Universal, returned to his post yesterday after eight and a half weeks in the Hospital for Joint Diseases. Gomersall fell from a horse while riding in Central Park, injured his back and was placed in a plaster cast.

However, part of the cast still encases his chest. That made Gomersall chesty and ready to take on all comers. Many of the Universalites tried it, pounded the chest and found all that Gomersall did was to smile and emit hollow sounds.

The Leading
Daily
Newspaper
of the
Motion
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Industry

# MOTION PICTURE DAILY

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Branches

VOL. 36. NO. 80 NEW YORK, THURSDAY, OCTOBER 4, 1934 TEN CENTS

## See Music Tax Agreement of About 25-30¢

### *Mills Talks Compromise With Theatre Men*

A new music tax assessment of 25 or 30 cents per seat was indicated as a possibility following a preliminary conference yesterday between an exhibitor delegation and E. C. Mills, general manager of the American Society of Composers, Authors and Publishers, at which a compromise on the increased music tax schedules placed in effect by A.S.C.A.P. on Oct. 1 was discussed.

Neither Mills nor members of the exhibitor delegation later would discuss the terms proposed at yesterday's

*(Continued on page 6)*

## Cleveland's Dual Agreement Upheld

Cleveland, Oct. 3.—A permanent injunction restraining the Family Theatre from playing duals was granted today by Judge Alva Corlett in Equity Court in the case of the Center Woodland Amusement Co. against the Family.

The decision upholds as legal and binding the agreement of exhibitors to eliminate duals in greater Cleveland, effective July 8.

The court also decided in favor of the plaintiff on all three counts, namely, violation of the Valentine

*(Continued on page 6)*

## Chicago Clearance Decision Reversed

Reversing a decision of the Chicago clearance and zoning board, Campi has decided that Van Nomikos, operating the Logan, Chicago, is entitled to play pictures in the first week of general release rather than the second week. The protestant complained against Essaness Theatre

*(Continued on page 6)*

## *Campi Adjourns L. A. Hearing Until Today*

Because of the involved situation, a Campi appeal committee comprising Ed Kuykendall, E. T. (Peck) Gomersall and Harry Shiffman adjourned the hearing of the Los Angeles clearance and zoning schedule to 10 A. M. this morning.

The entire afternoon was spent

*(Continued on page 6)*

## *Campi Is Divided on Removal Of Leasing Clause from Code*

**Campi is divided on withdrawing the lease clause from the code, some members contending that its wide interpretation makes it impossible for Code Authority to hand down equitable decisions. Some code men also hold that if a landlord wants to lease a theatre, it is his own business and he can do as he pleases.**

**Independent members hold this clause was put into the code to protect exhibitors from outside interests taking their theatres away from them while they are operating.**

## Katz Studio Aide, Mannix Stays—Mayer

Clarifying the status of Sam Katz, who recently joined M-G-M, Louis B. Mayer, production head, yesterday said upon his arrival on the *Paris* that Katz would be his assistant and also assistant to Eddie Mannix, personal representative of Nicholas M. Schenck, at the studio. Mayer emphasized the fact that reports Katz would replace Mannix are unfounded.

Katz will confer with Mayer today and after the meeting will de-

*(Continued on page 7)*

## *Detroit's Theatres Benefit from Series*

Detroit, Oct. 3.—There's plenty of activity in this town with the World's Series crowd here. Downtown houses are feeling the effects.

All hotels are filled and everybody is in a spending mood.

## *Warner-Para. Deal In Phila. Dropped*

That a takeover of four Publix-Pennsylvania theatres by Warners had been discussed as part of a deal which included "numerous other considerations," all of which was subsequently

*(Continued on page 2)*

## Dismissal of Fox Theatres Case Sought

Dismissal of the petition for a reorganization of Fox Theatres under Section 77-B on the grounds of bad faith will be asked by creditors of Fox Metropolitan Playhouses at a hearing before Federal Judge Martin Manton on Tuesday, it was learned yesterday.

The Fox Met creditors have obtained subpoenas for Nathan Burkan, A. C. Blumenthal, Ernest W. Niver of Halsey, Stuart & Co., W. C.

*(Continued on page 7)*

## *Midwest Picking Up, Declares Wolfberg*

Conditions in the midwest are satisfactory despite the drought, Harris P. Wolfberg, M-G-M district manager with Kansas City, St. Louis, Denver, Omaha and Des Moines exchanges

*(Continued on page 6)*

## *Receipts in W. Va. $3,158,000 in 1933*

Washington, Oct. 3.—Gross receipts of 149 West Virginia picture houses last year totaled $2,711,000 on a payroll of $508,000, while seven other theatres took in $447,000 and had a

*(Continued on page 6)*

## *Discover NRA Rules on Extras Already Approved*

Washington, Oct. 3.—Sudden discovery that the rules concerning the employment of extras had been approved without interested parties in the industry being given an opportunity to present their views, today necessitated issuance of an order by National Recovery Administration postponing the date upon which the rules will go into effect to Oct. 11.

The rules were approved by Administrative Officer Lynch on Sept. 27, to become effective Oct. 6. In the

*(Continued on page 6)*

## Film Workers Up 33⅓%, But Expenses Drop

### *Industry Costs Decline 22.7% Under 1931*

Washington, Oct. 3.—Employment in the film industry last year was approximately a third greater than in 1931 but producers' expenditures were 22.7 per cent less, it was reported tonight by the U. S. Census Bureau.

Total expenditures for production were $119,342,866 against $154,435,688 in 1931, a large part of the decline being in feature films, it was shown. Total cost of negatives was $82,279,869 against $108,559,975, apportioned as follows: Theatrical films, 1,059 costing $77,535,515 in 1933, against 1,227 costing $100,064,532 in 1931; news and advertising, $4,576,421,

*(Continued on page 6)*

## Blumenthal Plans Producing Series

A. C. Blumenthal plans to enter production within the next few weeks with negotiations now under way to produce four or five pictures a year for a major company. He expects to close a deal within the next few days.

According to Blumenthal's plans, he will make some of the pictures in

*(Continued on page 6)*

## *Jersey Allied Dual Move Falls Through*

With the general ban on duals out, Allied of New Jersey has lined up the Oranges—East and West—as the initial spots where a plan to eliminate twins by territories will be tried out.

Independents are conferring with Warners on the plan and a date for dropping the second feature will be set shortly. Yesterday was to have been the day when the general ban was to have gone into effect, but lacking five per cent of independent theatre representation, the move fell through.

## *Balaban Is Allowed To File Para. Claim*

John Balaban, former Publix home office executive, now associated with Balaban & Katz, Chicago, was authorized by Federal Judge Alfred C. Coxe yesterday to file a claim against Paramount Publix based on the unexpired portion of his contract. The

*(Continued on page 7)*

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

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## Product Talk Opens Milwaukee Session

Milwaukee, Oct. 3.—A round table discussion of distributor sales policies and new product, held behind closed doors, occupied the opening session of the Wisconsin Allied convention here today.

Exhibitor attitudes on buying are also understood to have been aired by the 40 delegates in attendance. Tomorrow's session is scheduled to take up the subject of double featuring in Wisconsin.

## Lowell M. Prewitt Dead

Indianapolis, Oct. 3.—Lowell M. Prewitt, 40, well known Indiana exhibitor, is dead at his home in Plainfield. He had been ill for three years. He was a former member of the executive board of the Indiana exhibitors' association and was owner of the Prewitt Theatre. He is survived by his mother, Mrs. Viola N. Prewitt, and his widow.

## M. L. Gordon Passes

Middletown, O., Oct. 3.—M. L. Gordon, owner of the theatre bearing his name, died at his home here following a lingering illness.

## Delay Boston Road Deal

Loew's has delayed taking over the Boston Road from Henry Seigel until Nov. 1. The house is now being remodeled.

## Heavy Para. Sales on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 35¾ | 35¼ | 35¼ | ..... | 200 |
| Consolidated Film Industries | 3 | 3 | 3 | ..... | 100 |
| Consolidated Film Industries, pfd | 13⅜ | 13⅜ | 13⅜ | — ¼ | 100 |
| Eastman Kodak | 99½ | 99¼ | 99¼ | — ¼ | 200 |
| Fox Film "A" | 11⅝ | 11½ | 11⅝ | + ½ | 300 |
| Loew's, Inc. | 28¾ | 27⅝ | 27⅞ | — ⅛ | 2,400 |
| Loew's, Inc., pfd | 91¼ | 91¼ | 91¼ | +1 | 100 |
| Paramount, cts. | 4¾ | 4⅜ | 4½ | + ¼ | 17,700 |
| Pathe Exchange | 1¼ | 1¼ | 1¼ | ..... | 700 |
| Pathe Exchange "A" | 13¾ | 13 | 13⅜ | + ⅞ | 800 |
| RKO | 2½ | 2⅜ | 2⅜ | ..... | 200 |
| Warner Bros. | 5⅛ | 4⅞ | 4⅞ | ..... | 2,100 |

## Trans Lux Loses ⅛ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Trans Lux | 2 | 1¾ | 1¾ | — ⅛ | 200 |

## Warner Bonds Decline ½ Point

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 7 | 7 | 7 | + ¼ | 1 |
| Loew's 6s '41, ww deb rights | 101½ | 101¼ | 101½ | + ½ | 2 |
| Paramount F. L. 6s '47 | 61¼ | 60 | 60½ | + ¼ | 3 |
| Paramount Publix 5½s '50 | 61¼ | 60 | 60 | — ⅜ | 70 |
| Pathe 7s '37, ww | 98 | 98 | 98 | ..... | 1 |
| Warner Bros. 6s '39, wd | 61 | 60 | 60 | — ½ | 12 |

## Chadwick to Make Six

I. E. Chadwick plans to produce six features, one of which will be "In My Old Kentucky Home." Production will start at the Chadwick studios on the coast as soon as his work as independent production representative eases up.

Discussing activities of independents, Chadwick says they are improving the type of product being turned out. He says it is amazing what the independents have done in the last year.

## Van Schmus to Entertain

Trade and daily paper reviewers and others in the industry will be entertained tonight in the Music Hall executive offices by Managing Director W. G. Van Schmus following the 9:15 showing of "Power." This is the second Gaumont British feature to be shown at the Music Hall under the new deal with the British firm.

## Arrange Special Car

Philadelphia, Oct. 3.—Arrangements are being made for a special sleeping car to leave Friday night following the tournament festivities. It will arrive in Pittsburgh Saturday in ample time for the Pitt football game, and the men will have a chance to rest before the annual Variety Club dinner Sunday night.

## Randforce to Take Utica

Randforce expects to take over operation of the Utica, Brooklyn, from RKO within the next few weeks. This deal is part of the arrangement whereby the major circuit gets Fox product from Loew which is cleared in Randforce territory by Louis Frisch and Sam Rinzler.

## Run for "La Cucuracha"

"La Cucuracha," which has already played at the Music Hall, hás been booked into the Roxy on an indefinite basis, the understanding between Jules Levy, RKO general sales manager, and Howard S. Cullman being that it will stay for at least three weeks.

## Mississippians to Meet

Jackson, Miss., Oct. 3.—Theatre Owners of Mississippi will hold their semi-annual meeting at the Robert E. Lee Hotel Oct. 28-29.

## Form Two Film Firms

Albany, Oct. 3.—Cartoon Exhibitors, Inc., has been chartered here with 200 no par value shares to present films and vaudeville. Robert Schirmer, Clinton S. Cook and Carl Ahlermann are directors.

Filmpro Agency, Inc., also has been formed to deal in picture apparatus. Alfred L. Schein, Stanley K. Friedman and Stanley B. Schein are incorporators.

## Warners to Star Darro

Hollywood, Oct. 3.—Falling in line with the demand for kid pictures, Warners have decided to do a story starring Frankie Darro.

## Warner-Para. Deal In Phila. Dropped

(Continued from page 1)

abandoned, was admitted yesterday by Paramount theatre representatives here.

The theatres, the Tower and Nixon in West Philadelphia, and Frankford and Roosevelt in Frankford, are under lease to Paramount until 1951, it was stated. Newspaper accounts describing H. M. Warner as the purchaser of the houses for "personal operation" were denied emphatically by Warner on Tuesday. Joseph Bernhard, Warner theatre director, made a similar denial on behalf of the theatre company yesterday.

## Korda to Hollywood Soon

London, Oct. 3.—Alexander Korda, head of London Films, plans to leave for Hollywood shortly. The completion of three films will keep him here for a short while longer, however. The main purpose of his visit is to make an inspection of the American studios.

## To Film Houdini Story

Hollywood, Oct. 3.—Columbia will film a story based on the life of Houdini, with Fred Keating, life long friend of the magician, featured. Jo Swerling is at work on the story.

## Trade Show "Divorcee"

Radio will give a trade showing of "The Gay Divorcee" tomorrow morning at 11 o'clock at the Astor.

hoff
"There's HAPPINESS AHEAD—he imagines he's about to become a mother"

## Thank you, ED FAY, for

# BIG HEARTED HERBERT

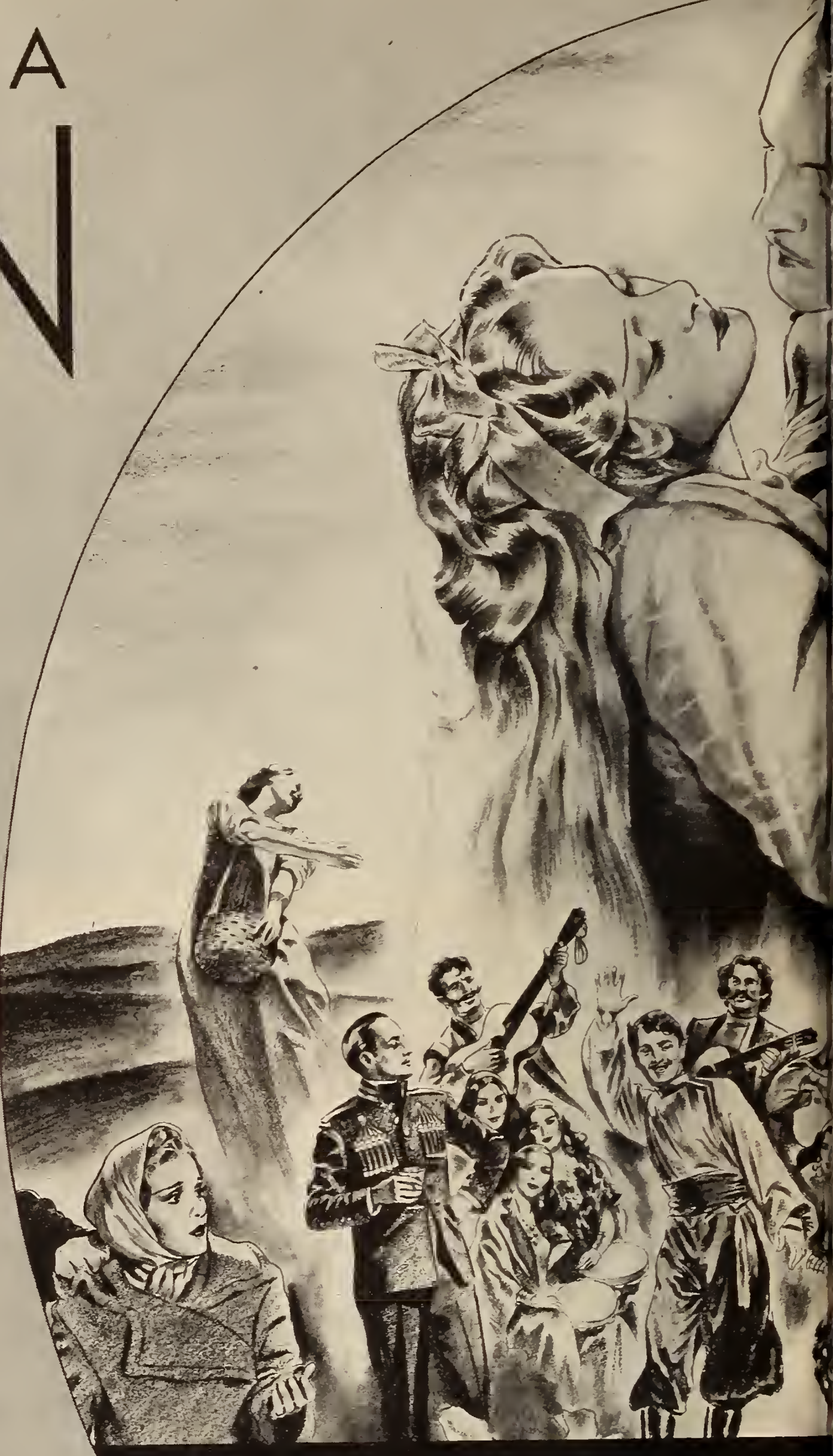
We're glad you asked us to buy this famous stage hit after you saw what a riot it was on Broadway. Your fellow showmen will be proud of you for inspiring one of the greatest film comedies of the year. Already your judgment has been vindicated by such preview praise as "a laugh riot if there ever was one," "a grand entertainment treat," "a swell answer to any exhibitor's prayer." We give you all the credit for the idea . . . . . . you'll give GUY KIBBEE and ALINE MacMAHON a lot of credit for a pair of grand performances . . . . . . and we believe the trade will give *us* credit for giving *them* the kind of shows they ask for!

**—WARNER BROS.**

# "ANNA STEN

gives one of the most outstanding performances since the inception of talking pictures!"

—FILM DAILY



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TISTS

# See Music Tax Agreement of About 25-30¢

(*Continued from page* 1)

conference, but it was learned from an authoritative source that Mills proposed a flat rate of 40 cents per seat as an alternative to the society's new schedule. An exhibitor representative countered with a proposal of 15 cents per seat, it was learned.

The group will meet again with Mills on Monday at which time an agreement on a flat rate in the neighborhood of 25 or 30 cents is regarded as likely. The former music tax rate was 10 cents per seat and the new schedule calls for a seat tax equal in amount to the highest admission charge of the theatre. In most de luxe situations this charge would range from 40 cents to 75 cents per seat.

Exhibitors, it was learned, would not be restrained under any compromise arrived at from aiding the Government in its anti-trust suit against A.S.C.A.P., or from bringing any legal action of their own against the society. Neither would exhibitors be restrained from efforts to obtain legislative relief from music tax collections or from appeals for revision of the copyright laws.

Exhibitor representatives at yesterday's conference were Leopold Friedman, Loew's; Ed Kuykendall, M.P.T.O.A.; Sydney Justin, Paramount; Edward G. Levy, M.P.T.O.A.; Leon D. Netter, Paramount; Harry M. Pimstein, RKO; Walter Vincent, Wilmer & Vincent, and Milton C. Weisman, I.T.O.A.

# Blumenthal Plans Producing Series

(*Continued from page* 1)

the east and others on the west coast. He is all set on his first story, but would not discuss this angle or studios when questioned.

Blumenthal plans to leave for Hollywood sometime next week. Reports are current he may make the pictures for United Artists. Joseph M. Schenck and Douglas Fairbanks arrive from Mexico and Hollywood tomorrow and will spend the week-end at Blumenthal's home in Larchmont. It is expected Schenck and Blumenthal will talk over the proposed production deal.

# Cleveland's Dual Agreement Upheld

(*Continued from page* 1)

Anti-Trust Law, fraud in securing the agreement of signatures and failure to secure the signatures of all the Cleveland exhibitors then operating as provided to make the agreement binding.

This was the first case testing the legality of the Greater Cleveland single feature agreement. Jerome Friedlander, attorney, represented M. B. Horwitz, president of the Center Woodland Amusement Co.

# Chicago Clearance Decision Reversed

(*Continued from page* 1)

Corp., which has the Embassy, same city. Code Authority was unanimous in handing down the verdict.

The board affirmed a decision of the Chicago committee when it denied that the Palace should have clearance over the Valparaiso.

Appeals from "race night" decisions by the Indianapolis grievance board were voted in favor of complainants. Leonard Sowar, Strand, Muncie, Ind., complained against the Rivoli, same city, and the Paramount, Marion, protested against the Indiana, same city.

The complaint of the Baxter and Broadway, Louisville, against the St. Therese Catholic Church Gym, same city, was upheld and all distributors were ordered to stop serving the non-theatrical account.

A premature advertising complaint on behalf of the Strand, Knoxville, Tenn., against the Bijou, same city, was upheld by Campi.

Dismissal of a reduced admission complaint by the Mars, Lafayette, Ind., against Clyde South and Ivan Arnold of the Main, same city, was upheld by Code Authority.

A second complaint filed by A. B. Momand of the Odeon, Shawnee, Okla., against Griffith Amusement Co., on overbuying was dismissed. Campi upheld the findings of the Dallas Industrial Adjustment Agency in the case of Victoria and Uptown, Victoria, Texas, against the Rita and Queen, same city.

## *Campi Adjourns L. A. Hearing Until Today*

(*Continued from page* 1)

yesterday discussing several situations affected by the schedule. Among those attending the meeting were Ben Berinstein, Harry W. Chotiner, Milton Arthur, Jack J. Milstein, I. E. Chadwick, Lou Halper, John B. Bertero and E. Port Major, all from the coast.

## *GFTA Loses Board Fight*

ATLANTA, Oct. 3.—Division Administrator Sol A. Rosenblatt does not take seriously the local contention that Nat Williams and Oscar Lam are not entitled to serve as unaffiliated members of the code boards. Ike Katz, president of the GFTA, reported to the convention to this effect. He was one of a group that went to Washington to put the matter up to NRA headquarters.

## *Vaude Order Is Approved*

WASHINGTON, Oct. 3.—Division Administrator Sol A. Rosenblatt has approved an interpretative order stating that vaudeville performers, whether amateurs or professionals, are to be paid a minimum of $7.50 for each theatre booked.

## *Lease St. Louis Odeon*

ST. LOUIS, Oct. 3.—The Lincoln Amusement Co. has leased the Odeon and will open it as a colored first run.

# *Discover NRA Rules on Extras Already Approved*

(*Continued from page* 1)

confusion surrounding the resignation of General Hugh S. Johnson the failure to comply with the formality of permitting the filing of objections was not immediately detected.

Any objections to the rules may be submitted to Deputy Administrator William P. Farnsworth prior to Oct. 11, when, if no substantial opposition has been expressed, they will become effective.

The rules establish a normal working day of eight hours, with provision for working up to 16 hours out of 24 during emergencies. Overtime would be paid at one-quarter day's pay for each two hours. Other rules require extra pay for hazardous work, immediate notice of cancellation or pay for waiting time, recompense for damaged wardrobes, and define the Los Angeles studio zone as all territory within a radius of six miles from the intersection of 5th and Rossmore Sts., Los Angeles. The rules were submitted by the agency committee of the Code Authority.

## *Won't Quit, Repeats Rosenblatt on Coast*

HOLLYWOOD, Oct. 3.—Division Administrator Sol A. Rosenblatt, flying into town today on his way to the American Federation of Labor convention in San Francisco, reiterated he did not contemplate quitting the NRA. "My present plans," he said, "necessitate staying on indefinitely."

After a day here conferring with Major J. O. Donovan on undisclosed business, he leaves for San Francisco tomorrow. He may pay another visit to Hollywood on his way back from the A. F. of L. convention, it is understood.

## *Form New British Firm*

LONDON, Oct. 3.—A new company to make films for the American market has been organized here under the name British National Films, Ltd. The productions will have American stars, directors and technicians. The first will be based on the life of Cecil Rhodes and the second will be an adaptation of Maxwell Anderson's play, "Mary Queen of Scots." John Corfield is manager of the firm. He asserts the company is seeking Frank Lloyd to direct both.

## *Newark Spots Try Films*

Two Newark legitimate houses will adopt film policies within the next few weeks. Harry Brandt has taken the Broad and the landlord of the Metropolitan will reopen the theatre shortly with films.

The Dodd, Orange, N. J., also will blossom forth with a picture policy when the landlord reopens the house.

## *To Film "Ghunga Din"*

CHICAGO, Oct. 3.—Edward Small, vice-president of Reliance Pictures in charge of production, announced here today prior to his departure for New York that his company would produce "Ghunga Din," and that final arrangements are being made with Rudyard Kipling, the author. The picture will be released through United Artists.

# Film Workers Up 33⅓%, But Expenses Drop

(*Continued from page* 1)

against $3,422,129 for news and $4,663,817 for advertising; educational, $167,933, against $409,497.

During the year $14,581,457 was spent on unfinished productions, against $14,728,680 in 1931. Laboratory operations included positive films costing $7,624,761, against $12,556,231, and receipts for work done for others of $11,835,057, against $14,331,683. The value of other work done was $1,520,021, against $2,801,695, and receipts for use of studio facilities were $1,501,701 against $1,457,424.

The number of producing establishments dropped from 140 in 1931 to 92 in 1933, but the number of persons engaged, other than officers of corporations, increased from 14,839 to 19,037, although total salaries and wages increased only slightly, from $70,637,031 to $71,343,941, indicating the deflation of salaries which has occurred. Payments for contract work last year were but $4,027,663, against $12,015,722 in 1931, and the cost of studio supplies, containers for film, fuel, and electric energy was $26,153,298, against $32,222,404.

### Employes Classified

In the report issued today, for the first time, the bureau has attempted a break down of the employment figures, giving the following information for 1933: Managers, superintendents, production supervisors, directors and other responsible administrative employes, 610 receiving salaries aggregating $12,883,328; scenario writers, unit managers, assistant directors, technicians, wardrobe designers, laboratory supervisors, cameramen, actors, extras, auditors, bookkeepers, clerks, stenographers and other clerical employes on salary, 7,650 receiving $40,065,124; wage earners (carpenters, painters, prop makers, laboratory workers, wardrobe workers and other skilled and unskilled labor) 10,777 (average for the year) receiving $18,395,489.

There was a considerable range in the employment of wage earners, the bureau reported. In January, 1933, 9,592 were employed; the low point was reached in May with 7,880 at work, the high point in September with 13,734.

## *Midwest Picking Up, Declares Wolfberg*

(*Continued from page* 1)

under his supervision, stated yesterday upon his arrival in New York. He adds theatre receipts are improving and the film business is showing results.

He plans to leave for his headquarters early next week.

## *Receipts in W. Va. $3,158,000 in 1933*

(*Continued from page* 1)

payroll of $61,000, the U. S. Census Bureau reported today.

Charleston had eight theatres with a take of $342,000 and payrolls of $85,000, and Huntington had eight which took in $342,000 and had a payroll of $58,000.

# Katz Studio Aide, Mannix Stays—Mayer

(Continued from page 1)

cide when he will leave for Hollywood to assume his new duties. Mayer indicated that Katz may accompany him when he leaves in two or three days.

Mayer stated he had made no plans on production in England as his trip was in the nature of an exploration. He added he will confer today and tomorrow with Schenck and J. Robert Rubin on the English situation and later with Arthur Loew. Mayer signed several Viennese songwriters and foreign players, but did not have a list available when interviewed. He said some of them are on the way over now.

Discussing foreign production, the M-G-M production head asserted England is coming out of the depression beautifully. He added the British are striving hard to command world attention in production and are coming along, particularly Alexander Korda. He said:

"We have never closed our doors to foreign pictures, and the better they make them, the better we like them."

Mayer denied published reports he would enter the California gubernatorial campaign against Upton Sinclair.

### Wife Remains Aboard

Because of the condition of his wife, Mayer was compelled to leave her aboard the *Paris* overnight. She will be moved to his hotel this morning and probably leave for her coast home today, accompanied by Howard Strickling, studio publicity head, who returned with the Mayers.

Phil Reisman, head of RKO's foreign activities, also returned on the same boat after two months abroad. He said his company planned five offices in Spain. He opened the Barcelona office which is in charge of Robert Trillo. Other branches will be in Valencia, Madrid, Bilboa and Seville. Within the near future, RKO will open its own exchanges in Italy and France.

Outside of quota pictures now being made, RKO does not intend to produce abroad. Reisman said in England all of the company's pictures are shown while in other countries the amount varies from 35 to 40 a year.

Constance Bennett returned on the *Paris* with her husband, Marquis Henri de la Falaise de Coudraye, who is ill with malaria as a result of spending six months in Indo-China. The Marquis made a Technicolor picture which is being sponsored by Bennett Pictures Corp. He recently made "Dance of the Virgins" in Bali, for which a deal was practically closed by Miss Bennett abroad with a major company.

When interviewed by Motion Picture Daily, Miss Bennett would not reveal the company because contracts have not yet been signed. She was met at the pier by her business manager, J. S. Rex Cole. Cole and Miss Bennett leave for the coast by plane today. The Marquis will take a train. She has five more pictures to make for 20th Century, one on the first year's contract and four on her second.

Benita Hume, Gaumont British star, stated she came here for the purpose of attending the opening of "Power" today at the Music Hall. She said she may do a play or may go to Hollywood to work in a picture.

Other arrivals on the same boat were Leon Garganoff, head of Lianofilm, Paris, and Edward V. Darling, theatre producer.

Schenck, Rubin, Dr. A. H. Giannini, C. C. Moskowitz and M-G-M home office representatives were at the dock to meet the Mayer party.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## "What Every Woman Knows"

*(M-G-M)*

Hollywood, Oct. 3.—This production is excellent entertainment, with the entire cast and contributors rating lusty cheers. Writers Monckton Hoffe, John Meehan and James K. McGuinness adapted the Sir James Barrie play, preserving all its whimsical and delightful humor. Gregory LaCava directed in an inspired mood.

The story concerns the Scotch family of Wylie. David Torrence is the father, Dudley Digges and Donald Crisp the brothers, and Helen Hayes the sister who is always jilted by prospective husbands. In order to cinch a marriage for her Conspirators Torrence, Crisp and Digges lend a student (Brian Aherne) money to complete his studies if he will oblige Miss Hayes at the altar. Through his wife's efforts Aherne wins a seat in Parliament and falls for doll-faced Madge Evans. Miss Hayes employs her wit to advantage and brings Aherne home.

The balance of the cast, in fast company, registered as outstanding in their respective roles. Miss Hayes lives up to her past laurels. Crisp and Torrence are hilarious, Miss Evans impressive, and Lucille Watson, as Miss Evans' aunt, contributes fine humor. The surprise of the picture is Aherne, whose performance would have overshadowed a less capable cast. There is fine photography by Charles Rosher.

This picture should be box-office in any spot.

No production code seal. Running time, 95 minutes.

*"Peck's Bad Boy," tonight's preview at the Roxy, was reviewed by wire from Hollywood on Aug. 28.*

*"Wagon Wheels," last night's preview at the Mayfair, was reviewed by wire from Hollywood on Sept. 5.*

*"A Lost Lady," last night's preview at the Strand, was reviewed by wire from Hollywood on Aug. 27*

## Cohn Can't Come East

Hollywood, Oct. 3.—Harry Cohn will be prevented by production activity from attending the Columbia stockholders' meeting in New York Oct. 9, it was learned today.

## Talks on Operator Scale

Dr. Leon Greenfield, a member of the I.T.O.A. labor committee, yesterday discussed the operator situation at a meeting of the organization.

## Marilyn Miller Bride

Marilyn Miller's marriage to Chester O'Brien, a dancer, at Harrison, N. Y., on Monday, was brought to light yesterday.

## To Start Saenger House

Houma, La., Oct. 3.—The erection of the People's Theatre, new Saenger house, will begin within the next 30 days.

## Durante for "Carnival"

Hollywood, Oct. 3.— Jimmy Durante has been signed by Columbia for a featured role in "Carnival."

# Seek Dismissal of Fox Theatres Case

(Continued from page 1)

Michel, Fox Film treasurer; Milton C. Weisman, receiver for Fox Theatres; the entire bookkeeping staff of Fox Theatres, and individual creditors of the company who have joined in the petition for reorganization. These include Miriam Rogers of Boston, alleged by Fox Met creditors' counsel to be a sister-in-law of Blumenthal and to have had assigned to her the latter's claim against Fox Theatres; the Elliott-Fisher Co., Columbia Pictures Corp. and other creditors of Fox Theatres.

All those subpoenaed, it was said, will be examined in an effort to support the Fox Met creditors' allegation that the petition for reorganization of Fox Theatres was instituted with the sole aim of realizing on the company's ownership of the common stock of Fox Met. Creditors of the latter company point out that no move to liquidate or reorganize Fox Theatres was made prior to the reorganization efforts of Fox Met. There are approximately $34,000,000 of claims outstanding against Fox Theatres.

Judge Manton postponed the hearing scheduled for today on the Fox Theatres' reorganization petition until Tuesday.

## Loew Dividend Declared

Loew's Inc., yesterday declared a regular quarterly dividend of $1.62½ per share on the preferred stock. The dividend is payable Nov. 20 to stockholders of record Oct. 31.

## "Widow" to Open Oct. 11

"The Merry Widow" is set to open at the Astor Oct. 11 as a two-a-day.

# Purely Personal

Rowland V. Lee has postponed his trip to Europe to supervise the cutting of "Gambling," which he finished recently at the Eastern Service Studios.

George Auerbach's "My Brother's Wife" has been purchased by M-G-M as a co-starring vehicle for Clark Gable and Jean Harlow.

Pete Smith is treasuring four pearls Jack J. Milstein, M-G-M Los Angeles branch manager, found in his oysters yesterday.

H. S. Kraft and Samuel Ornitz have sold "Frisco Fury" to Columbia as a possible starring vehicle for Jack Holt.

Merritt Hulburd, head of the Paramount Hollywood story department, came into town yesterday.

C. C. Pettijohn returned yesterday from a three weeks' trip to Hollywood and other western stops.

Milton Arthur, brother of Harry C., and his wife sail for Los Angeles Saturday on the *Virginia*.

Charles Blum, recently with Allied of New Jersey, has joined Streimer Ad. Service.

Marguerite Roberts' story, "Born With Wings," has been purchased by Paramount.

Thomas Meighan left for Detroit yesterday to attend the World's Series.

Lee Ochs is back from a European jaunt.

Tom Wiley celebrated another birthday yesterday.

## Balaban Is Allowed To File Para. Claim

(Continued from page 1)

claim, it is understood, will amount to approximately $60,000. Balaban's petition for leave to file the claim was not opposed by counsel for the Paramount Publix trustees.

Judge Coxe also extended the time for filing of individual bondholders' claims against Paramount Publix to Dec. 1. Claims filed during that time, however, will not increase the total of claims filed against Paramount, as Chase National Bank, trustee under the issues, has filed a claim for the total amount of the bonds. This is included in the $154,000,000 total, which represents all claims filed against Paramount from the time of the bankruptcy to Sept. 15. Also included is the Paramount Broadway claim which has been reduced from an original $178,000,000 to $44,000,000. The latter figure will be wiped off with approval of the pending Paramount Broadway reorganization plan by creditors and the Federal court.

## Para. List to Randforce

Paramount has sold all its product to Randforce circuit with 49 theatres in Brooklyn, Henry Randel closed the deal for the distributor while Sam Rinzler and Louis Frisch signed for the circuit.

## Lester F. Martin Here

Lester F. Martin, mid-west exhibitor leader, is in New York on the code.

# A TREMENDOUS SUCCESSOR TO "LADY FOR A DAY"

says:
The Hollywood Reporter

and adds

A PICTURE THAT IS JUST PLAIN, ORDINARY SWELL! GIVE YOURSELF A TREAT BY PLAYING THIS UP BIG!

• • •

THIS IS MONEY IN THE BANK... THE PICTURE IS A TRIUMPH AND COMBINES SOCK DRAMA, STIRRING COMEDY AND UNIQUE ROMANCE. ANOTHER GEM IN COLUMBIA'S DIADEM. A WORTHY SUCCESSOR TO "LADY FOR A DAY".

—*Motion Picture Daily.*

• • •

AS A BOX OFFICE ATTRACTION IT LOOKS LIKE A RUNNER-UP ON "LADY FOR A DAY" . . . SHOOTS STRAIGHT AT THE AUDIENCE HEART WITH EMOTIONAL WALLOP. PICTURE HAS EVERYTHING IT TAKES FOR POPULAR APPEAL.

• —*Variety*

COLUMBIA PICTURES

# LADY BY CHOICE

## *with* Carole LOMBARD—May ROBSON

**Roger Pryor—Walter Connolly**

*Story by Dwight Taylor—Screen Play by Jo Swerling*

**Directed by David Burton**

A COLUMBIA PICTURE

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 81 NEW YORK, FRIDAY, OCTOBER 5, 1934 TEN CENTS

## Bernerd Says BIP-Gaumont Deal Is Off

### General Manager States He Has Cabled Word

Negotiations for the purchase of Gaumont British stock by British International Pictures have been called off, Jeffrey Bernerd, general manager of G-B, stated yesterday. He said official word to this effect was sent to him by cable yesterday.

In a talk before Ampa members yesterday Bernerd thanked the press for the reception given his company's product. He added that the more success Gaumont British has here, the more successful will be American pictures in England.

"Times have changed," he stated, "and pictures produced in England are now measuring up to the standard of every country in the world."

He believes the American public

(*Continued on page 7*)

## Says Columbia Not To Produce Abroad

Columbia does not intend to produce on its own in England,, Joseph Seidelman, head of the company's foreign department, stated yesterday upon his arrival from a four months' trip in Europe.

He stated deals have been closed with independent producers to turn out 10 quota pictures for the company. No changes have been made in any

(*Continued on page 18*)

## Balcon, Lee Start On Tour Next Week

Michael Balcon, production head for Gaumont British, and Arthur Lee leave next week on a tour of eastern

(*Continued on page 7*)

### Driver Wanted

**New Orleans, Oct. 4.—The resident manager of the Tudor is advertising in the classified columns of the daily newspapers for "a man who is thoroughly competent to drive a Roman chariot; must be experienced." Friends say he should visit a spiritualist medium and reincarnate Marc Antony.**

## Fox West Coast Assets Sale Set for Los Angeles Nov. 1

**Sale of Fox West Coast assets at foreclosure as the initial step in the company's reorganization will take place in Los Angeles about Nov. 1, it was indicated here yesterday by eastern factors in the F. W. C. reorganization.**

**Fox Film and Chase National Bank, the two principal F. W. C. creditors, will bid in the assets in an exchange for their claims against F. W. C. through a new company organized for the purpose. Complete reorganization of F. W. C. with Sidney R. Kent heading the new company, is expected to be accomplished within a few weeks after the foreclosure sale.**

## Form National Body to Make Family Films

Organization of the M. P. Foundation of the U.S.A. as a non-profit agency for the production and sale of "family type" films, which has been in process for the past several months, was completed yesterday, according to a statement issued by Dr. William B. Millar, secretary of the foundation and former general secretary of the Greater N. Y. Federation of Churches.

The directors and members of administrative committees of the foundation are prominent educators, busi-

(*Continued on page 8*)

## Schwartz Loses Suit Against "U" Circuit

RICHMOND, Oct. 4.—The U. S. Circuit Court of Appeals here has decided against Nathan Schwartz, suing as Wilkay Holding Corp., in his fight to recover $79,328.92 from Universal Chain Theatres Corp., for an alleged breach of contract. The suit was directed against Robert L. Randolph, receiver of the circuit.

The case was an appeal from an order of the U. S. District Court of Maryland.

## GFTA Charters Unit To Control Theatres

ATLANTA, Oct. 4.—Independent Theatres' Investment Corp., a $25,000 organization, has been formed to acquire by lease or purchase theatre properties in the southeast. It will be an auxiliary of the G.F.T.A. Independent Theatres' Ass'n. N. H. Waters of Birmingham, was elected president, with Willis Davis of Atlanta, secretary and treasurer. Vice-presidents

(*Continued on page 7*)

## Last Minute Changes End Film Dispute

The Loew-RKO product situation in Greater New York was finally settled yesterday after weeks of negotiations between heads of the two circuits and Fox, Columbia and Universal.

In a last minute switch, RKO stepped out of the deal with Columbia when it was impossible to agree on terms demanded by the distributor. As a result, Loew's will continue to have the complete Columbia output while RKO gets all of Universal's pictures. Columbia, it is

(*Continued on page 8*)

## Denver Council Acts To Allow Giveaways

DENVER, Oct. 4.—The City Council has removed the city ban on giveaways in theatres.

If the Mayor signs the bill, court action is looked for to determine whether the code can interfere with a business carried on wholly within a state.

The giveaways were knocked out, with the exception of the Huffman auto giveaways, by the local grievance

(*Continued on page 18*)

## A. J. Callaghan Dies In Hollywood at 45

HOLLYWOOD, Oct. 4.—Andrew J. Callaghan, vice-president of Technicolor, died here today at the Queen of Angels Hospital following an abdominal operation. He was in his 46th year. Although ill for several months, Callaghan refused to give up his work until two weeks ago.

Surviving are a widow; a son, Andrew, Jr.; a daughter, Frances, all of

(*Continued on page 7*)

## Code Revision Is Looked for By Kuykendall

### "Certain Interests" Not Keeping Faith

Declaring that "certain interests" involved in the writing of the code are not keeping faith, Ed Kuykendall, president of the M. P. T. O. A., sees a reopening of the entire code within the near future.

He says this will be necessary unless these interests have the foresight to accept and realize what is coming about and play fair.

Kuykendall, without mentioning names, charges certain parties are using every method to evade various issues that were accepted by them in Washington.

"I cannot help but believe it will be necessary to reopen the entire code unless these interests swing along with the rest of the boys and play a fair game," he asserted.

## Third Hearing Set On L. A. Schedules

Due to the complexity of the coast situation, a third hearing on the Los Angeles clearance and zoning schedule will be held today at Campi headquarters. During the last two days, Ed Kuykendall, E. T. (Peck) Gomersall and Harry Shiffman have

(*Continued on page 18*)

## Code Probe by U. S. Asked by Wis. Allied

MILWAUKEE, Oct. 4.—Resolutions demanding a Congressional investigation of the code and revision of the copyright laws were adopted at today's session of the Wisconsin Allied convention. The resolutions were

(*Continued on page 18*)

### Returns a La Mode

**Some baseball fans like their radio returns in de luxe surroundings. Hundreds of them paid from 40 to 60 cents to get into the Music Hall yesterday and sit in the chaste modernistic surroundings of the big lounge downstairs to get the World's Series returns.**

MOTION PICTURE
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## Mayer, Katz Leave For the West Coast

Following conferences with Nicholas M. Schenck, Louis B. Mayer, his wife, and Sam Katz left for Hollywood yesterday. Howard Strickling, studio publicity head, leaves today.

J. Robert Rubin denies reports that Katz will become a producer, adding that Katz's post will be as studio aide.

## N. Y. Musicians Ask Aid

Donald R. Richberg, executive director of the National Recovery Council, has been appealed to by Attilio Marchetti, orchestra conductor, for aid for 3,000 New York musicians in financial straits. These men are represented as having appealed in vain to existing relief organizations. The charge that 800 persons are monopolizing musicians' unemployment relief is contained in a petition signed by members of Local 802, which has been forwarded to Richberg.

## M-G-M Signs Kern

Hollywood, Oct. 4.—M-G-M has signed a contract with Jerome Kern, the composer, whereby he will write the score for several productions to be made on this season's schedule.

## Think Sparks Best

Hollywood, Oct. 4.—The student bodies of both Oxford and Cambridge have elected Ned Sparks as Hollywood's best actor on the screen.

# What N. Y. Critics Think

## "Our Daily Bread"

*American*—***pleasing program entertment***carries both drama and comedy, in addition to the ever-essential element of romance, and it is directed in sincere and simple style by King Vidor***

*Brooklyn Daily Eagle*—***a picture which deserves to be added to the list of Vidor's outstanding directorial achievements***

*Daily Mirror*—King Vidor has made a distinguished and exciting picture in "Our Daily Bread," a fitting companion to his memorable "The Crowd"*** is a thoughtful, impressive and exciting film.

*Daily News*—King Vidor has made an exciting and absorbing movie based on an idea of his own which is not startlingly original and which is presented in an interesting and dramatic manner.***The direction is simple but impressive, and Vidor seems to have inspired his actors with his own faith in his idea.

*Evening Journal*—***King Vidor has filmed a timely, thoughtful and thoroughly engrossing drama.***Entirely independent of manufactured plot situations, the picture has excitement, humor, tragedy and suspense.***

*Sun*—It was a picture that cried out to be made, and King Vidor has made it with a fervor that swings the picture along, bad acting and all, to as stirring a climax as the screen can boast this season.***

*Times*—***a brilliant declaration of faith in the importance of the cinema as a social instrument. In richness of conception alone, Mr. Vidor's attempt to dramatize the history of a subsistence farm for hungry and desperate men from the cities of America would deserve the attention and encouragement of intelligent film-goers. But "Our Daily Bread" is much more than an idea. Standing in the first rank of American film directors, Mr. Vidor has brought the full power of a fine technique and imagination to his theme. "Our Daily Bread" dips into profound and basic problems of our everyday life for its drama, and it emerges as a social document of amazing vitality and emotional impact.

*World-Telegram*—***A fervid and dramatic plea for employment, which throws into glaring relief economic conditions as they exist today, "Our Daily Bread" is a bitter, wrathy and powerful film—a film full of truths, full of fight, a courageous and necessary film.

## Disney Wins Mickey Suit

Chicago, Oct. 4.—A writ prohibiting the use of "Mickey Mouse" as a trademark for animal crackers was issued here yesterday by Federal Judge John P. Barnes. The restraining order had been asked by Walt Disney against the U. S. Biscuit Co. of America and two subsidiaries, the Sawyer Biscuit Co. and the Chicago Carton Co. Disney contended the defendants' use of "Mickey Mouse" as a trademark violated his copyright on the cartoon character.

## Ramsaye in N. Y. U. Talk

Terry Ramsaye, editor of *Motion Picture Herald,* spoke last night at New York University on the history of motion pictures. His address was one of a series of lectures on the screen being given at the university by persons prominent in the industry.

## Lesser Party in London

London, Oct. 4.—Sol Lesser, Eddie Cline and George O'Brien arrive at Plymouth tomorrow on the *Ile de France.* Exteriors for "The Cowboy Millionaire" will be made here during the 10-day stay.

## Hits Episcopal Film

Mount Vernon, N. Y., Oct. 4.—Likelihood of a fight over the film depicting the history of the Episcopal Church in America, set for its initial performance at Atlantic City next Wednesday, developed here yesterday. Rev. W. Harold Weigle, rector of St. Paul's Church in East Chester, threatens to attack the film before the tri-ennial general convention of the Protestant Episcopal Church of the United States if no reference to his church is contained in it. The minister asserts St. Paul's has played an important part in the history of the Episcopal Church in this country.

## Warners Use 450 Extras

Hollywood, Oct. 4.—Warners took the lead Tuesday for the greatest number of extras on the payroll having 450 people in makeup for the six pictures now in work. The Mervyn LeRoy musical, "Sweet Adeline," used 200 extras.

## Hold "Ranger" Again

"The Dude Ranger" is being held a third week at the Criterion.

## Columbia Off ¾ on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 36½ | 34½ | 34½ | — ¾ | 500 |
| Consolidated Film Industries | 3⅛ | 3 | 3⅛ | + ⅛ | 200 |
| Consolidated Film Industries, pfd | 13½ | 13⅜ | 13⅜ | ..... | 300 |
| Eastman Kodak | 99 | 99 | 99 | — ¼ | 800 |
| Fox Film "A" | 11⅝ | 11½ | 11½ | — ⅛ | 400 |
| Loew's, Inc. | 28⅝ | 27½ | 28⅛ | + ¼ | 5,200 |
| Loew's, Inc., pfd | 91¾ | 91¾ | 91¾ | + ½ | 100 |
| Paramount Publix, cts | 4⅝ | 4⅜ | 4½ | ..... | 6,000 |
| Pathe Exchange | 1⅜ | 1¼ | 1¼ | ..... | 2,500 |
| Pathe Exchange "A" | 5 | 4¾ | 4¼ | — ⅛ | 1,000 |
| Warner Bros. | 5 | 4¾ | 4¾ | — ⅛ | 1,000 |

## Technicolor Declines ⅞ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 11¾ | 11⅝ | 11⅝ | — ⅞ | 300 |
| Trans Lux | 1¾ | 1¾ | 1¾ | ..... | 100 |

## Many Bond Issues Take Losses

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 6½ | 6½ | 6½ | — ½ | 1 |
| Keith B. F. 6s '46 | 62¾ | 62¾ | 62¾ | + ¼ | 2 |
| Paramount Broadway 5½s '51 | 41 | 40 | 41 | +1 | 6 |
| Paramount F. L. 6s '47 | 61 | 60 | 60 | — ½ | 17 |
| Paramount Publix 5½s '50 | 61 | 60 | 60 | —1 | 9 |
| RKO 6s '41, pp | 31 | 31 | 31 | — ½ | 1 |
| Warner Bros. 6s '39, wd | 60 | 59¾ | 60 | — ½ | 10 |

# Purely Personal

JOE BRANDT is going in for cutouts. Meaning, he is wearing a swell pair of tan kicks with a neat hole chiseled out of one of them. That was to take care of an infected toe which is now practically new again.

**Benita Hume** says she will appear in a play before returning to England. She doesn't want to make a picture on the coast, declaring she has four offers to do a play here.

**Dan Carroll** of Sydney, Australia, owner of theatres in the Commonwealth which are associated with Paramount, is in town on a business and vacation trip.

**Herman Stern**, head of Universal's non-theatrical activities, is getting over an attack of ptomaine poisoning. He expects to be back at his desk on Monday.

**Leon Schlesinger** flies east tomorrow with the first print of "Those Beautiful Dames," the first of the new "Merrie Melodie" cartoons in color.

**Theodore Deitrich** is back in his office at Hearst Metrotone News, but his long pneumonia siege has left him shaky. Says he is getting along now.

**Jeanette MacDonald**, now here on a vacation, will sing several numbers from "The Merry Widow" Monday night over the Columbia network.

**Douglas McLean**, Paramount associate producer, is in town to confer with **Maxwell Anderson**, who is adapting "So Red the Rose."

**Harry Edington** and **Mrs. Edington** (**Barbara Kent**) arrived in town yesterday from the coast. They are Europe bound.

**Joe Penner** is due in town today from the coast. He has just finished work in Paramount's "College Rhythm."

**Norman Moray** is back at his desk after a trip to Indianapolis, Detroit, Toronto and Washington.

**Tito Guizar** and **Armida** finish work on a Vitaphone short in the Brooklyn plant today.

**James Hilton** has sold the screen rights of his novel, "Rage of Heaven," to M-G-M.

**William Seiter** and **Marion Nixon** are in town on a belated honeymoon.

**Mark Ostrer** was down with a cold yesterday and unable to attend to business.

**Fred Gresac** has sold his story, "Song of the Damned," to Columbia.

## Young Finishes Oct. 6

Hollywood, Oct. 4.—Felix Young's contract with Columbia as an associate producer expires Oct. 6 and he plans to leave immediately for New York for a short vacation. He is scheduled to report to Radio the first of next month as an associate producer.

## "Divorcee" Date Shifted

The trade showing of "The Gay Divorcee" which was originally scheduled for this morning at the Astor has been postponed until Oct. 9.

# Look forward with *Pleasure* to

# OCTOBER

# NOVEMBER

# DECEMBER

Already this season, FOX has given you such hits as "The Cat's Paw"..."Servants' Entrance"..."Judge Priest." For the coming three months FOX is producing hits just as great... *and more of them!* Analyze the new pictures on the following pages. Compare them with other offerings. And prepare to make next quarter's business an even greater pleasure...

# with these FOX Pictures

# Your Feature Program for OCTOBER

*An Erik Charell Production*

## CARAVAN

with

CHARLES BOYER
LORETTA YOUNG
JEAN PARKER
Phillips Holmes
Louise Fazenda
Eugene Pallette
C. Aubrey Smith
Charley Grapewin
Noah Beery

Executive Producer, Robert T. Kane
Directed by Erik Charell

*Mary Roberts Rinehart's*

## ELINOR NORTON

with

CLAIRE TREVOR
Gilbert Roland
Henrietta Crosman
Hugh Williams
Norman Foster

Produced by Sol M. Wurtzel
Directed by Hamilton MacFadden

## JACKIE COOPER

in

## PECK'S BAD BOY

with

Thomas Meighan
Jackie Searl O. P. Heggie
Dorothy Peterson

A Sol Lesser Production
Directed by Edward F. Cline

## MARIE GALANTE

with

**SPENCER TRACY**
**KETTI GALLIAN**
Ned Sparks, Helen Morgan, Siegfried Rumann, Leslie Fenton, Arthur Byron, Jay C. Flippen *and* Stepin Fetchit

Produced by Winfield Sheehan
Directed by Henry King

*America's First Actor*

## GEORGE M. COHAN

in

## "GAMBLING"

with

Wynne Gibson Dorothy Burgess

A Harold B. Franklin Production
Directed by Rowland V. Lee

# Your Feature Program for NOVEMBER

## MUSIC IN THE AIR

*Music by Jerome Kern*
*Lyric and libretto by Oscar Hammerstein, 2nd*

with

**GLORIA SWANSON**
*and* **JOHN BOLES**
**DOUGLASS MONTGOMERY**
**JUNE LANG**
Al Shean, Reginald Owen, Joseph Cawthorn

An Erich Pommer Production
Directed by Joe May

## 365 NIGHTS IN HOLLYWOOD

with

**JAMES DUNN**
**ALICE FAYE**
Mitchell and Durant
John Bradford
A Sol M. Wurtzel Production
Directed by George Marshall

## WARNER BAXTER

in

## HELL IN THE HEAVENS

with

**CONCHITA MONTENEGRO**
**RUSSELL HARDIE**
Herbert Mundin    Andy Devine
Ralph Morgan

Produced by Al Rockett
Directed by John Blystone

## 24 HOURS A DAY

with

**CLAIRE TREVOR**
**GILBERT ROLAND**
**HERBERT MUNDIN**
A Sol M. Wurtzel Production
Directed by Hamilton MacFadden

## LOTTERY LOVER

starring

**LEW AYRES**
**"PAT" PATERSON**
Peggy Fears    Ned Sparks
An Al Rockett Production
Directed by William Thiele

## THE FIRST WORLD WAR

*Secret Films from Nations' Archives*
Edited by LAURENCE STALLINGS

Produced by
Truman Talley

# Your Feature Program for DECEMBER

## SHIRLEY TEMPLE

in

## BRIGHT EYES

with

JAMES DUNN

A Sol M. Wurtzel Production
Directed by David Butler

## EAST RIVER

with

**EDMUND LOWE**
**VICTOR McLAGLEN**
Marjorie Rambeau
Charles Bickford
Grace Bradley

A Robert T. Kane Production
Directed by Raoul Walsh

## THE WHITE PARADE

with

LORETTA YOUNG
JOHN BOLES
Muriel Kirkland Dorothy Wilson
Joyce Compton Astrid Allwyn
Polly Ann Young

A Jesse L. Lasky Production
Directed by Irving Cummings

*Harold Bell Wright's*

## WHEN A MAN'S A MAN

starring

GEORGE O'BRIEN

Produced by Sol Lesser
Directed by Edward F. Cline

## HELLDORADO

with

Richard Arlen
Ralph Bellamy
Henry B. Walthall
*and* Stepin Fetchit

A Jesse L. Lasky Production
Directed by James Cruze

**Again FOX takes the prizes for a line-up solid with successes!**

**FOX**

## Lightman Fails to Agree with Unions

Memphis, Oct. 4.—Efforts of M. A. Lightman to reach an agreement with union labor have jailed, with the operators' and stagehands' unions splitting over whether Lightman's Strand must have a stagehand, the outcome being no work at the house for any union men.

After exactly a year of non-union operation, during all of which the house has been picketed with an occasional stench bombing early in the proceedings, Lightman finally reached an agreement with the operators at the time the Strand completed remodeling and was reopened late in August.

But Lightman balked when the stagehands' union demanded that he employ a stagehand as well.

The stagehands insisted union operators would not go into the Strand without one of their number. The operators were forced to yield, but were so disgusted over losing the chance at four new jobs that they refused to finance any further picketing.

## Stage Shows Spread In Wisconsin Spots

Milwaukee, Oct. 4.—An increasing number of local theatres are spotting stage attractions here. A weekly stage show policy for neighborhood houses has been inaugurated by Saxe Amusement Management, Inc. The houses are the Uptown, on Mondays and Tuesdays; Garfield, on Wednesdays and Thursdays, and Modjeska, Fridays and Saturdays.

Jack Silliman has booked the Badger State barn dance for Sundays only for his Avalon for a period of weeks. Stage attractions are also being spotted by Saxe in several state houses as well as by other exhibitors in Green Bay, Madison, Kenosha and Fond du Lac.

## Wanger Signs Fonda

Hollywood, Oct. 4.—Walter Wanger has given a long-term ticket to Henry Fonda, New York stage actor, who will report to the coast after completing the play, "Rome Hall."

This signature brings the Wanger contract roster to three. He had previously signed Charles Boyer and Peggy Conklin.

## Sherman Going to Radio

Hollywood, Oct. 4.—Lowell Sherman moves to Radio to direct Jock Whitney's color feature, "Becky Sharpe," following the windup on "Night Life of the Gods," now in work at Universal. The cast to date is Miriam Hopkins in the title role and Nigel Bruce.

## To Roof Last Airdrome

Tampa, Oct. 4.—The last airdrome in Florida is on the verge of roofing because of the coming uncertain weather, according to Manager B. Rask, and plans are being made to spread a canvas top over the enclosure.

## Charter 86th St. Theatre

Albany, Oct. 4.—The 86th St. Casino Theatres, Inc., has been chartered with capital of 150 shares of no par value. Joseph Scheinman, Albert Schieber and Harry Sacher are directors and subscribers.

# BIP Deal with Gaumont Is Off, Asserts Bernerd

(*Continued from page* 1)

will give G-B the same reception as British audiences are giving American pictures.

"We are struggling to improve the quality of our product and in the course of time we hope our stars will be as popular with the public here as American players are with English audiences."

He ended his speech by declaring that theatre owners here are showing Gaumont British product and that there is every indication they will continue to sign contracts for the 16 films being released this season.

## Gaumont British Day Draws Ampa Crowd

Gaumont British invaded the Ampa yesterday, introducing a number of its stars, directors and personnel to members of the organization.

Introduced were Jeffrey Bernerd, Arthur Lee, Nova Pilbeam, Benita Hume, Jack Hulbert, Berthold Viertel, Robert Flaherty, Michael Balcon, Tiger King and Michael Delane. Martin Quigley acted as guest chairman.

In addition to the Gaumont British personalities, the following were introduced: J. J. McCarthy, Lester Thompson, Walter Moore, Paula Gould, Ribert Appleby, Dave Gould, William Gargan, J. H. Hoffberg and Douglas Churchill. Churchill is Hollywood correspondent for the New York *Times* and Appelby is president of the British Empire Chamber of Commerce.

Entertainment was provided by Gus Edwards, Tony Marconi, Eddie Peabody, Harry Hershfield, and Bernard and Henry. About 200 attended.

## Balcon, Lee Start On Tour Next Week

(*Continued from page* 1)

cities, where they will visit theatres to get audience reaction on pictures.

Cities to be visited will be Philadelphia, Buffalo and Chicago, in addition to a number of Greater New York houses.

George Weeks, general sales manager, arrives in Chicago today and returns on Sunday.

Jack Hulbert plans to sail for London on Oct. 12 to make two more pictures for G-B, following which he will return for another vacation.

## Van Schmus Is Host At Music Hall Party

W. G. Van Schmus, managing director of the Music Hall, was host at a dinner before the 9:15 showing of "Power," Gaumont British feature, last night, and also at a party in the executive offices which followed.

Among the guests at the dinner were Sir Gerald Campbell, British consul general, and Lady Campbell; Mr. and Mrs. Merlin H. Aylesworth, Mr. and Mrs. Mark Ostrer, Jeffrey Bernerd, and Jack Hulbert and Benita Hume, Gaumont British stars.

At the reception which followed the picture were representatives of the trade and daily press. Among those present were: Princess Kuropatkin, Martin J. Quigley and the following consuls general: Renzo Sawada, Japan; Commendatore Antonio Grossardi, Italy; Leonid Tolonkonski, Russia; Dr. J. Starch, Czecho-Slovakia; Rols Christensen, Norway, and Nicholas G. Tserekis, Greece.

### He'll Be There

**Hollywood, Oct. 4.—Anxious about Will Rogers' return from his world tour, Fox wired the humorist in New York for the comeback date.**

**Rogers wired back: "Don't worry. Will be home when I said I would. Going to ball game."**

## GFTA Charters Unit To Control Theatres

(*Continued from page* 1)

are F. M. Arnall, Newman, Ga.; John Cunningham, Miami; Sam Borisky, Chattanooga, and M. S. Katz, Montgomery, Ala.

The entire capital stock has been paid in or pledged. The purpose is to protect independent operators in Georgia, Alabama, Florida and Tennessee from encroachment on their territory by circuits.

It is also said to be the intention of the new company to invade circuit theatre localities if the circuits invade independent territory.

## Ridgewood Theatre Wins

Ridgewood, N. J., Oct. 4.—The Court of Errors and Appeals has upheld the Ridgewood building committee's decision to permit Max Goodman and Frank Gersten, Englewood theatre owners, to renovate the old Playhouse so that films may be shown here. Warners, operators of the Warner Brothers Theatre here, appealed the decision of the building committee and carried it before the Supreme Court last fall. After the Supreme Court had upheld the local board in the contention that the improvements Goodman and Gersten promised to install would make it fireproof, Warners took an appeal to the Court of Errors and Appeals.

## Oppose Madison Licenses

Madison, Wis., Oct. 4.—Action on a petition to reduce the annual license fees of theatres has been deferred by the council license committee to give theatre managers a hearing. The fee is based on the seating capacity, but exhibitors maintain the amount is out of proportion to the charge made in other Wisconsin cities. Although the license year expired July 1, theatres have not paid the licenses, pending the outcome of the action before the council.

## Leases Newark, O., House

Newark, O., Oct. 4. — The new Arcade, owned by Ralph Dean Spencer, dark for the past four years, has been leased by Clark Rader, formerly with Publix, at Marion, O.

The house is being remodeled and will open about Oct. 15.

## Casting Bureau to Help Aid the Needy

Hollywood, Oct. 4.—In addition to the new complaint bureau set up so extras can air their grievances without jeopardizing their standing with producers, Campbell MacCullough, new head of the Central Casting Bureau, is installing a social service division and has employed Allan MacDonald and Mrs. Ethel Callis to be in charge. If work cannot be found for the needy, they will be recommended to various social service agencies.

## A. J. Callaghan Dies In Hollywood at 45

(*Continued from page* 1)

whom reside here, and his parents, who live in Chicago, Callaghan's birthplace.

Callaghan's passing came as a distinct blow to Hollywood, of which he was one of the best-liked residents.

Before joining Technicolor eight years ago, Callaghan was an independent producer for six years. Prior to that he was assistant to George K. Spoor, then president of Essanay Film Manufacturing Co.

## Fox Collects from Dinehart on Delay

Hollywood, Oct. 4.—Alan Dinehart, who arrived here several days late for the start of his role in Fox's "Lottery Lover," was forced to kick back $10,000, which the studio had advanced him on the deal.

Dinehart was delayed in New York because of work in a stage play.

## Cary Grant in "Wings"

Hollywood, Oct. 4.—Cary Grant has been definitely set for the top role in Paramount's "Wings in the Dark," formerly titled "Eyes of the Eagle." Myrna Loy has the lead feminine role with Roscoe Karns in a featured comedy role. James Flood will direct.

## Vidor Back on Coast

Hollywood, Oct. 4.—King Vidor has returned to Hollywood from London and has gone to work at United Artists where he will direct "Broken Soil." The picture goes into production Oct. 15 with Anna Sten and Gary Cooper in the starring roles.

## Takes Birmingham House

Birmingham, Oct. 4.—A long lease on the Jefferson has been obtained by N. H. Waters, operator of several suburban theatres, from the Birmingham Trust & Savings Bank. Combination stage shows and films are under consideration.

## Kerers Buy Out Davis

Denver, Oct. 4. — George and Harry Kerer have bought out their partner, Abel Davis, and will continue to operate the Capital Film exchanges at Denver and Salt Lake City.

## Now "Devil Dogs of Air"

Hollywood, Oct. 4.—A switch of titles at Warners tags "Devil Dogs of the Air" as the final release title on the James Cagney-Pat O'Brien vehicle, "Flying Marines."

# Form National Body to Make Family Films

(Continued from page 1)

ness men, club and organization officials, civic and religious leaders. The initial plans of the organization, as set forth in Dr. Millar's statement, contemplate production by independent producers of an indeterminate number of features and shorts from story material approved by a story selection committee of the foundation. That organization would finance the production activities. A national sales organization would be established by the foundation, according to its plans, but physical distribution would be handled by one of the national distributors.

The release schedule of the foundation would be geared, according to its plans, to supply exhibitor accounts with program material for specially developed "family nights," preferably every Friday or Saturday, or both, during the standard 40-week school year. The organization's plans provide for the release of a weekly feature and three to five reels of shorts during the school year, but no definite commitment as to the actual number of pictures which will be released is made at this time. It is stated, however, that the first production unit is expected to be in operation by next February.

While the foundation states that it will be maintained financially by "the gifts and endowments of public-spirited men and women," it was intimated that a stable source of revenue, not specifically described, would be available.

## Baseball Fever

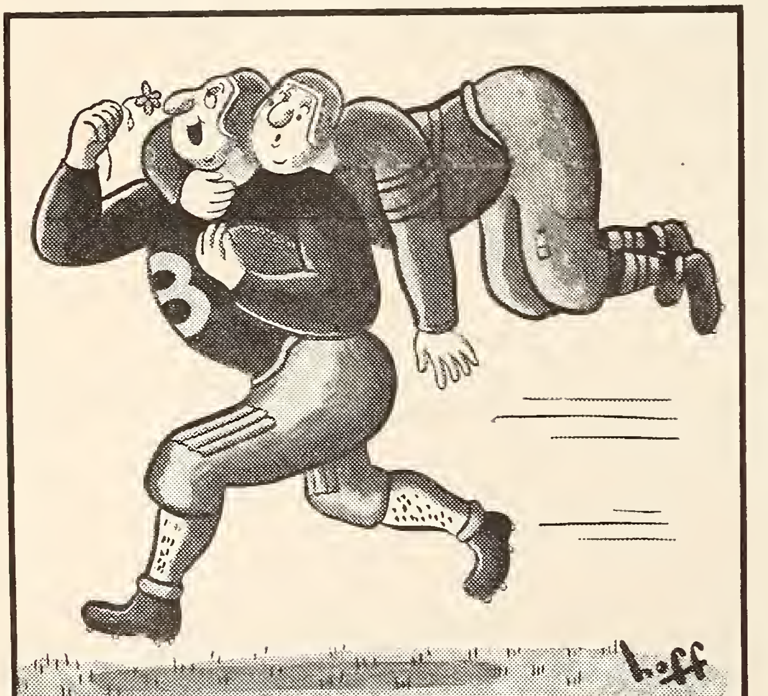
**Hollywood, Oct. 4.—Hollywood's craziest bet has been made between Alexander Hall and Roscoe Karns. Each has posted six baseballs. If the Detroit Tigers win the World Series, Roscoe may pitch the balls at the windows of Hall's home. If the Tigers lose, Hall will do the pitching at Roscoe's domicile.**

Experienced film men will be identified with the foundation, the organization's statement declared, but their names were not made known yesterday. It is understood that Joe Brandt, former Columbia Pictures president, is among the film men who will be associated with the enterprise. The late J. D. Williams, founder of First National, was also identified with the foundation up to the time of his death.

The organization's statement emphasizes that it is a non-profit agency and that it will not "go into the business of producing pictures." It states that its principal reason for existence is the creating of films "of the type suitable for children as well as for the entertainment of adults," an objective which the organization says the industry itself cannot devote all of its resources and ingenuity to producing.

Incidental activities of the foundation will be a commercial "sponsorship" service through which local support will be recruited for films released by any producer and approved by the foundation. Another planned activity will be in the non-theatrical field, involving the production of instructional pictures for visual education under federal and state subsidies. In charge of this work will be a committee of 25 educators headed by Dr. William H. Metzler, who has been associated with Syracuse University and the N. Y. State College for Teachers for 37 years.

A partial list of the Foundation sponsors is: Dr. Endicott Peabody, headmaster of Groton School, Groton, Mass.; Dr. Glenn Frank, president of the University of Wisconsin; Albert F. Gilmore, trustee of the Christian Science Publishing Society, Boston; Rear Admiral Richmond Pearson Hobson, U. S. N., retired; Mrs. Elizabeth Richey Dessez, long active in the film field; Dr. Charles D. Trexler, president of the Greater New York Federation of Churches; Charles V. Vickrey, president of The Golden Rule Foundation; Carl Beck, efficiency engineer; Roy Curtiss, producer of "The Cavell Case," who also initiated the program which resulted in the production of the "King of Kings"; Eugene Randolph Smith, headmaster of the Beaver Country Day School, Chestnut Hill, Mass.; Fred R. Marvin, secretary and organizer of the American Coalition of Patriotic Societies; Miss Mary E. Hughes, organizer of the Woman's Division of the NRA, Louisville; Mrs. William Barclay Parsons, Jr., president of the Parents' League of New York City, and Rabbi Herbert S. Goldstein of the Institutional Synagogue, New York.



"Tra, la, la—tra, la, la—there's HAPPINESS AHEAD!"

## All Theatres Open; Cincy Grosses Gain

CINCINNATI, Oct. 4.—Theatre business looks more promising here now than at any time for the past two or three years. All major houses in the downtown sector are open, and attendance is notably on the increase.

"Belle of the Nineties" last week hit an estimated $22,500 for an eight-day run at the RKO Palace, which savors of pre-depression days. This is considerably ahead of some weeks at this house when a vaudeville and picture policy prevailed. The West opus has been transferred to the Lyric for the second stanza. Other houses in the past few weeks have shown gratifying results with the new season product.

## Para. Outing Set Oct. 14

HOLLYWOOD, Oct. 4.—The Paramount Studio Club has switched the locale of their annual get-together to Catalina Island and have set the date for Oct. 14. The jamboree was formerly set for the Valley Country Club.

An early estimate has 1,200 studio workers slated for the jaunt.

## Rogers Sees "Andy"

DETROIT, Oct. 4.—Will Rogers, here to cover the World's Series for Hearst, was a guest of Freddie Schader and David Idzal at the Fox. It was his first opportunity to see his latest Fox opus, "Handy Andy."

## Trotti Back on Coast

HOLLYWOOD, Oct. 4.—Lamar Trotti has returned from South Carolina where he went for conferences with Robert Quillen regarding background material for Will Rogers' next picture at Fox, "Life Begins at Forty."

# Last Minute Changes End Film Dispute

(Continued from page 1)

stated, was not anxious to do business with the circuit because RKO turned down the product before.

Failing to get together with Skouras on pooling of product for the Riverside, RKO will continue to show half of Warners and Paramount in addition to all of Radio and Universal at the 81st St. on upper Broadway. The Fox lineup continues at the Riverside.

George Skouras wanted to pool Fox with Radio, Universal, Columbia, Paramount and Warners, but because of contracts entered into for the 81st St., giving Springer & Cocalis second run it was impossible to get clearance for the Riverside to show day-and-date with the RKO house. Skouras would accept no other terms than a simultaneous run before he pooled the Riverside with the 81st St.

However, Skouras' Academy and RKO's Jefferson on 14th St. have combined product, with the former getting prior selection.

Randforce tomorrow takes over the Utica, Brooklyn, from RKO in an exchange of product transaction.

## More Openings Are Set for Milwaukee

MILWAUKEE, Oct. 4.—Milwaukee's Rialto will be fully lighted Oct. 5 when Fox's Palace and Warners' Strand reopen. The former will use stage shows with Jack Richards' band transferred from the circuit's Alhambra and George Gambrill moved along as manager.

Jim Casey, manager of the Palace until it went dark early in August, succeeds Gambrill in that capacity at the Alhambra, which inaugurates a dual policy under the new setup, the only first run house with this type of entertainment on the avenue to date. Mickey Kippel is slated to manage Warners' Strand, the policy of which has not yet been announced.

## Notices Are Posted At Missouri Theatre

ST. LOUIS, Oct. 4.—Two-week notices have been posted at the Missouri. The unofficial explanation is that this is a precautionary move in case F. & M. are unable to secure enough product to continue the dual bill policy. It is said the house will be kept open on a week to week basis.

If stage shows are put in at the Ambassador or the Fox, some product may be switched from these to the Missouri.

## Fier on Mascot Tour

HOLLYWOOD, Oct. 4.—Jack Fier has left on another tour of Mascot exchanges. He will go east as far as Boston. Fier returned last week from an exchange tour.

Het Manheim, Mascot publicity director, also checks out on a good will tour through Seattle, Portland and Vancouver.

# -that's service!

- **Universal Newsreel pictures of the first World Series game were on Detroit's screens Wednesday Night — a few hours after the game!**
- **Universal Newsreel pictures of the first game were on Broadway yesterday morning.**
- **Universal Newsreel pictures of the first game were in St. Louis for the opening of the theatres yesterday.**
- **Universal Newsreel pictures of the first game were in Los Angeles (and everywhere between West and East) last night!**

**STEP OUT WITH —**

# UNIVERSAL NEWSREEL

## M-G-M Searching for New Writing Talent

HOLLYWOOD, Oct. 4.—M-G-M has started an intensive search for new writing talent and has signed Dr. Gorlan Grewer, University of Southern California English professor, to head the campaign.

Grewer has already established 60 committees in as many University cities, where the initial works of budding scenario writers are given the once over by the group. Those turning in creditable work are given six-week tryouts by the studio with a long term contract for those who survive the test.

Four youthful writers, who have already been handed long termers through this medium are Charles A. Powell, Robert Parash, John Higgins and Richard Goldstone.

## Youngstown Groups Now Want Previews

YOUNGSTOWN, O., Oct. 4.—Previews of films to be shown in Youngstown theatres will be asked by civic and club leaders to further the campaign for clean pictures here, Mrs. Oscar Meeks, chairman of the motion picture committee of the Federation of Womens Clubs, asserts.

Mrs. Meeks says also that some attempt would be made to censor lobby displays of theatres.

N. B. Folsom, president of the Federated Churches, is arranging a conference shortly of club and church leaders with representatives of theatres to discuss the movement.

## Illness Halts Para. Film

HOLLYWOOD, Oct. 4.—The withdrawal from the cast of J. M. Kerrigan as result of illness has forced Paramount to stop production on "Father Brown, Detective." Work will be resumed when someone has been found to replace Kerrigan in the title role. Alfred Werker is directing the film, in which Gertrude Michael and Paul Lukas have the romantic leads.

## Berlin Gets 14 in July

WASHINGTON, Oct. 4.—Fourteen features were exhibited in Berlin in July, 1934, as against 10 in June and only five in July, 1933, according to a report to the U. S. Department of Commerce from Acting Commercial Attache Douglas Miller in Berlin.

Of the 14, six were German, two American, two French, and one each Danish, English, Austrian and Swiss.

## Thayer Gets Coast Post

CINCINNATI, Oct. 4.—R. W. Thayer, manager of the local Ross Federal offices, has left for the west coast where he will be district manager, with jurisdiction over Los Angeles, San Francisco, Salt Lake, Spokane and Seattle. He is succeeded here by G. W. Wagner, manager of the Milwaukee office.

## Jensen Takes Col. List

SEATTLE, Oct. 4.—Jensen-Von Herberg, operators of the Liberty, Venetian, Roxy and Bagdad theatres in Seattle and the Roxy in Tacoma, have signed for the entire Columbia output for the 1934-35 season. "One Night of Love" will be the opening attraction at the Liberty.

# Variety Club Chatter

## Cincinnati

CINCINNATI, Oct. 4. — The first event of the new season, known as "Monte Carlo Night," got off to a flying start, with barkers and their guests present in large numbers. The adjoining room occupied by the Cincinnati Bridge Club was pressed into service.

Weekly business sessions are out, although weekly luncheons and entertainment provided by the Kings for a Day will be the feature each Monday. The canvasmen will meet once a month.

The frolic of Tent No. 3 is set for early November, and will take place in the Netherland Plaza Hall of Mirrors, according to present plans.

Members are offering consolation to A. J. WESSELL, whose son suffered the amputation of his leg as result of being struck by an automobile.

NOAH SCHECTER, chairman of the side show gang, narrowly escaped death or serious injury when his machine was struck by another. As it was, his car was badly damaged.

S. A. GALANTY, member of Washington Tent No. 11, was a visitor at the local club last week.

## Detroit

DETROIT, Oct. 4.—Variety Club has resumed its weekly luncheons at the Book Cadillac. MAURICE J. CAPLAN, Metropolitan Motion Pictures, and FRANK J. DOWNEY, M-G-M, were the kings for a day.

MICKEY COCHRANE and HANK GREENBERG, stars of the Detroit Tigers, were honor guests.

Next Monday, the club is planning a luncheon in honor of COL. W. S. BUTTERFIELD. It is also planned at this luncheon to present Butterfield the life honorary presidency of the club.

## Pittsburgh

PITTSBURGH, Oct. 4.—If the New York reservations continue to pile in for the annual Variety Club banquet at the William Penn on Oct. 14, a special train may be necessary. Forty-five entertainers already have agreed to come.

Among reservations received are: WILL H. HAYS, JOHN ROYAL, vice-president and program manager for NBC; JOSEPH BERNHARD, general manager of Warner theatres; GEORGE J. SCHAEFER, Paramount general manager; FELIX FEIST, general sales manager, M-G-M; HAROLD KEMP, artists' manager for NBC; STEVE TRILLING, Warners' Artists' Bureau; JULES LEVY, general sales manager for RKO; FRANK McCARTHY, western sales manager for Universal; SIG WITTMAN, Universal district manager; E. C. GRAINGER, eastern sales manager for Fox; WILLIAM F. RODGERS, eastern sales manager for M-G-M; MAX COHEN, EDGAR MOSS, district manager for Fox in Philadelphia; CLAYTON BOND, chief film buyer for Warners; JOHN J. PAYETTE, zone manager for Warners in Washington; HARRY THOMAS, president of First Division; E. L. McAVOY, eastern sales manager for RKO; FRED QUIMBY, short subject sales manager for M-G-M; ABE MONTAGUE, sales manager for Columbia; JOSEPH McCONVILLE, assistant sales manager for Columbia; C. W. BUNN, general sales manager of Erpi; JACK SKIRBALL, Educational sales manager; GEORGE SKOURAS, vice-president of Skouras Theatres; W. P. GARYN, MORT SHEA of Shea Theatres; LOUIS K. SIDNEY, general production manager for Loew's Theatres; MARVIN SCHENCK, manager of Loew's Artists' Service, and WILLIAM SCULLY, New York manager for M-G-M.

## St. Louis

ST. LOUIS, Oct. 4.—Variety Club is staging its first edition of "A Couple of Knights in Russia" with a cast headed by Barkers HOPPE, the mad monk; ED ROSECAN, Shmushke, the mad kibitzer; LOU ANSELL, the mad romancer, and MRS. CHICK EVANS as the beautiful empress.

Club has inaugurated free buffet lunches to all members and their guests any night of the week.

New officers elected are: GEORGE WIEGAND, treasurer; AL WOOLF, secretary; TONY METRECI, chairman of the house committee; AL ZIMBALIST, publicity counsel.

GEORGE TYSON is expected here from Pittsburgh for the first annual ball. If business matters don't interfere, JOHNNY HARRID may tag along.

Barker SILVERT SETRON has been transferred to Warners' Milwaukee zone.

Barker JAMES WALKER became a benedict recently.

## Washington

WASHINGTON, Oct. 4.—Sedate and quiet was the weekly luncheon of Tent No. 11, presided over by FRANK H. DURKEE and WALTER D. PACY, kings for the day.

In lieu of giveaways, lotteries, or other what nots not particularly in good favor by codists at the present time, the DURKEE-PACY presented to the club $50 to be applied to Variety's fund for Christmas baskets.

Entertainment came principally from the Earle Theatre stage show, featuring BERT WALTON and LARRY ADLER, the virtuoso of the harmonica.

BERT WHEELER, Radio star, socially visiting the Capital, attended as the guest of HARDIE MEAKIN. Barker WHEELER regaled the audience with stories and latest Hollywood gossip.

The names of ROY KNIGHT, Warner theatre sound department; NORMAN GOLDSTEIN, Globe Poster Co., and SYDNEY LEHMAN, United Artists salesman, have been added to the rolls.

Plans for the first annual banquet and ball are going forward, with Chief Barker JOHN J. PAYETTE and Canvasman CARTER T. BARRON, co-chairmen of the committee, in charge.

Barkers A. JULIAN BRYLAWSKI and SOL A. ROSENBLATT will probably attend the annual meeting of the national organization on Oct. 14 in Pittsburgh.

## Plan New Detroit House

DETROIT, Oct. 4.—Alex Schreiber and William A. London, operators of several Detroit neighborhood houses, plan a new 1,100-seater in the southwestern section of the city in the Ford motor district.

## Variety Club Moves Begun in Milwaukee

MILWAUKEE, Oct. 4.—Plans for a local chapter of the Variety Club are under way with the following 11 men selected to draw up a charter: Ben Koenig, secretary of the code boards here; George Fischer, an officer of the M. P. T. O. of Wisconsin and Upper Michigan, Inc.; Charles Trampe, president of the Film Board of Trade; E. F. Maertz, secretary-treasurer, Allied Independent Theatre Owners' Ass'n.; A. C. Gutenberg, director of M. P. T. O. of Wisconsin; Sam Shurman, M-G-M exchange manager; Art Schmitz, RKO exchange manager; H. J. Fitzgerald, general manager, Wisconsin Amusement Enterprises, Inc.; D. E. Weshner, general manager, Warners; E. J. Weisfeldt, managing director, Riverside, and Al Kvool, general manager, Saxe Amusement Management, Inc.

Koenig and Trampe journeyed to Detroit Sept. 30 to study the activities of the tent in that city. The organization plans to be charitable as well as social.

## New Iowa Ruling on Tax Put Into Effect

DES MOINES, Oct. 4. — A new method of advertising the sales tax rates on theatre admissions has been ordered by the state tax board according to a schedule prepared by theatre representatives. The ruling went into effect Oct. 1 after a survey by the board.

Instead of the former method of 15-cent admissions, for example, with one cent sales tax, the fractional system is to be adopted, making the advertising read "admission $.157 plus $.003 tax." The new system will be more accurate, according to Chairman Ray Murphy, as some theatres had previously announced admissions showing four per cent to 10 per cent sales tax, instead of the required two per cent.

## Milwaukee Houses Shift

MILWAUKEE, Oct. 4. — The Fox Garden, formerly operating on an extended run policy, has reverted to the first run column with "The Count of Monte Cristo" as the current attraction, and an admission policy of 25, 35 and 40 cents. The circuit's Alhambra, playing first run pictures since its reopening a month ago, has reverted to extended runs and continues its vaudeville policy. Reopening of the circuit's Palace is slated for early next month.

## Cincy Warnerites Elect

CINCINNATI, Oct. 4.—The local Warner club has elected the following officers: Stanley Hecker, president; Helen Fleming, vice-president; Sarah Brown, secretary; James Brunetti, treasurer; Al Shmitken, branch manager, is chairman of contribution and loans.

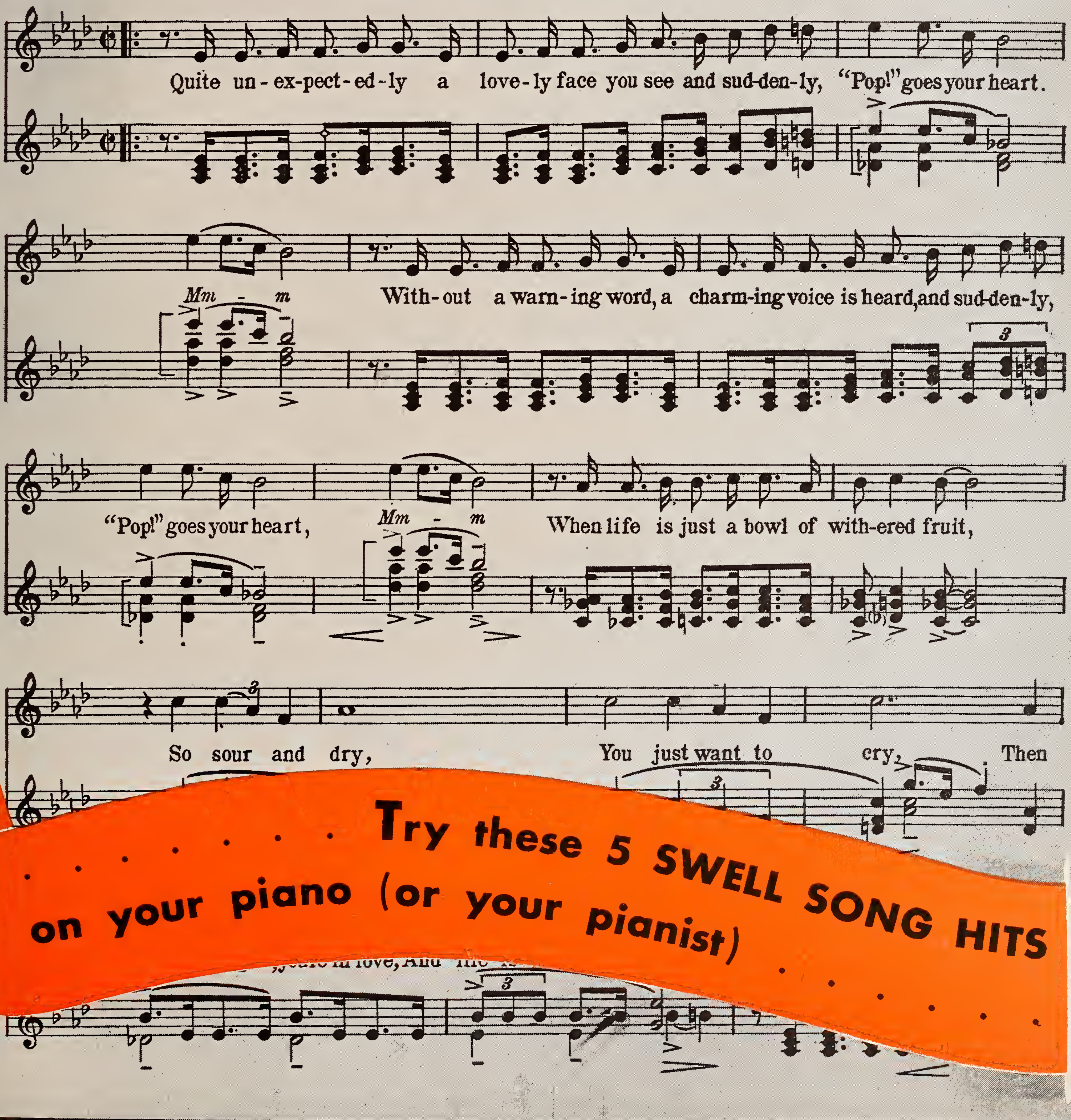
## McLucas Holds Post

OMAHA, Oct. 4.—At the annual election of officers, D. V. McLucas, United Artists exchange manager, was reelected president of the Omaha Film Board of Trade and C. K. Olson, Warner branch manager, was reelected vice-president.

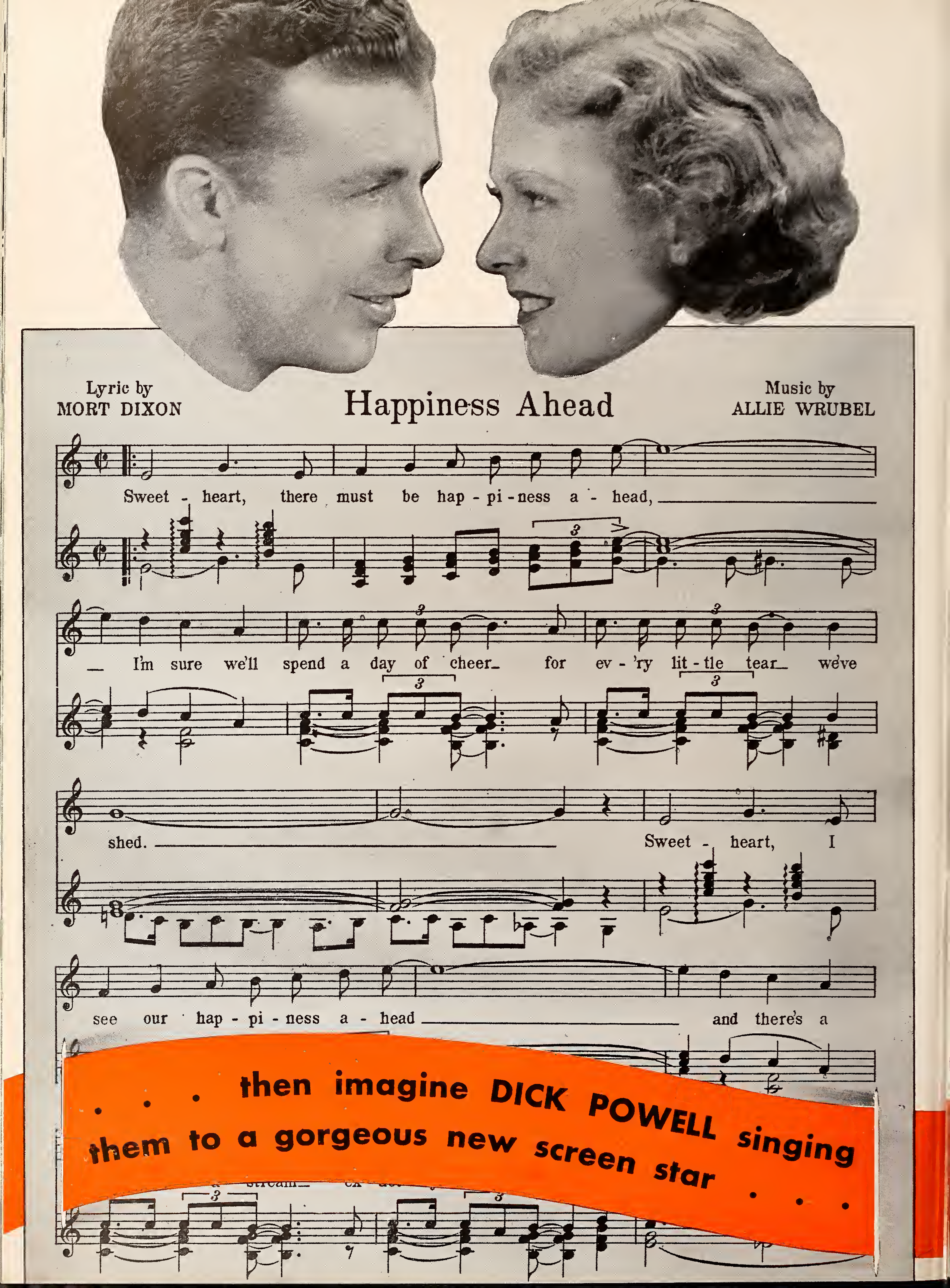
Lyric by
MORT DIXON

# Pop! Goes Your Heart

Music by
ALLIE WRUBEL


Quite un-ex-pect-ed-ly a love-ly face you see and sud-den-ly, "Pop!" goes your heart.
Mm - m
With-out a warn-ing word, a charm-ing voice is heard, and sud-den-ly,
3
"Pop!" goes your heart,
Mm - m
When life is just a bowl of with-ered fruit,
3
So sour and dry, You just want to cry, Then
3
3

. . . . . . . **Try these 5 SWELL SONG HITS on your piano (or your pianist)** . . . . . . .



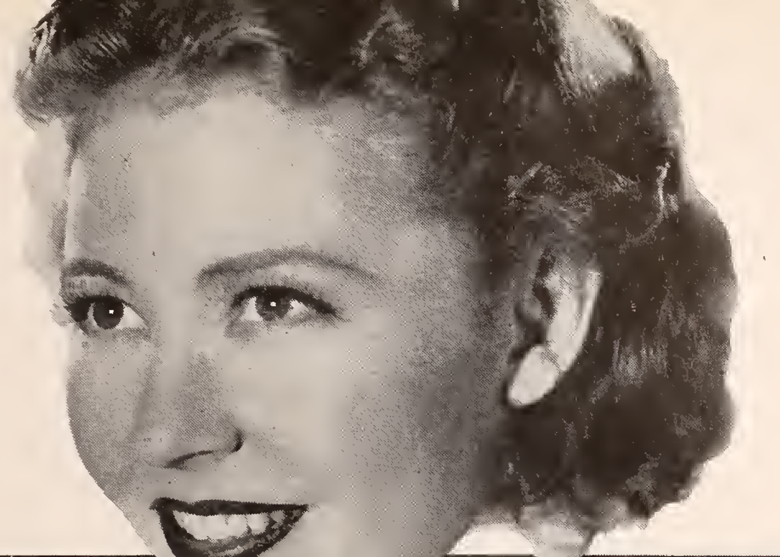
Sweet - heart, there must be hap - pi - ness a - head,
I'm sure we'll spend a day of cheer for ev - 'ry lit - tle tear we've
shed. Sweet - heart, I
see our hap - pi - ness a - head and there's a
3
3

Lyric by
MORT DIXON

# Happiness Ahead

Music by
ALLIE WRUBEL

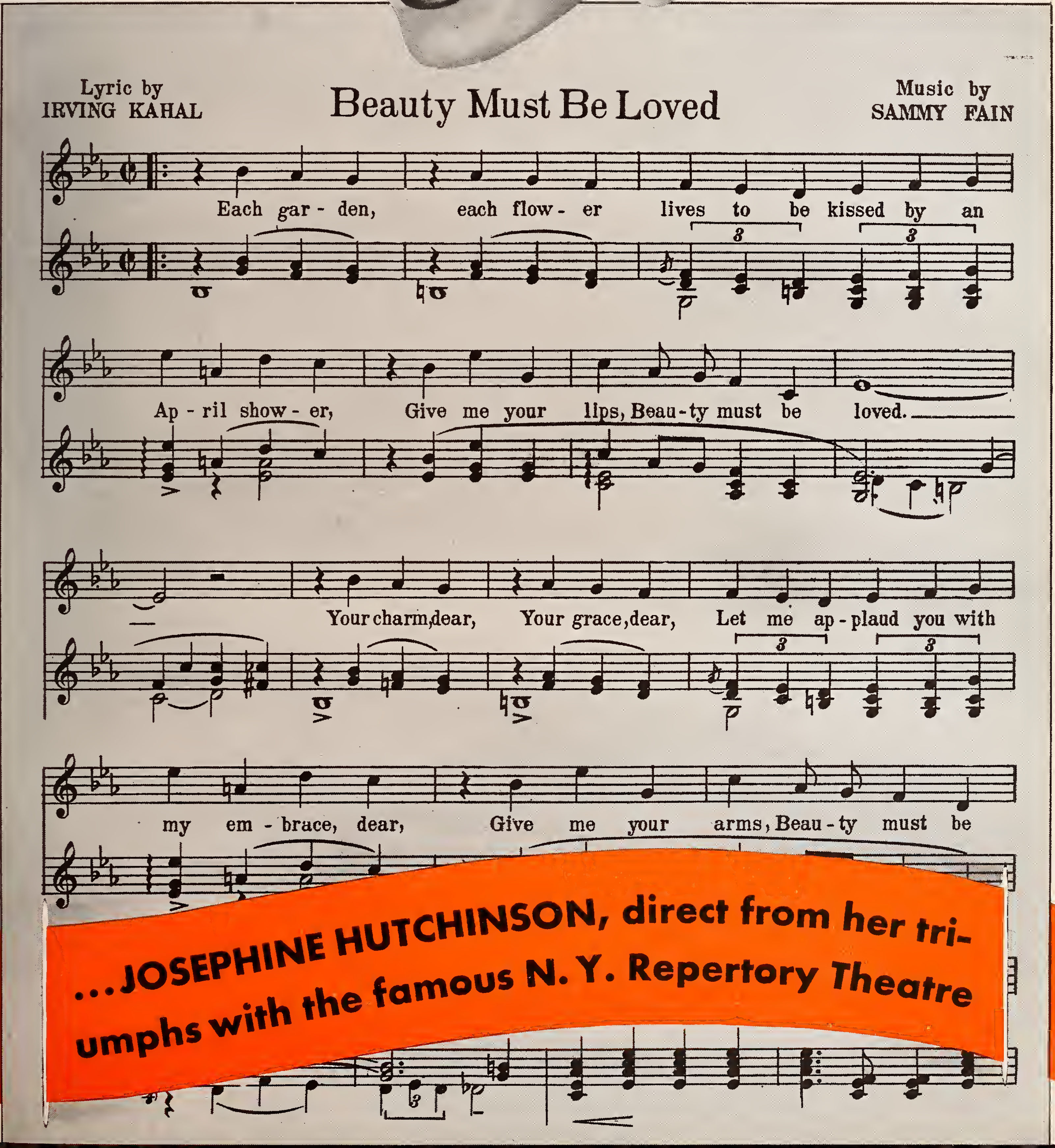
. . . then imagine **DICK POWELL** singing them to a gorgeous new screen star . . .



Lyric by
IRVING KAHAL

# Beauty Must Be Loved

Music by
SAMMY FAIN


Each garden, each flower lives to be kissed by an
April shower, Give me your lips, Beauty must be loved.
Your charm, dear, Your grace, dear, Let me applaud you with
my embrace, dear, Give me your arms, Beauty must be
3
3

**...JOSEPHINE HUTCHINSON, direct from her triumphs with the famous N. Y. Repertory Theatre**

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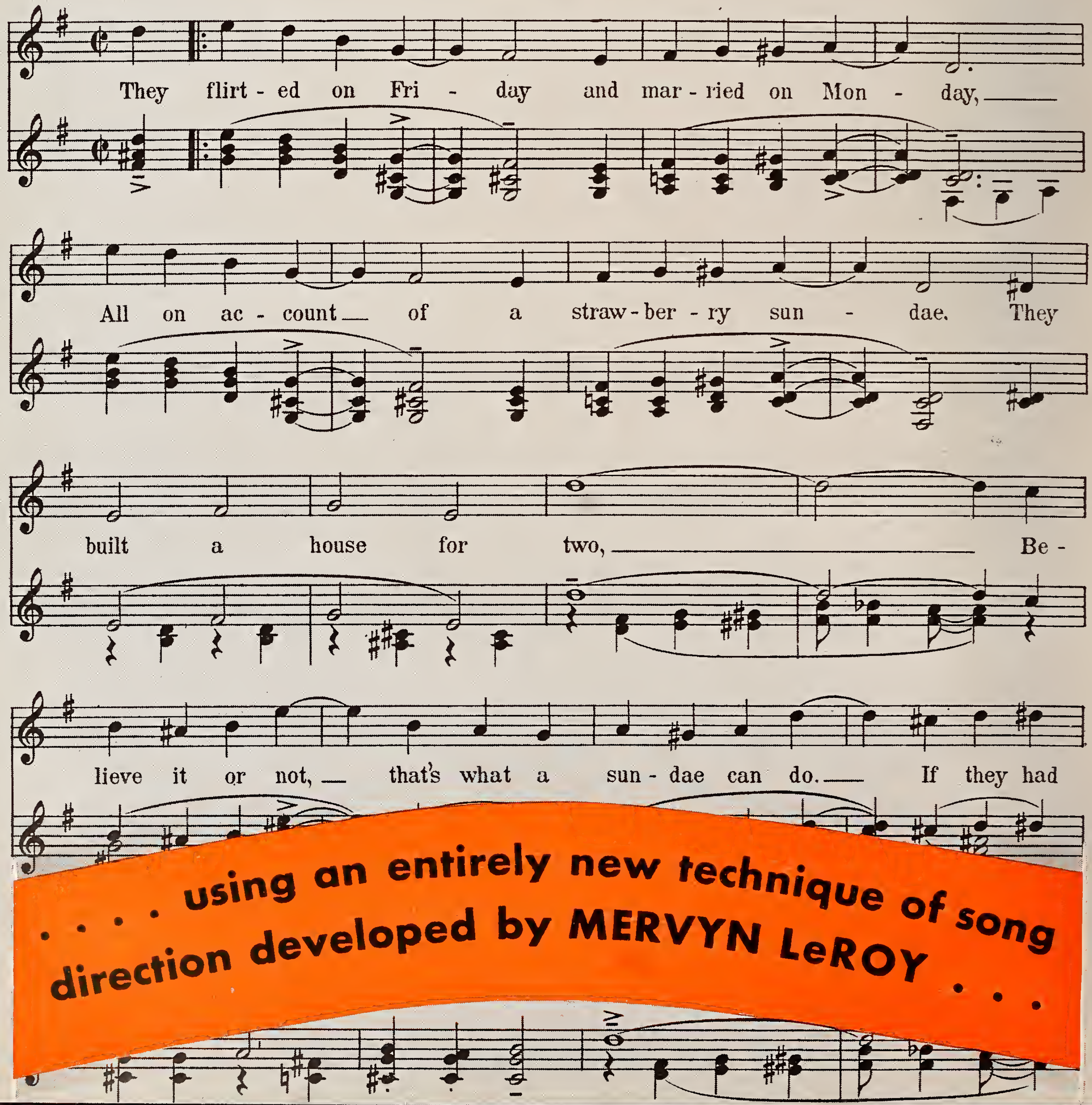
Lyrics by
MORT DIXON

Words by
ALLIE WRUBEL

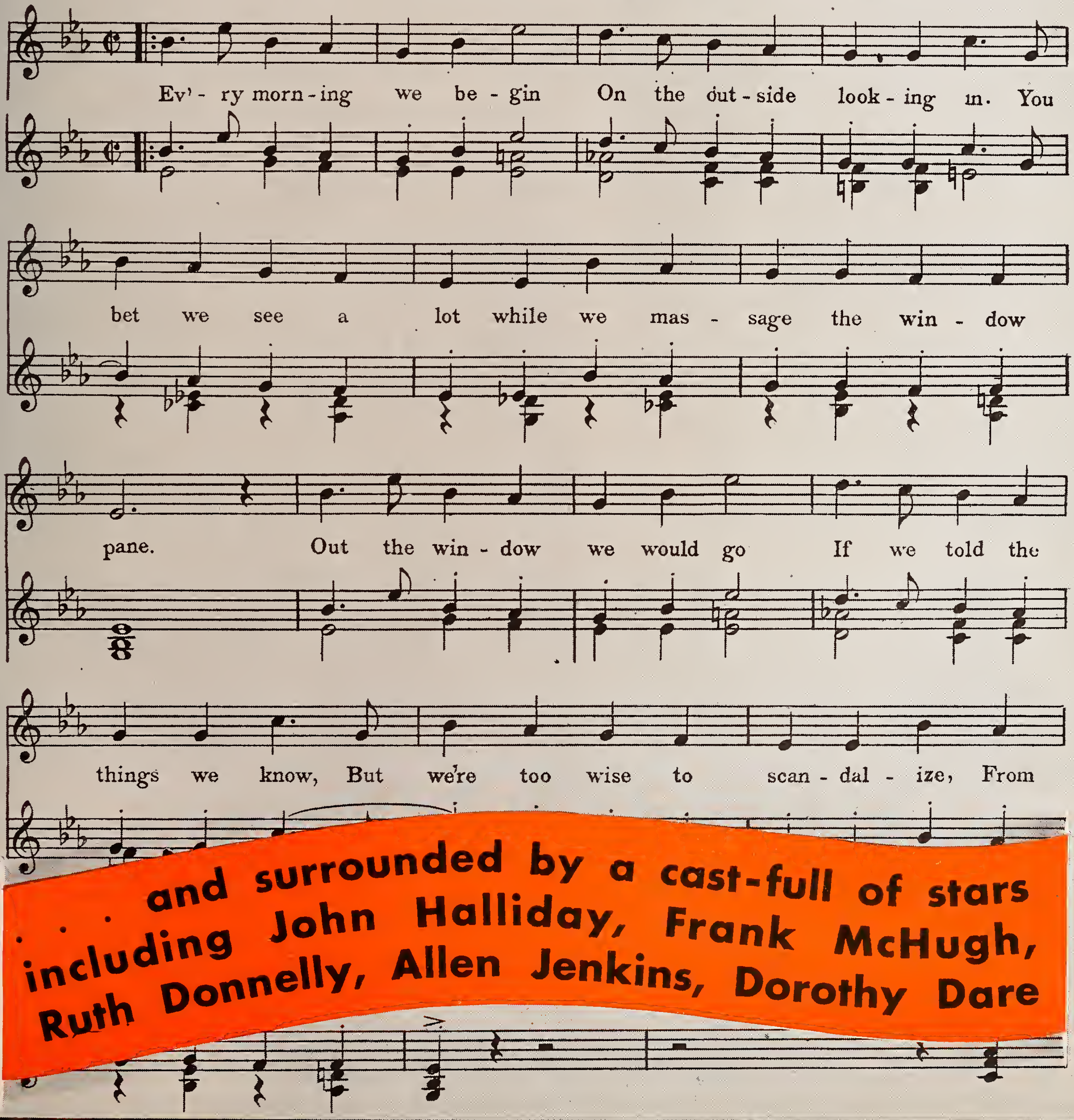
# All On Account Of A Strawberry Sundae


They flirt - ed on Fri - day and mar - ried on Mon - day,
All on ac - count of a straw - ber - ry sun - dae. They
built a house for two, Be -
lieve it or not, that's what a sun - dae can do. If they had

. . . . using an entirely new technique of song direction developed by MERVYN LeROY . . .

# The Window Cleaners

Words and Music by
BERT KALMAR
and HARRY RUBY


Ev'-ry morn-ing we be-gin On the out-side look-ing in. You
bet we see a lot while we mas-sage the win-dow
pane. Out the win-dow we would go If we told the
things we know, But we're too wise to scan-dal-ize, From

. . . and surrounded by a cast-full of stars including John Halliday, Frank McHugh, Ruth Donnelly, Allen Jenkins, Dorothy Dare

# "HAPPINESS AHEAD"

Release date advanced to
October 20th, so you can
bring this big money-maker
in without delay!

## VARIETY

### Happiness Ahead

Familiar in story, 'Happiness Ahead' becomes excellent entertainment through dialog and directorial treatment. Picture has speed and novelty, should land in the good grossers. Noteworthy is the cinematic debut of Josephine Hutchinson. Despite the lightness of her part, Miss Hutchinson gives evidence of becoming a stellar screen bet. With a quality similar to that of Helen Hayes, she will be a femme favorite.

As an heiress who is tired of the pomp of her surroundings and a domineering mother, Miss Hutchinson sneaks off, becomes acquainted with Dick Powell, a window-washer. She finds Powell and his friends genuine. In an effort to help him better himself, she borrows money from her indulgent father. Powell, not knowing she is weathy and believing the father to be her boy friend, gives her the air. Dad squares things in time to save her from marrying a man her mother has chosen.

Mervyn LeRoy has given the story a freshness that was necessary to lift it above commonplace. His fast direction keeps the yarn from dragging. Dialog is above par, giving all the characters a naturalness often missing.

Powell is himself as the window massager. He sings four numbers, none of them socks. 'Pop Goes

will get a good recep-

Window Panes,'

has ex-

Russell

Jane Darwell

assignments.

Photography, particularly

Miss Hutchinson, is very good.

## MOTION PICTURE HERALD

### Happiness Ahead

*(Warner)*

**Romance**

This picture is composed of popular entertainment and showmanship elements. It's a love story, chockful of human interest. The Cinderella theme is novelly reversed; a rich girl falls in love with a regular fellow poor boy. A spirit of gay romantic adventure motivates. Yet supplementing that quality there's plenty of comedy in dialogue and situations. There's action enough to give the show a tinge of realism. Occasionally comes a pulse-quickening thrill. Logical is the touching tinge of contrasting drama, made more potent by smartly controlled suspense. Music, both in song and accompaniment, fulfills a different function than in previous Dick Powell pictures. While it is a feature by itself, its primary purpose is to accentuate the romantic quality of the theme.

In addition to its entertainment quality, it uncovers Dick Powell as a star not entirely dependent upon his singing ability. Also it introduces a new personality, Josephine Hutchinson, not an electric beauty but an actress of ability with the earmarks of potential popularity.

While it covers much that is colorful and interesting, the story is simple and natural. Wealthy Joan finds no interest in the sham and foible of high society. New Year Eve, on an adventurous quest, she lands in a Chinese restaurant. The people there thrill her; she is made one of a party, window-washers and shop girls. Romance comes, quick, clean and appealing, for her and Bob Lane. To shield her identity, she rents a walk-up flat.

All goes well until ambitious Dick, desiring to go into the window-washing game for himself, but not having the necessary dough, sees Joan get the money from her father. Not knowing the relationship, but accepting the check, he thinks he is being two-timed and the

end to the romance, his

a char

embellished with the elements they most appreciate, should go a long way.—McCarthy, Hollywood.

## FILM DAILY

### "HAPPINESS AHEAD"

with Dick Powell, Josephine Hutchinson

First National 86 mins.

CLICKS STRONG WITH WHOLESOME HUMAN INTEREST DRAMA AND SWELL ROMANCE THAT WILL GET THE FEMMES.

Mervyn Le Roy comes through with a grand human interest document filled with delightful and natural touches that are bound to panic the femmes of high and low degree. But perhaps initial credit must be given to Harry Sauber for writing a down-to-earth original without any Hollywood hoke and plenty of the stuff that brings a catch in the throat and a smile to the lips at the same time. And that's a type of writing very scarce on the screen. Josephine Hutchinson comes through as a great bet with an extremely natural and charming personality that grows on you. And how that girl can troupe! A grand team—she and Dick Powell, the latter doing the best work of his career in this one. It is a Reverse Cinderella story—with the rich girl playing at being a poor girl so she can get some real happiness and romance out of life. And Powell sings a couple of songs—especially a sort of theme song throughout—that fits in perfectly to plot development and makes the lavish musicals look weak stacked against this production's swell human interest story.

**Cast:** Dick Powell, Josephine Hutchinson, John Halliday, Dorothy Dare, Frank McHugh, Allen Jenkins, Ruth Donnelly, Marjorie Gateson, Russ

Treen

**Cameram**

Excellent. **Photography,**

Good.

---

. . . and you'll understand why the folks
who've seen it have gone slightly hysterical
about Warner Bros.' "HAPPINESS AHEAD"

## Short Subjects

### "Tale of the Vienna Woods"

*(M-G-M)*

An entertaining Technicolor cartoon that tells the story of the old fairy tale of the deer and the pedestal satyr. The deer and the satyr play about the woods and are chased by a pack of hounds. Later, the deer is cornered by the dogs and the satyr rescues him. Running time, 8 mins.

### "His Lucky Day"

*(Educational)*

Featuring Ernest Truex and Josephine Dunn, this short is good entertainment for any region. It has everything, particularly comedy. The story centers around a dinner that Truex gives at the hint of his boss in order to impress a big buyer of their company's product. With the help of an Italian gardener and a washer-woman, Truex prepares the meal and the dinner comes off in a manner that ought to hand many a laugh to audiences. Production code seal No. 120. Running time, 18 mins.

### "Picturesque Portugal"

*(Fox)*

The Magic Carpet of Movietone journeys through Portugal in this reel, starting with shots of dances at a fishing village and ending with views of the city of Lisbon. Particularly interesting are scenes of the countryside, herding bulls and rounding them up for the arena, a bullfight in Lisbon and maneuvers of the Republic's crack cavalry. Running time, 7 mins.

### "Time on Their Hands"

*(Educational)*

Featuring Charles Carlisle, the radio star, this short is excellent vocal entertainment. Carlisle sings several numbers, old prison ballads. The Mountain Melodeers form the choral background for all the numbers, along with the Eight Buccaneers. Ferde Grofe supervised the music. Production code seal No. 97. Running time, 10 mins.

### "Stars in the Making"

*(DuWorld)*

Good entertainment is this short, with a capable cast and a plausible and interesting story. Audiences will like it because of its behind-the-scene shots of Hollywood's studios. Frank Albertson and Yvonne Pelletier are featured, playing the parts of two extras in pictures, and the film traces a day in their life as they work in a studio. Running time, 16 mins.

### "The Black Sheep"

*(Educational)*

A Terry-Toon cartoon that should appeal to children. It is based on the tale of the sheep who cried wolf once too often, but with a novel twist at the end. Appropriate music accompanies the action. Production code seal No. 144. Running time, 5 mins.

### "Goofy Movies No. 8"

*(M-G-M)*

Pete Smith gives a dissertation on the fashions of 1913 and then presents an old time "mellerdrammer" of 1909. As usual his comments are to the point. Running time, 8 mins.

## MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

### "Transcontinental Merry-Go-Round"

*(Reliance-U. A.)*

HOLLYWOOD, Oct. 4.—Varied in entertainment appeal, running the gamut from mystery to melodrama, to backstage, to radio show, to girlie, girlie musical, to cheating cheaters and romance, Edward Small has impounded a highly satisfactory show with vitality and personality.

Laid aboard an ocean greyhound, the story is told in retrospect. It visualizes a crazy quilt drama, intermingling wise guys, good and shady ladies, honest hearts and their crisscross motives, which pattern balances with comedy and song set amid lavish and luxurious decorations.

Name values are: Gene Raymond, in his best performance; Jack Benny, the Boswell Sisters, Mitzi Green, Jean Sargent, Jimmy Greers' Orchestra from radio, and a cast with Nancy Carroll, Sidney Blackmer, Ralph Morgan, Shirley Grey, Sam Hardy and William Boyd. Sid Silvers and Sidney Howard, British comics, handle the comedy for boisterous reactions.

The production has been smartly directed by Ben Stoloff. It is from Leon Gordon's original, with added agile dialogue by Joseph Moncure March and Harry Conn. Original musical numbers were staged by Larry Ceballos and Sammy Lee with Ted Tetzloff. The photography is superb.

The masses will like this for its colorful, vivid and juicy entertainment. Production code seal No. 267. Running time, 93 minutes.

## Looking 'Em Over

### "Thunderstorm"

*(Amkino)*

In "Thunderstorm" Soyuzfilm has built a grim, sombre tragedy on the theme of an unhappy marriage. Those who like Russian films will find it strong and perhaps satisfying entertainment, but those who go to the theatre chiefly for diversion will find it a bit too drear and ponderous to suit their tastes.

From the start there is a feeling of impending doom. The bride of the tale is married to a stolid young merchant with nothing of the lover about him. To make matters worse he is slavishly obedient to his mother. With him it is mother first and wife second. Driven frantic by his neglect of her, she falls in love with a man possessing the romantic qualities lacking in her husband. In a highly dramatic scene the woman confesses her guilt when she is seized with fear at the end of a church service. Knowing what lies in store for her should she remain with her husband and defeated in her effort to throw in her lot with her lover, she casts herself into the Volga.

A. K. Tarasova plays the tragic bride with great effect. The others, comprising V. O. Massalitinova, I. P. Tschouvelev, I. P. Zaroubina, M. M. Tarkhanov, I. I. Jaroff and M. I. Tsarev, are first-rate. Vladimir Petrov directed.

There are English sub-titles in profusion. Running time, 78 minutes.

### "A Successful Failure"

*(Monogram)*

An entertaining melodrama designed for family appeal. William Collier, Sr., is outstanding on the list of performances which includes Lucile Gleason, Russell Hopton, Gloria Shea, William Janney, Jameson Thomas, George Breakstone, Richard Tucker and Clarence Wilson.

Hounded by his family to get an increase in salary, Gleason is fired by his newspaper when his eyes begin to fail. Hopton, who is in love with Gleason's daughter, Miss Shea, quits his job because he has faith in the older man's possibilities as a columnist. Gleason has been writing some stuff which continues to be rejected by editors. Hopton becomes his manager and through Tucker, head of a radio station, Gleason gets a radio booking and later becomes a sensation.

Gleason manages to keep the change in jobs from his family until he is injured in a park riot in which his son, Janney, is one of the instigators. The rift between Miss Shea and Hopton is settled satisfactorily as well as the family troubles.

Running time, 62 minutes.

*(Additional reviews on page 18)*

## Short Subjects

### "Yokel Dog Makes Good"

*(DuWorld)*

A dog whose main accomplishments are walking on his hind legs and rolling over is featured in this short. The dog crashes Hollywood and attains stardom in pictures only to lose out with the advent of sound. The final shot has the animal returning with a litter of pups, to launch them as "baby stars." It's all rather silly. Running time, 16 mins.

### "Nifty Nurses"

*(Educational)*

Here is a short that is ace entertainment. It appears to be a musical burlesque of "Men in White." The entire action is in a hospital, with Billy Gilbert taking the play away from Johnny Downs and Sally Sweet, who are featured. The wind-up of the film is in an operating room, with nurses and internes acting as a cheering section, and this part of the picture, with its dialogue and comedy, should have audiences holding their sides. Reviewed without production code seal. Running time, 18½ mins.

### "On Foreign Service"

*(Fox)*

Another of the Adventures of a News Cameraman series. It is very interesting. Europe and outlying places are covered. Shots include fighting elephants in India, whip fighters in Bali, African warrior dances, swordfishing off New Zealand, sabot making in Holland and canoe racing on the Rhine. Reviewed without a production code seal. Running time, 7 mins.

### "Mickey Plays Papa"

*(Disney-United Artists)*

Pluto, the dog, steals this hilarious cartoon away from Mickey Mouse. A baby is left on Mickey's doorstep one stormy night and Pluto's efforts to amuse the child, assisting Mickey and on his own, had a local theatre audience howling. By far one of the funniest Walt Disney cartoons in some time. Recommended for any audience. Production code seal No. 248. Running time, 7 mins.

### "Sword of the Arab"

*(DuWorld)*

Western fans may appreciate this short, but, except for some stunts by a trained horse and some excellent horsemanship, it is shy on entertainment content. The story is centered around an American rancher in Arabia to buy some native horses. His prize mount is stolen, along with his daughter, by bandits and recovered by his top hand. Running time, 26 mins.

### "The Chump"

*(DuWorld)*

With Hal Skelly, Lina Basquette and Sally Starr in the cast, this short is disappointing. Skelly is an escaped lunatic with a passion for writing checks to pretty girls and finally becomes entangled with Miss Basquette and Miss Starr, only to leave them stranded with no money in a night club. Running time, 20 mins.

# Third Hearing Set On L. A. Schedules

(*Continued from page* 1)

been listening to arguments of exhibitors, attorneys and distributors on the schedule.

Yesterday's session opened at 10 A. M. and adjourned shortly after noon because members of the committee had made previous appointments. The meeting will be continued this morning with the same committee.

Cincinnati, Columbus and Dayton schedules were up for an airing at an afternoon hearing at Campi by another appeal committee.

# *Won't Bring Agency Hearings to Coast*

Los Angeles, Oct. 4.—Division Administrator Sol A. Rosenblatt today blasted the Academy's hopes that hearings on the agency code might be transferred to the coast when he declared as he was about to board a plane for San Francisco, where he addresses the American Federation of Labor convention tomorrow, that they would be held in Washington as previously scheduled.

The Academy had wired Rosenblatt at the Beverly-Wilshire here last night requesting the hearings be held in the west as the leaders of the various branches of the organization could not go to Washington because of the time and money involved.

While it believes it unjust to have the hearings held 3,000 miles away when the whole document primarily concerns those here, the Academy is proceeding to publish and distribute the text of the agency code. It is claimed the local NRA headquarters have only 100 copies of the document for distribution, a quantity held insufficient to fill the demand.

Rosenblatt would not say whether he would return here or not, but he had a round-trip ticket with him. It is possible he may return tomorrow after his address at the A. F. of L. meeting.

# *Code Probe by U. S. Asked by Wis. Allied*

(*Continued from page* 1)

similar to those passed by Allied of New Jersey at its recent convention at Atlantic City.

The meeting voted to wire John C. Flinn, executive secretary of Campi, asking why the local clearance board has not yet set up a zoning plan for Milwaukee and Wisconsin. It will be pointed out that exhibitors cannot buy until the schedule has been adopted.

The annual convention of Wisconsin Allied is slated for early in January, at which time new officers will be elected.

# *Denver Council Acts To Allow Giveaways*

(*Continued from page* 1)

board, and appeals have been handed down, confirming the decisions. The city ordered all giveaways stopped when it was found they were forbidden by ordinance.

Following that, the local grievance board ordered Huffman to stop the auto giveaways. His appeal has not been decided. In his appeal Huffman claimed that anyone who interfered unlawfully with a business, whether under the guise of code or otherwise, would be liable for any damages incurred because of the interference.

# *Looking 'Em Over*

## *"Power"*

(*Gaumont British*)

Gaumont British has shrewdly capitalized on the current interest in the German attitude toward the Jews in presenting the film version of Leon Feuchtwanger's novel, "Jew Suss," but whether it has turned out a piece of popular entertainment remains to be seen.

Unlike the Disraeli of Arliss, whose struggle for power is ennobled by an abiding patriotism and an altruistic desire to better the lot of his people, the central character in this picture is driven by an unrelenting fate in the person of a mysterious rabbinical figure to save the life of a condemned Jew. The same fate sends him publicly to visit his mother and to give a grudging recognition to his daughter.

Conrad Veidt gives a splendid performance in a difficult role. He insinuates himself into the life of a dissolute duke, Frank Vosper, and pushes him to heights of power. In doing it, however, he turns the one love of his life, Benita Hume, over to the duke; he almost lets an innocent man die as a matter of policy. His retribution comes when his daughter commits suicide to escape the duke's attentions.

In the last reel of the picture he gets a Machiavellian revenge and dies on the gallows seeking peace of spirit.

The picture is beautifully photographed and splendidly staged, but seems episodic until the closing sequences, where Veidt seeks something beyond his personal aggrandisement.

Cedric Hardwicke gives a sharply etched performance as the mysterious rabbi. Lothar Mendes directed. Production code seal No. 149. Running time, 105 minutes.

## *"The Scotland Yard Mystery"*

(*B. I. P.*)

A mystery yarn which holds the interest despite the fact that the designing villain is known to the audience all the time. It is typically an English picture in regard to accent and names. Not one of the cast is known in this country, but nevertheless all turn in capable performances.

The story is that of a hard medical man at Scotland Yard who perfects a formula which, injected into the victim makes him appear dead. With the aid of an anti-toxin, the subject comes back to life none the worse for his experience. By this method the medical chief lines up five persons, insures them, and after giving them his treatment has them declared dead to collect insurance money.

Sir Gerald Du Maurier, in whose employ the medical man carries on without suspicion, is called in on the case when his future son-in-law, a doctor for the insurance firm, is accused of dirty work after he has passed the men as physically fit.

Du Maurier works on the job alone and after a series of clues gets on the trail of his man and finally nails him.

In the cast are George Curzon, Grete Natzler, Belle Crystal, Leslie Perrins, Walter Patch, Henry Victor, Herbert Cameron and Frederick Paisley. Thomas Bentley directed. Running time, 72 minutes.

## *"Freedom of the Seas"*

(*B. I. P.*)

An entertaining bit of humor and drama combined in a nicely balanced story. The picture starts off in a comedy vein and about midway goes straight drama. The players, with the exception of two, have decided Cockney accents. On the whole, it is amusing and enjoyable.

Clifford Mollison, a sheepish clerk in the office of Wendy Barrie's father, makes a mess of his advances to Miss Barrie and is fired. A friend of his father comes to Mollison's aid, advises him to join the naval reserve and prove to the girl and her father his capabilities. After three years in the service he is assigned to a freighter.

Shortly after his arrival on the cargo boat, Mollison learns that Miss Barrie, her father and Zelma O'Neill, a chorine, are on it, having been rescued from another ship which has been torpedoed by a U-boat. Also on the freighter is a German spy, who has bribed the radio operator to send messages to a U-boat. The hero learns what is transpiring, and, playing a lone hand, kills the spy and sinks the U-boat, saving the day for all concerned.

Mollinson wins the girl and also praise from her father for his fine work. Running time, 77 minutes.

# Says Columbia Not To Produce Abroad

(*Continued from page* 1)

of the foreign personnel and no new offices have been opened recently, Seidelman added.

Business in England is very good and other countries are progressing and improving every month, he said. Seidelman is holding conferences with Jack Cohn.

Within the next 60 days "One Night of Love" will be shown day and date in 12 important cities of Europe.

# *RKO Vaude Renews Rochester Activity*

Rochester, Oct. 4.—With all downtown theatres except one in the hands of Comerford, competition that had been lax for the best part of a year burst out again here today with the RKO Palace opening vaudeville and first run film shows to combat Loew's Rochester.

Loew's, which started the ball rolling last week by jumping suddenly into double bill shows and almost as suddenly quitting them, is keeping its eye peeled on the RKO experiment. The Rochester, which has the largest stage here, tried vaude several times before and gave it up.

The Palace, Regent, Century and Capitol now are controlled by Comerford, who also is bidding against Schine to buy the Fennyvessy houses, Monroe and Madison, two biggest neighborhoods in the city. The Palace has boosted its payroll to 75 men, has hired Russ Kahn as orchestra leader, and has recalled Charles Cole as stage manager and Tom Grierson as organist.

# *Powers to Conduct Vigorous Campaign*

William T. Powers, who was recently nominated as the Republican candidate for attorney general of New York State, is preparing a vigorous campaign for the coming election.

Powers is well known in film circles, having been associated with Fox West Coast in Los Angeles for a number of years. He recently was transferred to New York to handle code matters in connection with F.W.C. He makes his offices at the Fox home office, which is also eastern headquarters for F.W.C.

# *Johnson in Store Talk*

General Hugh S. Johnson will speak at Hearn's department store this morning at the conclusion of the celebration of its 107th anniversary. The former NRA administrator's talk, which will last a half hour, will be broadcast over a nationwide hookup.

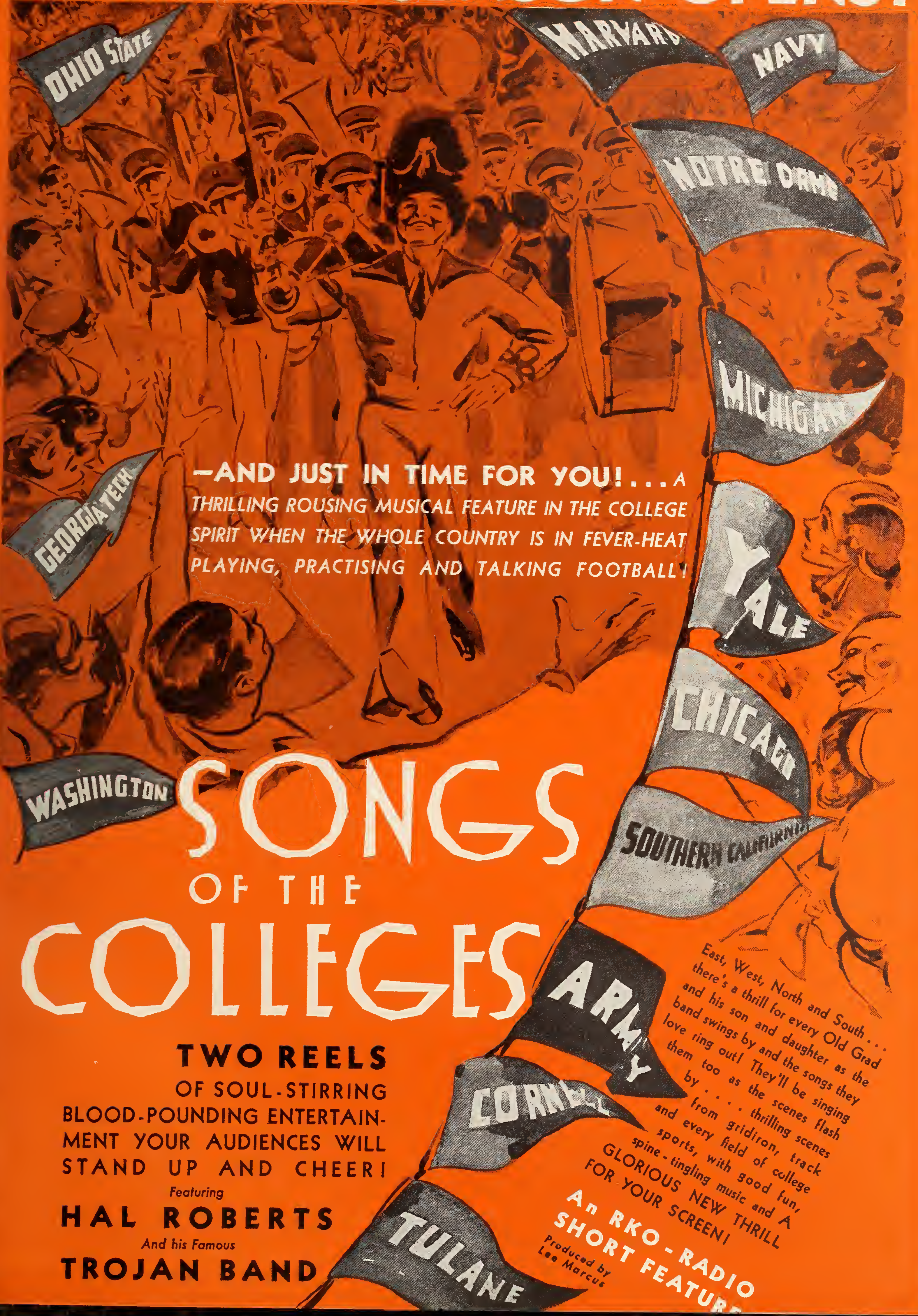
# *Kuykendall Off Today*

Ed Kuykendall leaves for Memphis today. He was delayed yesterday by the Los Angeles clearance and zoning hearing. The M. P. T. O. A. head was one of the three members of the appeal committee hearing, which took two days.

# *Fox Signs Composers*

Hollywood, Oct. 4.—Fox has signed Ray Henderson, composer, and Ted Koehler, lyricist, to join the music department.

# FOOTBALL SEASON OPENS!


OHIO STATE
HARVARD
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NOTRE DAME
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**—AND JUST IN TIME FOR YOU! . . .** *A THRILLING ROUSING MUSICAL FEATURE IN THE COLLEGE SPIRIT WHEN THE WHOLE COUNTRY IS IN FEVER-HEAT PLAYING, PRACTISING AND TALKING FOOTBALL!*

# SONGS OF THE COLLEGES

**TWO REELS** OF SOUL-STIRRING BLOOD-POUNDING ENTERTAINMENT YOUR AUDIENCES WILL STAND UP AND CHEER!

*Featuring*

**HAL ROBERTS**

*And his Famous*

**TROJAN BAND**

East, West, North and South . . . there's a thrill for every Old Grad and his son and daughter as the band swings by and the songs they love ring out! They'll be singing them too as the scenes flash by . . . thrilling scenes from gridiron, track and every field of college sports, with good fun, spine-tingling music and A GLORIOUS NEW THRILL FOR YOUR SCREEN!

**An RKO-RADIO SHORT FEATUR**

*Produced by Lee Marcus*

# "Belle" Gets $61,000 for B'way Start

"Belle of the Nineties" was a heavy draw at the Paramount last week, but did not reach the sensational hit class, as it has done in other parts of the country. The take was $61,000.

"British Agent," at the Strand, took $41,000, fine money for this house. The Roxy did well with "Chu Chin Chow," grossing $32,600 on the week.

"Richest Girl in the World" reached $70,000 at the Music Hall. The Capitol had a mild week with "Death on the Diamond" on the screen and Jackie Cooper, Ed Sullivan, George Jessel and others on the stage. The gross was $37,640.

Estimated takings:

*Week Ending Sept. 25:*

**"AFFAIRS OF CELLINI" (U. A.)**

RIVOLI—(2,300), 40c-99c, 3rd week, 7 days. **Gross:** $15,000.

*Week Ending Sept. 26:*

**"RICHEST GIRL IN THE WORLD" (Radio)**

RADIO CITY MUSIC HALL—(5,945), 35c-$1.65, 7 days. Stage show. **Gross:** $70,000.

*Week Ending Sept. 27:*

**"DEATH ON THE DIAMOND" (M-G-M)**

CAPITOL—(4,700), 35c-$1.65, 7 days. Stage: Jackie Cooper, Ed Sullivan, George Jessel and others. **Gross:** $37,640.

**"DOWN TO THEIR LAST YACHT" (Radio)**

PALACE—(2,500), 25c-77c, 7 days. Vaudeville. **Gross:** $8,000.

**"BELLE OF THE NINETIES" (Para.)**

PARAMOUNT—(3,700), 35c-99c, 7 days. **Gross:** $61,000.

**"CHU CHIN CHOW" (Gaumont British)**

ROXY—(6,200), 25c-55c, 7 days. Stage show. **Gross:** $32,600.

**"BRITISH AGENT" (F. N.)**

STRAND—(2,000), 25c-55c, 7 days. **Gross:** $41,000.

*Week Ending Oct. 1:*

**"SERVANTS' ENTRANCE" (Fox)**

MAYFAIR—(2,300), 35c-65c, 7 days. **Gross:** $9,300.

**"GIFT OF GAB" (Univ.)**

RIALTO—(2,300), 25c-65c, 8 days. **Gross;** $12,000.

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# Rogers Is $8,000 Smash in Oklahoma

OKLAHOMA CITY, Oct. 4.—This town stops work when a Will Rogers picture comes to town. Last week the Midwest topped average by 100 per cent on "Judge Priest," the take going to $8,000.

"Chained" did good business, too, pulling $6,300 at the Criterion. "Romance in the Rain" took $2,000 at the Liberty. The latter take in four days is average for seven days.

Total first run business was $19,700. Average is $13,500.

Estimated takings for the week ending Sept. 29:

**"CHAINED" M-G-M)**

CRITERION—(1,700), 10c-20c-36c-41c-56c, 7 days. **Gross:** $6,300. (Average, $5,000)

**"JUDGE PRIEST" (Fox)**

MIDWEST — (1,500), 10c-26c-36c-56c, 7 days. **Gross:** $8,000. (Average, $4,000)

**"SCARLET EMPRESS" (Para.)**

CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,400. (Average, $2,500)

**"ROMANCE IN THE RAIN" (Univ.)**

LIBERTY—(1,500), 10c-15c-26c-36c (Southland Revue on stage) 4 days. **Gross:** $2,000. Average week $2,000)

**"DUDE RANGER" (Fox)**

LIBERTY — (1,500), 10c-15c-26c-36c, 3 days. **Gross:** $1,000. (Average week $2,000)

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## *Hollywood Personals*

Hollywood, Oct. 4.—Al Kaufman celebrated his birthday with a big party given by the Carl Brissons . . . and the Frank Tuttles partied the Bing Crosbys on the occasion of their fourth wedding anniversary. . . . Dick Powell back from his personal appearance tour. . . . Mary Boland vacationing in Del Monte. . . . Lee Tracy off for his first cruise on his new yacht. . . Warner Oland loses his tonsils in Santa Barbara. . . . Warners borrow Roscoe Karns from Paramount for "Racing Luck." . . . Fred Keating fully recovered from his recent illness. . . . Ann Dvorak gets the leading role opposite Rudy Vallee in "Sweet Music" at Warners. . . . Joan Crawford driving a new roadster, pure white from tip to under. . . . Oliver Hardy forced Hal Roach's property department to refill a pool when he plunged in too enthusiastically for scenes in "Babes in Toyland" with his 200 some odd pounds.

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# "Belle" Leads Three Detroit Hits, $28,600

DETROIT, Oct. 4.—Three hits in one week knocked all the local box-office calculations askew.

"Belle of the Nineties" led the parade with a take of $28,600 at the Michigan. This topped normal by $8,600. "Barretts of Wimpole Street" was a close second with $16,600 at the United Artists, over average by $6,600. "One Night of Love" was the third smash at $19,600 at the Fox.

Total first run business was $79,500. Average is $75,000.

Estimated takings for the week ending Sept. 27:

**"CHARLIE CHAN IN LONDON" (Fox)**
**"THE HUMAN SIDE" (Univ.)**

ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $4,200. (Average, $5,000.)

**"THE DRAGON MURDER CASE" (Warners)**

BROADWAY-CAPITOL—(3,448), 15c-40c, 7 days. **Gross:** $3,200. (Average, $10,000.)

**"SHE LOVES ME NOT" (Para.)**

FISHER—(2,975), 10c-40c, (2nd run), 7 days. Stage: Lee & Rafferty Revue, Harry Kahne, Peter Higgins, Joe & Jane McKenna and Ching Ling Foo, Jr. **Gross:** $4,900. (Average, $10,000.)

**"ONE NIGHT OF LOVE" (Col.)**

FOX—(5,100), 15c-65c, 7 days. Stage: Irene Beasley, in person, Bobby Vernon & Gwen Stone, Hatty Burns and 24 Carla Torney Girls. **Gross:** $19,600. (Average, $25,000.)

**"BELLE OF THE NINETIES" (Para.)**

MICHIGAN—(4,100), 15c-65c, 7 days. Stage: Lewis ⅞ Moore, Reiss ⅞ Dunn, Cookie Bower and the Gertrude Hoffman Girls. **Gross:** $28,600. (Average, $20,000.)

**"SHE LOVES ME NOT" (Para.)**
**"NOTORIOUS SOPHIE LANG" (Para.)**

STATE—(3,000), (2nd run), 10c-35c, 7 days. **Gross:** $2,400. (Average, $5,000.)

**"BARRETTS OF WIMPOLE STREET" (M-G-M)**

UNITED ARTISTS—(2,070), 15c-50c, 7 days. **Gross:** $16,600. (Average, $10,000.)

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## *Clark Is Reelected Film Carriers Head*

DETROIT, Oct. 4.—James P. Clark was reelected president and treasurer of National Film Carriers, Inc., at the closing session of the two-day convention here.

Other officers reelected were: Vice-President, Harold C. Robinson; secretary, Clint Weyer; executive committee, George F. Callahan, Clark, L. C. Gross, Harold C. Robinson and John Vickers.

The convention decided to maintain a representative in Washington to fight road and gas taxation.

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# West Strong As Heat Hits Los Angeles

LOS ANGELES, Oct. 4.—One of the hottest spells recorded for this season in many years, plus the opening of the football season and Sunday professional football, affected box-office intakes considerably.

The Paramount dropped to $21,780 on the second week of "Belle of the Nineties," but this was still $3,780 over normal. All other first runs were below par, however.

Total first run business was $66,180. Average is $69,200.

Estimated takings for the week ending Oct. 3:

**"JUDGE PRIEST" (Fox)**

LOEW'S STATE—(2,413), 30c-55c: 7 days. **Gross:** $14,300. (Average, $14,000.)

**"BELLE OF THE NINETIES" (Para.)**

PARAMOUNT—(3,595), 30c-55c, 2nd week, 7 days. Stage: Al Lyons and his Ambassadors, F. M. revue. **Gross:** $21,780. (Average, $18,000.)

**"THE FOUNTAIN" (Radio)**

RKO—(2,700), 25c-65c, 7 days. **Gross:** $6,600. (Average, $8,000.)

**"BULLDOG DRUMMOND STRIKES BACK" (U. A.)**

UNITED ARTISTS—(2,100), 30c-55c, 2nd week, 4 days. **Gross:** 4,800.

**"THE FOUNTAIN" (Radio)**

WARNER BROS. (HOLLYWOOD)—(3,000), 25c-65c, 7 days. **Gross:** $8,200. (Average, $14,000.)

**"HOUSE WIFE" (Warners)**
**"THE DEFENSE RESTS" (Col.)**

WARNER BROS. (DOWNTOWN)—(3,400), 25c-40c, 7 days. **Gross:** $6,700. (Average, $12,000.)

**"CHARLIE CHAN IN LONDON" (Fox)**
**"REDHEAD" (Monogram)**

PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $3,800. (Average, $3,200.)

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## *Survey Shows Films Third as Recreation*

Surveys conducted by the National Recreation Ass'n. of New York in 29 cities indicate that films rank third as a form of entertainment for 5,002 persons reporting.

Of this total 3,977 preferred reading newspapers and magazines, 3,955 give the radio as their favorite form of entertainment, and 3,670 listed themselves as film fans above all else.

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## *Dover Honors Nugents*

DOVER, O., Oct. 4.—This town has honored its best known family, the Nugents. A referendum to pick a name for the old Ohio theatre resulted in an overwhelming majority for Nugent.

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# West Opus Is $14,000 Wow, Kansas City

KANSAS CITY, Oct. 4.—"Belle of the Nineties" gave the Newman one of its big takes of the year, garnering $14,000 in eight days and an all-night opening show. "The Barretts of Wimpole Street" sent the Midland's figure to $15,000, high for the week.

The Tower nabbed $8,800 with "Gift of Gab" and a stage show, while "Cat's Paw" did an average $3,400 in a second stanza at the Uptown. "The Richest Girl in the World," the Mainstreet's attraction, together with the Ross-McLarnin fight pictures and "La Cucaracha," trailed at $5,000.

Total first run business was $46,200. Average is $36,500.

Estimated takings:

*Week Ending Sept. 27:*

**"THE RICHEST GIRL IN THE WORLD" (Radio)**
**ROSS-McLARNIN FIGHT (Oliver)**

MAINSTREET—(3,100), 25c-40c, 7 days, plus Saturday late show. **Gross:** $5,000. (Average, $7,000)

**"THE BARRETTS OF WIMPOLE STREET" (M-G-M)**

MIDLAND—(4,000), 25c-40c, 7 days, plus Saturday midnight show. **Gross:** $15,000. (Average, $11,000)

**"BELLE OF THE NINETIES" (Para.)**

NEWMAN—(1,800), 25c-40c, 8 days, plus opening all-night show and Saturday midnight show. **Gross:** $14,000. (Average, $8,000)

**"GIFT OF GAB" (Univ.)**

TOWER—(2,200), 25c-35c, 7 days, plus Saturday midnight show. Stage: "Bits of Broadway" revue, with Johnny Lee and Three Lees, Gresham & Blake, Ralph Olsen & Co., Frank Sterling, Clarence Stroud. **Gross:** $8,800. (Average, $7,000)

*Week Ending Sept. 28:*

**"THE CAT'S PAW" (Fox)**

UPTOWN—(2,000), 25c-40c, 7 days, 2nd week. **Gross:** $3,400. (Average, $3,500)

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# "Limberlost" Gets $6,000, 2nd Week

PORTLAND, Oct. 4.—"The Girl of the Limberlost" was a surprise draw in its second week at the Broadway. It was still over normal by $1,000 on a $6,000 gross.

The only other attraction in town to show strength was "Now and Forever," with Hermie King and his band on the stage. The take was $6,000. "Dames," in its fourth week, was still running along in good shape with a $2,000 take. It was moved to the Blue Mouse.

Total first run business was $23,600. Average is $21,800.

Estimated takings for the week ending Sept. 28:

**"THE GIRL OF LIMBERLOST" (Monogram)**

BROADWAY — (1,912), 25c-35c-40c, 7 days, 2nd week. **Gross:** $6,000. (Average, $5,000)

**"DAMES" (Warners)**

BLUE MOUSE—(669), 25c, 4th week, 7 days. **Gross:** $2,000. (Average, $1,800)

**"NO RANSOM" (Liberty)**

HAMRICK'S MUSIC MOX—(2,000), 25c-35c-40c, 7 days. Stage show. **Gross:** $2,800. (Average, $3,000)

**"THE LIFE OF VERGIE WINTERS" (Radio)**

HAMRICK'S ORIENTAL—25c, 7 days. **Gross:** $1,800. (Average, $2,000)

**"NOW AND FOREVER" (Para.)**

PARAMOUNT — (3,008), 25c-35c-40c, 7 days. Stage: Hermie King and Band. **Gross:** $6,000. (Average, $5,000)

**"COUNT OF MONTE CRISTO" (U.A.)**

UNITED ARTISTS—(945), 25c-35c-40c-55c, 7 days. **Gross:** $5,000. (Average, $5,000)

## "... THE BOX OFFICE DRAW SHOULD BE THE ONLY MEASURING STICK FOR TALENT"

—Eddie Cantor

This "stick" has been a silent but potent measure of Hollywood salaries for a long time. The triumph or disappointment of expensive productions at the point of public response, measured in cold hard figures, is an unfailing criterion of all creative talent-writers, actors, directors, technicians and, in a very real sense, of producers and executives whose judgment dictated the type of story, its treatment, assembled the cast who gave it being, and its costs.

MOTION PICTURE HERALD and MOTION PICTURE DAILY, long aware of the significance of box office reports, have made them an exclusive weekly and daily feature, published without comment. Now the editorial and statistical facilities of both publications have combined to issue the first annual BOX OFFICE CHECK-UP, a summary, *with comment,* of box office reports and other factors that have contributed to screen triumphs of the past twelvemonth. For the first time there is being set up an annual record and reference medium to serve producer, distributor and exhibitor alike, to measure the possible returns of the future by common-sense values of the immediate past.

Notable among the features to be presented in the BOX OFFICE CHECK-UP is a list of all Box Office Champions from August 1933 to July 1934 — the big money makers of that time with names and duties of the personnel engaged in their production, including all whose genius combined artistic accomplishment with great box office values.

# BOX OFFICE *CHECK-UP*

OF 1934 • QUIGLEY PUBLICATIONS • 1790 Broadway • New York City

# FAMOUS WIENER (SCHNITZEL) SURGEON EXPLAINS HOW TO INJECT "VITAMIN A"

**INTO THE BOX OFFICE**

"ZO-O-O! YOU SHOOST MAKE DEM LEFF FROM DISS RIB DOWN, ALREDDY!"

says Dr. Hofbrau, noted scientist who discovered how to make beer with foam on the bottom.

**RIGHT HERE**

is where the laughs begin in this "intimate revue", the funniest, fastest, girliest short comedy that has come out of Hollywood in many a moon...

# "Nifty Nurses"

**A MUSICAL COMEDY**

*with*

**JOHNNY DOWNS**

**SALLY SWEET**

Written and Directed by **LEIGH JASON**
Songs and lyrics by
**WILL JASON and VAL BURTON**
Dance Director, **ALEXANDER OUMANSKY**

Educational Pictures
"THE SPICE OF THE PROGRAM"

**Distributed in U. S. A. by FOX Film Corporation**

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VOL. 36. NO. 82 NEW YORK, SATURDAY, OCTOBER 6, 1934 TEN CENTS

## No New Lease On Music Hall Is Looked For

### *RKO May Simply Supply Product Hereafter*

That a new lease on the Music Hall may not be entered into between RKO and Rockefeller Center appeared likely yesterday as negotiations which have been in progress between the two organizations for almost two months past appeared to have reached a stalemate.

RKO's lease on the Music Hall expired Sept. 1 and discussions of a renewal which were begun prior to that date have been continued almost daily until recently. It is understood,

*(Continued on page 3)*

## Loew-RKO Deal on Product Effective

Having effected a settlement on the local product situation, as reported exclusively in Motion Picture Daily yesterday, the arrangement between Loew's and RKO goes into effect immediately.

Under the terms of the deal, Loew's will select five Universal pictures for

*(Continued on page 3)*

## *"U" in Rush; Three Going, 8 to Start*

Hollywood, Oct. 5.—October ushers in the busiest production schedule at Universal within the past three years with three pictures in production and

*(Continued on page 3)*

### *Ostrer Explains*

By BRUCE ALLAN

**London, Oct. 5.—Isidore Ostrer, president of Gaumont British, declares in an official statement that he never contemplated relinquishing control of the company, but had in mind a fusion of interests.**

**The impression prevails here that the deal with B.I.P. failed because of inability to agree upon the price, particularly the amount involved in liquidating director contracts.**

**It is not safe to assume the discussions will not be resumed.**

## *Find Zoning Halted by Legal Quibbling; Lawyers Squelched*

**Legal minds employed by exhibitors and distributors to handle clearance and zoning and grievance cases before the New York boards are being cautioned to stop wasting time with technicalities. Members of the boards find that when the lawyers get together in the sessions too many technical points are brought up which retard progress of the hearings.**

**At a session of the local clearance and zoning board early this week, Joe Lee, Fox New York exchange manager, found that the hearing was cluttered with lawyers. He asked the parties involved to cut out legal phraseology and get down to simple facts. Leon Rosenblatt also objected to protracted legal orations and questioning.**

**One of the members of the board noticed John C. Flinn in the audience and wanted to call on him for a clarification, but Lee would not permit it, stating Flinn was attending the session as an observer and not as an interpreter of the code.**

**The meeting finally got down to order, but at that the case was drawn out to the extent that an adjourned hearing was ordered for Monday.**

## *Allied Now in 32 States; More Brewing—Samuelson*

With the addition of the G.F.T.A. Independent Theatre Owners A'ssn to its roster, Allied now has units covering 32 states, Sidney Samuelson, president, stated yesterday upon his return from Atlanta. He stated the Atlanta organization covers four states.

"We are not through with our expansion plans yet and will not be until we have complete coverage in the United States," Samuelson added. "There are only 16 more states to be lined up and we cannot tell yet when our job will be completed."

Samuelson plans to attend the convention of the Michigan unit, which has been postponed because of code problems which affect the unit and which have to be disposed of before the meet. The appeal hearing on the Detroit clearance and zoning schedule has been postponed because of the World Series.

## *Stock Units Again Philadelphia Worry*

Philadelphia, Oct. 5.—Exhibitors will be faced this year with an aggravation of low box-office scales. In addition to the Broad and Erlanger theatres, the Walnut will reenter the

*(Continued on page 3)*

## *Davis Made Head of Western Penn MPTO*

Pittsburgh, Oct. 5.—William Davis of the Liberty has been named head of the M.P.T.O.A. in this section. He succeeds Dr. Herman of Carnegie.

All of the other M.P.T.O.A. of-

*(Continued on page 4)*

## *MPTOA Men Gather For Memphis Meet*

Memphis, Oct., 5.—M.P.T.O.A. leaders are scheduled to arrive here tomorrow for the annual convention of M.P.T.O. of Arkansas, Mississippi

*(Continued on page 4)*

## *Gaumont Dickering For Three Players*

Gaumont British has negotiations under way for three American stars for future productions. Michael Balcon yesterday held a telephone conversation with Myron Selznick, of

*(Continued on page 4)*

## *Clearance May Be Sent Back to L. A.*

After three days of hearings, a Campi appeal committee ended discussions yesterday on the Los Angeles clearance and zoning schedule. It is understood that the plan will be sent

*(Continued on page 4)*

## *Not to Resign Now, Asserts Rosenblatt*

San Francisco, Oct. 5.—Division Administrator Sol A. Rosenblatt indicated here today in private conversations prior to his address before the

*(Continued on page 4)*

## Schenck Sees Sinclair As Film Menace

### *Says Producers Would Have to Quit Coast*

Joseph M. Schenck

Election of Upton Sinclair as governor of California would be a blow that the industry could not stand, declared Joseph M. Schenck, president of United Artists, upon his arrival at Newark Airport from Florida and Mexico yesterday. The industry would be forced to move elsewhere if Sinclair should attempt to carry out his Socialistic taxation plan, he insisted.

His remarks were in explanation of a statement made the day before in

*(Continued on page 3)*

## Small Working on Two Coming Films

Edward Small, vice-president in charge of production for Reliance Pictures, is concentrating on two stories at present, and expects to return to the coast in a week or 10 days to get production under way. One is

*(Continued on page 3)*

## *"Barretts" Capitol Hit; Gets $65,860*

Chalking up the largest gross in 10 months, the Capitol garnered $65,860 on the first week of "Barretts of

*(Continued on page 4)*

### *Platinums Out*

**Hollywood, Oct. 5.—Color pictures are going to be hard on platinum blondes, says Robert Edmond Jones, Radio designer, who is now working on sets for "Becky Sharp," which is to be done in the three-color Technicolor process.**

**They just won't photograph, says Jones. Regular blondes will be all right.**

MOTION PICTURE
DAILY

(Registered U. S. Patent Office)

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## "Nabes" Complain Grosses Are Down

Local theatre business is off with current receipts in the Randforce circuit of 49 houses shy 20 per cent as against July, Sam Rinzler, partner with Louis Frisch, stated yesterday.

Rinzler could not explain the reason for the drop of box-office returns, but says the complaint is general with local independents. He asserted that the run of pictures may be responsible.

## Para. Sets Two Titles

HOLLYWOOD, Oct. 5.—"Behold My Wife" has been definitely set as the title for Sylvia Sidney's next for Paramount. The working title has been "Red Woman."

George Raft's next will be released as "Limehouse Blues." Up to the present it has been called "Limehouse Nights."

## Goldberg Goes to Phila.

Lou Goldberg leaves for Philadelphia today to handle advance campaigns on "Chu Chin Chow," which opens at the Fox on Oct. 12, and "Power," opening Oct. 15 at the Locust for an indefinite run.

## Get Raft for One

HOLLYWOOD, Oct. 5.—Columbia has borrowed George Raft for one picture from Paramount. Raft's assignment has not yet been set.

# What N. Y. Critics Think

## "A Lost Lady"

(*Warners*)

*American*—***holds particular appeal for the feminine contingent although the fine acting of the cast's principals in the expert, suspenseful direction of Alfred E. Green provide magnets to attract any movie-goer of adult age.

*Daily Mirror*—Barbara Stanwyck has such great skill that the most commonplace story becomes gripping drama. She makes "A Lost Lady" an absorbing picture. There is little to it, as a movie, but Barbara makes what little there is important.

*Daily News*—The character and locale of the story are completely changed and only the main situation of the drama is left in the new version.***

But aside from the fact that the film version of "A Lost Lady," which is now on view at the Strand Theatre, is not Willa Cather's Marian Forrester, Barbara Stanwyck's acting of the title role is something worth going out to see.*** The balance of the cast is good and Alfred E. Green's direction is smooth and well timed.

*Evening Journal*—***the author will probably never recognize it, but, retaining the title, Scenarists Gene Markey and Kathryn Scola have turned out an interesting vehicle for Barbara Stanwyck.

*Sun*—***a bit of heavy and somewhat dismal drama about a disillusioned girl and her marriage made for gratitude rather than love.***Barbara Stanwyck, as usual, almost saves the day by giving one of her earnestly honest performances.

*Times*—***the particular charm of Miss Cather's work was her method, and that has been rather definitely lost in the process of transition to the screen.***it simmers down to that, finally, with Barbara Stanwyck, Frank Morgan and Ricardo Cortez to make a competent, unexciting and familiar movie of it.

*World-Telegram*—The acting of the entire cast, and especially of the four principals, is excellent, but "A Lost Lady," I fear, is a fine novel gone wrong on the screen.

## "Wagon Wheels"

(*Paramount*)

*American*—A good, old "Western" thriller, the newcomer to the Mayfair screen, holds all the ingredients of the outdoor opera.

*Daily News*—This films is not very rapid, but the pace it sets is easily enjoyed.

*Sun*—It is a well-made, nicely photographed piece, written and directed with a lack of originality that will probably insure its success. The pattern of its story is pure Zane Grey. The pattern of its from the given road. But it has the straight melodramatic thrills of silent picture days.

*Times*—The film does possess much that is interesting and entertaining. The regrets are mostly for what it might have been.

## Abelson Quits World

OMAHA, Oct. 5.—Art Abelson has resigned as manager of the World, an A. H. Blank first run, to take a partnership in the new Roxy in Glasgow, Mont. The house was recently completed to meet the boom expected to result there from the Peck Dam, Government project now under way. His successor at the Blank house has not been named yet. Abelson leaves for his new post tomorrow.

## Anna Sten at Music Hall

Anna Sten is scheduled to arrive in town to make a personal appearance at the Music Hall, Nov. 1 in conjunction with the opening of her picture, "We Live Again."

## Lubitsch in on Monday

HOLLYWOOD, Oct. 5.—Ernst Lubitsch, director of "The Merry Widow," leaves here by plane Sunday for New York to attend the opening of the picture at the Astor there on Oct. 11.

## Leontine Sagan on Coast

HOLLYWOOD, Oct. 5.—Leontine Sagan, Europe's foremost woman director, has checked into Hollywood to start a long term contract with M-G-M. She has received no definite assignment.

Ramon Novarro arrived here at the same time, concluding a concert tour.

## Three Booked at Para.

Following the third week of "Belle of the Nineties," the Paramount has booked "Now and Forever," which is expected to go three weeks; "Mrs. Wiggs of the Cabbage Patch," scheduled for two weeks, and "College Rhythm," penciled in for a fortnight.

## Portland House Opens

PORTLAND, Ore., Oct. 5.—John Hamrick's new Orpheum opened today to capacity business with "Young and Beautiful" on the screen. The take was $2,000. The gross for the opening day of Will Rogers' "Judge Priest" at the Paramount was $2,000.

## Better Tone in Big Board Trading

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 35¾ | 35¼ | 35¾ | +1¼ | 500 |
| Consolidated Film Industries, pfd | 14 | 13⅜ | 14 | + ⅝ | 1,100 |
| Eastman Kodak | 100¾ | 99¼ | 100¼ | +1¼ | 1,100 |
| Fox Film "A" | 12½ | 11¾ | 11¾ | + ¾ | 1,900 |
| Keith-Albee-Orpheum | 35⅛ | 35⅛ | 35⅛ | + ⅛ | 100 |
| Loew's, Inc. | 29¼ | 28⅝ | 29 | + ⅞ | 7,300 |
| M-G-M, pfd. | 26 | 26 | 26 | + ½ | 100 |
| Paramount Publix, cts | 4⅞ | 4½ | 4¾ | + ¼ | 21,300 |
| Pathe Exchange | 1¼ | 1¼ | 1¼ | ..... | 1,200 |
| RKO | 2½ | 2¼ | 2¼ | — ⅛ | 300 |
| Warner Bros. | 5⅛ | 4⅞ | 5⅛ | + ⅜ | 5,500 |

## Technicolor Advances ⅞ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 12¼ | 12 | 12¼ | + ⅞ | 1,300 |

## Bonds Show Upward Trend

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 6¾ | 6¾ | 6¾ | + ¼ | 1 |
| General Theatre Equipment 6s '40, ctf | 6½ | 6½ | 6½ | — ¼ | 5 |
| Loew's 6s '41, ww deb rights | 102⅛ | 101¾ | 102 | + ½ | 9 |
| Paramount Broadway 5½s '51 | 42 | 41⅞ | 42 | +1 | 2 |
| Paramount F. L. 6s '47 | 60¾ | 60 | 60½ | + ½ | 15 |
| Paramount Publix 5½s '50 | 61 | 60½ | 60½ | + ½ | 10 |
| Pathe 7s '37, ww | 98¼ | 97⅞ | 98¼ | + ¼ | 8 |
| Warner Bros. 6s '39, wd | 61½ | 61 | 61¼ | +1¼ | 50 |

# Purely Personal

ED KUYKENDALL left for his Columbus, Miss., home yesterday prior to attending the Tri-States M. P. T. O. convention which opens at Memphis tomorrow.

POLLY WALTERS, stage player signed to a long-termer by Universal, leaves for the coast tomorrow for the title role in "Princess O'Hara."

DAVE PALFREYMAN left for the southwest yesterday on a three weeks' tour which will include attendance at several exhibitor conventions.

ARTHUR SOMERS ROCHE's "Star at Midnight" has been bought by Radio. WILLIAM POWELL will be starred.

S. BARRETT MCCORMICK transferred his office yesterday to the quarters formerly occupied by BOB SISK.

MRS. VAL LEWTON has joined her husband on the coast. He is an M-G-M writer.

GEORGE BRICKER's original, "Sport Page," has been bought by Warners.

PHYLLIS FRASER, cousin of GINGER ROGERS, has been signed by Radio.

JACK ELLIS' latest song is "Havana in Cuba."

## Evangelical Church Denounces Industry

AKRON, O., Oct. 5.—The screen was denounced as a moral menace in a message from the bishops of the Evangelical Church read here today at the 31st general conference of the church. Their comment follows:

"Abnormal sex life, free love marital infidelity, wild scenes in night haunts, free indulgence in intoxicating liquors, cigarettes, the gun, murder, scenes of actual crime in the most thrilling fashion has set before the eyes of youth and age alike as food for the mind and ideals to be reenacted, a thinly veiled invitation of the promoters in Hollywood to 'go thou and do likewise.'

"Unchecked and uncondemned, many of the promoters in Hollywood and elsewhere would have it so, and their nefarious institution might well be designated as a 'billion dollar filth mill.' "

## Quakers for Clean Films

RICHMOND, Ind., Oct. 5.—Indecent films were rapped here by the Quakers at their Indiana yearly meeting. They adopted a resolution pledging themselves to aid the Legion of Decency. Copies will be sent to Will H. Hays.

## Strickling Goes West

Howard Strickling, M-G-M studio publicity head, left for the coast by plane yesterday and arrives in Hollywood this morning. Louis B. Mayer and Sam Katz are due on the coast Monday.

## George K. Arthur Back

George K. Arthur returned from Europe yesterday and plans to leave for the coast some time next week. He will remain in New York several days discussing deals for plays on which he holds options.

# Schenck Sees Sinclair As Film Menace

(Continued from page 1)

Miami that United Artists might be forced to move to Florida.

"Personally I am doing everything in my power to oppose his election," Schenck continued, "and I think it the part of wisdom for the industry as a whole to get in back of the opposition."

Sinclair stands an excellent chance of winning, in Schenck's opinion.

"He won't become a Democrat or a Republican if he wins," said the United Artists head. "He'll be a Socialist as he always has been, and if he gets a big majority, the Legislature, in fear of public sentiment, will do his bidding."

Asked if he thought production could be switched to New York on a large scale, he said he believed not.

### Rules Out New York

"It's a business that requires concentration of talent and facilities in a small area. It can't get this concentration in New York. Anyway, an important element in the Florida situation is the fact that influential men there have assured me it would be possible to secure tax exemption for a period of 15 years."

Accompanied by Douglas Fairbanks, Schenck flew in from Mexico, via Yucatan and Cuba to Miami. His plane left Miami Thursday morning, but was held overnight in Charleston, S. C., by fog. The Mexico City visit was for the purpose of attempting to influence the Mexican Government not to impose a 10 per cent gross tax now pending. He conferred with the President of Mexico and other Government officials while there and feels hopeful that the tax will be sidetracked.

Schenck expects to stay in New York about four weeks. He will meet Merle Oberon, English actress, to whom he is engaged, when she arrives here on her way to the coast.

### Fairbanks Says Little

Fairbanks was non-committal. He hurried away from news photographers, but paused long enough in the airport office to say that he would probably be in New York a week. He is still considering his plans to make a Chinese picture, he said. He also has received many requests to remake "The Mark of Zorro" and is giving this some thought.

Both Schenck and Fairbanks said there was no significance in the dissolution of Art Cinema.

"It simply didn't make money," Schenck explained. "It was one of the producing units distributing through United Artists like 20th Century, Reliance and Goldwyn."

A. C. Blumenthal, one of the welcoming group, said nothing definite had been done about his tentative plans for producing for United Artists' release.

Others who greeted the fliers were: Joseph Moskowitz, vice-president of U. A.; Edward Small, vice-president of Reliance Pictures; Arthur Stebbins; Harry D. Buckley, vice-president in charge of U. A. theatres; Dennis F. O'Brien of O'Brien, Driscoll & Raftery; John Myers, London Films, and Harry M. Goetz, president and treasurer of Reliance Pictures.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Firebird"*

*(Warners)*

HOLLYWOOD, Oct. 5.—A first-rate murder mystery.

The story concerns an actor (Ricardo Cortez) found dead in his apartment following visits from several of his friends. Every tenant in the building is suspected, including a husband and wife (Lionel Atwill and Verree Teasdale), their daughter (Anita Louise), her governess (Helen Trenholme), the valet (Hobart Cavanaugh), the manager of the building (Robert Barrat), the dead man's ex-wife (Dorothy Tree) and the night porter (Spencer Charters)

To make things tougher for Inspector C. Aubrey Smith a lady who could not have possibly committed the crime confesses, evoking the question: "Whom is she shielding?"

The solution brings in more than enough elements of suspense and surprise to provoke plenty of audience interest.

Director William Dieterle does not allow the action to lag.

The cast is excellent, particularly the Misses Teasdale and Louise, to whom the story gives the most opportunities. Etienne Girardot, as an erratic professor, contributes one of the funniest comedy bits in some time.

The photography of Ernest Haller is good.

This film should do well in spots where fans like their mysteries sophisticated.

Code seal number 233. Running time, 75 minutes.

# Small Working on Two Coming Films

(Continued from page 1)

"Beau Brummel" and the other is "Gungha Din."

Writers are busy on both. Sam Wood has been signed to direct one and probably will get the Kipling story. He may send a cameraman to India to get some atmospheric shots, he says, but the picture will be made in Hollywood.

Small has no present plans for eastern production, he says, as he thinks coast facilities are superior.

"If a story should develop that seemed better fitted for New York studios than the coast, I wouldn't hesitate to do it," he added.

Details of the "Beau Brummel" story have not been set. Robert Donat will play the lead. Warners made "Beau Brummel" 10 years ago, Small said, but they own the Clyde Fitch play done by Richard Mansfield. The title and the story of Brummel's life are in the public domain, he stated.

# *Stock Units Again Philadelphia Worry*

(Continued from page 1)

field on Oct. 15 with traveling stock as part of the new eastern circuit being launched by Ivan Cedar. First attraction will be "She Loves Me Not."

The Broad and Erlanger, operated by Samuel F. Nixon-Nirdlinger began to use Wee & Leventhal productions last season at the beginning of the year and ran through five months of topnotch business with a series of shows which sold most of these seats in the neighborhood of 40 cents. The scale reached to two dollars, but there were very few seats or sales at the higher figure.

This year, the Broad is now in its second week of capacity business with a traveling stock production of "Pursuit of Happiness" with at least two more weeks to go, while the big Erlanger, which opened this week, is doing good business with "Mrs. Quincy Hollis." Both houses have a long list of bookings, with productions being built quickly whenever the current attraction falters.

# *"U" in Rush; Three Going, 8 to Start*

(Continued from page 1)

eight scheduled to begin within the next 30 days. Shooting are: William Wyler's production, "The Good Fairy"; "Night Life of the Gods," being directed by Lowell Sherman; and "The Man Who Reclaimed His Head," starring Claude Rains.

Scheduled to begin within the next few weeks are: two Ben F. Zeidman productions, "Straight From the Heart" and "I've Been Around"; Stanley Bergerman's "Strange Wives"; Edmund Grainger's "Mystery of Edwin Drood"; a Buck Jones feature as yet untitled; the third 15-chapter serial on the current schedule to be directed by Louis Freidlander; a Zoe Akins story to be directed by Howard Hawks; and Murray Roth's "Mr. Dynamite."

# *Fight Films Near School*

License Commissioner Paul Moss was asked yesterday by the Community Councils of the City of New York to grant the request of the principal of Erasmus Hall, Brooklyn, that a license be denied a new Trans-Lux house being built near the school.

# *Holds Bobby Connolly*

HOLLYWOOD, Oct. 5.—First National has placed Bobby Connolly, dance director, under a long term contract.

# No New Lease On Music Hall Is Looked For

(Continued from page 1)

however, that current discussions no longer contemplate a lease renewal, but center for the most part about RKO's future status in association with the house. That there will continue to be a definite affiliation between RKO and the Music Hall appears certain, although that affiliation may be limited to an arrangement which will merely provide the house with a supply of product.

Operation of the Music Hall in all essentials would be carried on by the Rockefeller interests under the immediate direction of W. G. Van Schmus, whose regime has become more and more independent of RKO supervision in recent months. Van Schmus made an early departure yesterday for a week-end engagement and could not be reached for comment on these developments.

The old RKO lease on the Music Hall provided for a rental to be paid to Rockefeller Center after deduction for operating expenses, maintenance of a special reserve fund and other contingencies. The Rockefeller Center participation in rents, therefore, depended entirely upon the profit made by the house, which, in turn, led to Rockefeller Center taking a continually increasing authority over actual operation of the Music Hall. It is this situation which now appears to be relegating an RKO lease on the house to the discard.

# Loew-RKO Deal on Product Effective

(Continued from page 1)

its houses and turn the rest over to RKO. No Columbia product changes hands. Loew's will go through with its original contract with this distributor.

Only one of the 11 houses recently acquired from independent by RKO is being dropped. That is the Utica, Brooklyn, which Randforce takes over Nov. 1. Randforce does not surrender any product in acquiring the theatre. It is simply taking over the lease. Louis Frisch and Sam Rinzler have always wanted the house, but would rather keep it closed. This, however, cannot be done under the rental deal with RKO.

Loew's has turned over the Fox product to 30 RKO houses, but the recently acquired group is not included in the switch.

There will be three sets of first runs in the uptown situation, the first group being Loew houses, the second, RKO, and the third the Nemo, Riverside, Stoddard and Beacon.

Skouras is closing the Jap Gardens and opening the Riviera, in the same building.

# *H. L. Tracy Is Injured*

WILLARD, O., Oct. 5.—H. L. Tracy, local exhibitor, was seriously injured when his automobile collided with another near here. His condition is considered critical by hospital authorities.

# "Cleopatra" Hits $32,500 For Hub Lead

Boston, Oct. 5.—Grosses showed a steady gain this week in spite of the fact that one of the large first runs was showing a film for the third week and another for the second week.

Metropolitan was high with "Cleopatra," grossing $32,500, or $4,500 above the average. "Charlie Chan in London" took second honors with $2,000 above par at RKO Boston.

In its third week, "The Count of Monte Cristo" at RKO Keith's made the average of the house, a total for the three weeks of $50,000, one of the highest takes ever given a first run held over for three weeks in Boston.

Total first run business was $102,000. Average is $94,000.

Estimated takings for the week ending Oct. 4:

**"CHARLIE CHAN IN LONDON" (Fox)**
BOSTON—(2,900), 25c-50c, 7 days. Vaude. **Gross:** $18,000. (Average, $16,000)
**"NOW AND FOREVER" (Para.)**
**"CASE OF THE HOWLING DOG" (Warners)**
FENWAY—(1,800), 30c-50c, 7 days. **Gross:** $9,500. (Average, $9,000)
**"COUNT OF MONTE CRISTO" (U. A.)**
KEITH'S—(3,500), 30c-65c, 7 days, 3rd week. **Gross:** $16,000. (Average, $16,000)
**"THE BARRETTS OF WIMPOLE STREET" (M-G-M)**
LOEW'S STATE—(3,700), 35c-50c, 7 days, 2nd week. **Gross:** $16,000. (Average, $16,000)
**"CLEOPATRA" (Para.)**
METROPOLITAN — (4,350), 30c-65c, 7 days. Ben Blue, Joyce White and Revue. **Gross:** $32,500. (Average, $28,000)
**"NOW AND FOREVER" (Para.)**
**"CASE OF THE HOWLING DOG" (Warners)**
PARAMOUNT—(1,800), 30c-50c, 7 days. **Gross:** $10,000. (Average, $9,000)

# Moore Film Still Buffalo's Leader

Buffalo, Oct. 5.—"One Night of Love," doing better in its third than in its first week, was the town's outstanding hit, getting $9,300, or $2,800 above first average.

Total take was $46,800. Average is $44,800.

Estimates for week ending tonight:

**"DR. MONICA" (Warners)**
BUFFALO — (3,500), 30c-55c, 7 days. Stage: Bowery Music Hall Follies, with Corinne, Beef Trust chorus, Four Gay Blades, Duvall & Tregg, Paul Gordon. **Gross:** $14,800. (Average, $14,300)
**"THIS MAN IS MINE" (Radio)**
**"THE PERSONALITY KID" (Warners)**
CENTURY—(3,000), 25c, 7 days. **Gross:** $5,300. (Average, $6,000)
**"BELLE OF THE NINETIES" (Para.)**
GREAT LAKES—(3,000), 25c-40c, 7 days, 2nd week. **Gross:** $8,500. (Average, $10,000)
**"COUNT OF MONTE CRISTO" (U. A.)**
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $8,900. (Average, $8,000)
**"ONE NIGHT OF LOVE" (Col.)**
LAFAYETTE—(3,300), 25c, 7 days. 3rd week. **Gross:** $9,300. (Average, $6,500)

## *"Transatlantic" Is Title*

Reliance's latest production for United Artists release was previewed in yesterday's Motion Picture Daily under the title "Transcontinental Merry-Go-Round." The title of the film is "Transatlantic Merry-Go-Round."

## *R. J. Minny Coming East*

Hollywood, Oct. 5.—R. J. Minny, author of the book "Clive of India," which he has adapted for 20th Century for Ronald Colman's use, was on his way to New York tonight.

## *Hollywood Personals*

**Hollywood, Oct. 5.—John Blystone finishes directing "Helldorado," his 63rd for Fox. . . . Joe E. Brown at the World Series. . . . ditto George Raft. . . . Helen Mack abed with a severe cold. . . . Leo Carrillo having his yacht shipped from the east. . . . Frank Borzage shipping his polo ponies to Honolulu where he will vacation for six weeks. Such worries! . . . Douglas Blackly here from New York to start a termer with Paramount. . . . Ernst Lubitsch back on the same lot with no assignment. . . . Henrietta Crosman moving her makeup kit to Warners to emote in "The Right to Live." . . . Jesse L. Lasky, Jr.'s third volume of poetry on the bookstands. The title is "Singing in Thunder." . . . Herbert Marshall getting his teeth overhauled. . . . Radio gives "Little Minister" a 54-day shooting schedule. That means much money. . . .**

## *"Barretts" Capitol Hit; Gets $65,860*

(*Continued from page* 1)

Wimpole Street." The picture is being held over. "Dancing Lady," with $66,653 for eight days for the week ending Dec. 7, 1933, was the biggest take up to Thursday.

"Caravan" at the Music Hall held to a fair gross with $75,000. "Belle of the Nineties" fell off to $36,000 on the second week at the Paramount. The Roxy with $25,500 on the second stanza of "Chu Chin Chow" was very good. "British Agent" at $23,109 for a second week at the Strand was good, while "She Loves Me Not" at the Palace, second run, marked down $14,000, which is not bad. "Count of Monte Cristo" took in $36,000 at the Rivoli during the initial week's run.

Over in Brooklyn, "One Night of Love" at the Fox tallied $32,000 on the first seven days and is being held a second week with a strong possibility for a third week.

## *Studios Approve 43 Free-Lance Writers*

Hollywood, Oct. 5.—Forty-three free-lance fan writers out of 61 now carrying credential cards were approved at the semi-monthly meeting today of studio publicity directors at the Hays office. These writers have been vouched for by their editors.

Jack Lewis read messages from fan magazine editors offering hearty cooperation in enforcing the edict, laid down by the Hays office a month ago, which set a control over the publication of material placing the industry in a bad light.

## *MPTOA Men Gather For Memphis Meet*

(*Continued from page* 1)

and Tennessee, which will be held Sunday and Monday.

Among those expected are Ed Kuykendall, M.P.T.O.A. president; Fred Wehrenberg, president of the M.P. T.O. of Eastern Missouri and Southern Illinois, and Jack Miller, president of the Exhibitors' Ass'n of Chicago. Also expected is David Palfreyman, theatre contact for the M.P.P.D.A. M. A. Lightman, president of the Tri-States unit, will preside.

## *Davis Made Head of Western Penn MPTO*

(*Continued from page* 1)

ficers were reelected with the exception of two directors. The two new members of the board are Guy Ida of McDonald, Pa. and Bill Walker of Crafton.

## *Challenge Contract On Uncensored Film*

Buffalo, Oct. 5.—The legality of selling pictures before they were made and hence before they could be subject to state censorship was questioned by the losing side in a film contract suit decided by Justice John V. Maloney in Supreme Court.

Justice Maloney upheld a contract executed in October, 1932, between the Standard Film Exchange of Buffalo and the Eastwood Amusement Co., Inc., of Syracuse, without ruling on the point raised by Sidney B. Pfeifer, counsel for Eastwood.

Standard sued to force arbitration, as provided in the contract. It charged failure to play contracted pictures in defendant's Palace Theatre. In his argument before Justice Maloney on Sept. 4 and subsequent brief, Attorney Pfeifer cited the censorship statute in force in 1932 and declared its terms made it unlawful to sell, lease or exhibit any picture not licensed by the censorship division of the State Department of Education.

## *FitzPatrick May Do Metro Feature*

Hollywood, Oct. 5.—James A. FitzPatrick has arrived from the east to make a Technicolor short on the life of Schubert for M-G-M. He is understood negotiating with studio executives to make one feature and possibly two following the short.

## *Gaumont Dickering For Three Players*

(*Continued from page* 1)

Joyce-Selznick, in Hollywood on the stars Balcon has in mind.

A deal for three players is expected early next week.

## *"Cristo" Pittsburgh Hit*

Pittsburgh, Oct. 5.—"The Count of Monte Cristo" has been breaking all sorts of records at the Fulton where a third week has just been announced. It's the first picture to win such extended time here in almost two years.

Opening to the biggest business since "The Private Life of Henry VIII," it fell off only a little during the second week and there is some talk now that it may even stay a fourth.

## *Milwaukee Board Meets*

Milwaukee, Oct. 5.—The clearance board today discussed revision of the local zoning schedule in accordance with the principles laid down by Campi. Another meeting will be held Oct. 11.

# Rogers Piles Up a $10,000 Denver Gross

Denver, Oct. 5.—With three first runs going strong and two held over, business in the downtown sector has some of the appearance of a boom.

"Judge Priest" led the parade with a $10,000 gross at the Denver which topped par by $4,000. "Belle of the Nineties" had a big second week at the Denham with $6,000, and "Count of Monte Cristo" was 100 per cent over normal at $5,000 in the Aladdin.

Total first run business was $25,500. Average is $20,500.

Estimated takings for the week ending Oct. 4:

**"COUNT OF MONTE CRISTO" (U. A.)**
ALADDIN—(1,500), 25c-35c-50c, 7 days. **Gross:** $5,000. (Average, $2,500)
**"BELLE OF THE NINETIES" (Para.)**
DENHAM—(1,500), 25c-35c-50c, 7 days, 2nd week. **Gross:** $6,000. (Average, $4,000)
**"JUDGE PRIEST" (Fox)**
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $10,000. (Average, $6,000)
**"HIS GREATEST GAMBLE" (Radio)**
ORPHEUM—(2,600), 25c-35c-50c, 7 days. **Gross:** $3,500. (Average, $6,000)
**"PURSUED" (Fox)**
PARAMOUNT—(2,000), 25c-40c, 3 days. **Gross:** $500.
**"OUR DAILY BREAD" (Fox)**
PARAMOUNT—(2,000), 25c-40c, 4 days. **Gross:** $700. (Average for week, $2,000)

## *Clearance May Be Sent Back to L.A.*

(*Continued from page* 1)

back to the coast board for revamping a second time. The committee, which heard the discussion, will recommend such action to Campi at its meeting next Thursday, it is said.

Considerable interest in the plan revolved around the Fox West Coast-Warner situation, the former having the Uptown and the latter the Forum. According to a decision of the coast board, it was held that both houses are in competition with each other and should play pictures simultaneously. Prior to this, F. W. C. had prior run on its Uptown.

F. W. C. had two lawyers and a booker from the coast on hand. The F. W. C. men declare the Los Angeles board had no right to split the zone into two sections, thereby giving Warners a right to day-and-date with the Uptown.

## *Not to Resign Now, Asserts Rosenblatt*

(*Continued from page* 1)

American Federation of Labor convention that he has no present intention of resigning. If he does resign, he said, it will not be for some time.

In his speech before the convention he made no mention of film problems. He discussed the NRA in general terms and praised President Roosevelt's recovery program.

Rosenblatt left for Hollywood immediately after speaking.

Los Angeles, Oct. 5.—Division Administrator Sol A. Rosenblatt returned from San Francisco tonight. He will remain here until Sunday, when he will fly back east.

Division Administrator Sol A. Rosenblatt is due back from the coast on Monday. He will go straight to Washington.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 83 NEW YORK, MONDAY, OCTOBER 8, 1934 TEN CENTS

## RKOPayments Held Pending Court Action

### *Proposed Deal Reduces Monthly Maturities*

Payment of accumulated maturities of $600,000 of principal amount of the $1,500,000 RKO gold notes outstanding, held by Consolidated Film Industries and secured by virtually all of the RKO investments in subsidiaries, is being held in abeyance pending submission of a new agreement to the U. S. District Court here providing for a reduction in the amount of the monthly maturities of the notes, it was learned Saturday.

The new agreement, if approved by the court, may lower the maturities

*(Continued on page 8)*

## *First Run Situation Acute in St. Louis*

ST. LOUIS, Oct. 7.—The first run situation has become acute. With four first runs in operation in recent months, there have been weeks when all of them have been in the black, but with nine running at present newspapers and billboards have been getting most of the benefit.

World Series crowds are a big help at present, with "Dames," "She Loves Me Not," "Cleopatra" and "British Agent" running.

There is some talk of a code complaint by F. & M. to get product.

## *Washington Houses Take in $5,165,000*

WASHINGTON, Oct. 7.—Box-office receipts of 195 film theatres in the state of Washington last year totaled $5,165,000, while 18 legitimate and vaudefilm houses took in $1,809,000, U. S. Census Bureau states.

The bureau also released figures for Virginia, showing receipts of $4,129,000 by the 159 film and vaudefilm houses in the state.

The film houses in Washington paid out $1,021,000 in salaries in 1933, the

*(Continued on page 8)*

### *Tries Gold Hooks*

**Hollywood, Oct. 7.—Trout up Lone Pine way are so tired of rusty hooks that they won't bite any more. Gary Cooper is going to fool them with gold hooks and needle points.**

## *MPTOA Busy on Moves to Add Three State Groups*

New M.P.T.O.A. units are expected in northern New Jersey, Michigan and eastern New York.

The three contemplated units, if organized, would invade territories dominated by Allied, which has considerable strength at these regions.

Recently, Ed Kuykendall, president of the M.P.T.O.A., stated that a trio of new affiliations was being considered by his organization, but he would not mention the territories in mind.

Allied last week annexed the G.F.T.A. Independent Theatre Owners' Assn. of Atlanta, which covers four states and raised the total of states in which Allied is represented to 32. Allied plans to invade all M.P.T.O.A. territories in due time and it is believed the M.P.T.O.A. will not sit back without making a like move against Sidney Samuelson's organization.

Samuelson plans to add another independent organization to his ranks within the next few weeks, but will not tip off the unit until it aligns with Allied.

Northern New Jersey is Samuelson's stamping ground, and if the M.P.T.O.A. ventures into this Allied stronghold, it is said Allied will make a strong play for additional southern territories.

## Deal on to Settle Suit by Quittner

An out of court settlement of the long pending Edward Quittner monopoly suit asking triple damages in excess of $5,000,000 from Paramount Publix, the M.P.P.D.A. and a majority of its member distributing companies is being discussed and may be consummated in the near future, it was learned Saturday.

The Quittner suit was tried in U. S. District Court here early in 1933 and dismissed by Judge Francis G. Caffey who held that even if it were to be assumed that the defendants were guilty of a statutory violation there was no basis for determining the amount of damages suffered by Quittner as a result. Graham &

*(Continued on page 8)*

## *Columbia Directors Meet Here Tomorrow*

Columbia's board of directors meeting will be definitely held tomorrow after several postponements. Harry Cohn, president, will be unable to attend because of increased production activity on the coast which will require his presence at the studio.

At the meeting seven directors will be elected and contracts of Harry and Jack Cohn, which are for three years as of July 1, 1934, will be ratified.

## *L. A. Hearings Over, Coast Men Returning*

Following a three-day hearing on the Los Angeles clearance and zoning schedule, distributor and exhibitor members who came east for the hear-

*(Continued on page 8)*

## Settle Para. Tax Claim at $216,919

Settlement of a 1930 income tax claim of $471,452 filed against Paramount Publix by the Treasury Department has been made for $216,919, it was learned Saturday.

Prior to the settlement the claim had been reduced to $389,094 after having been contested by the Paramount Publix trustees. At the time the tax was levied against Paramount by the Treasury Department, Arthur A. Ballantine of Root, Clark, Buckner & Ballantine, counsel for the Paramount trustees, was under secretary of the treasury. Because of this circumstance Ballantine has been eliminated from sharing in the fee paid his law firm for its services in contesting and settling the Federal claim.

## *France to Abandon Import Quota Plan*

PARIS, Oct. 7.—France will abandon its import quota system on Nov. 1 after a six months' study of its workings, the government has made known.

Preparations for the change are being hurried in order that it may be made effective prior to Nov. 15, the date on which the government's extraordinary powers to make tariff

*(Continued on page 8)*

## *Expect a Break in Pittsburgh Ad Row*

PITTSBURGH, Oct. 7.—A break is expected here shortly in the fight to win a lower theatre advertising rate. Right now, the situation remains as it has

*(Continued on page 8)*

## British Deal Said to Hang On 2 Million

### *Report Maxwell Eyeing Fox Gaumont Stock*

LONDON, Oct. 7.—Negotiations for an amalgamation of British International Pictures and Gaumont British are understood to have broken down over a difference of about $2,460,000 on the purchase price.

The opinion prevails here that negotiations may be resumed, but few will venture a prediction as to whether this will be in the near or remote future.

Reports in the financial district over the week-end were to the effect that John Maxwell is now interested in purchasing the Fox 49 per cent in Gaumont British held by Chase National Bank.

An offer has already been made, according to one report.

Color is lent to the rumors by the Isidore Ostrer statement following

*(Continued on page 8)*

## Mexico City Film Row Is Optimistic

MEXICO CITY, Oct. 7.—Film row is gratified and even optimistic over the assurance of President Abelardo Rodriguez to distributors, including representatives of nine American producers, who petitioned him to exempt the film industry from the proposed 10 per cent rental tax. While conferring with the President

*(Continued on page 8)*

## *Talks on Music Tax Go On Again Today*

A second meeting to discuss a compromise of the new music tax fees is scheduled for today between members of the exhibitors' emergency committee and E. C. Mills, general manager

*(Continued on page 8)*

### *Schlanger Colonel*

**Added to the regiment of Kentucky colonels is Ted Schlanger of Warners' home office theatre department, who received his commission as aide-de-camp on the staff of Governor Ruby Lafoon.**

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Vol. 36 October 8, 1934 No. 83

MARTIN QUIGLEY
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MAURICE KANN
*Editor*
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*Advertising Manager*

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## Korda Forms Play Unit

LONDON, Oct. 7.—According to Alexander Korda, London Films head, his company is organizing a legitimate play producing unit to be known as L. F. Play Productions to sponsor plays prior to their being filmed. The first two scheduled for presentation to London audiences are "Josephine" and "Nijinsky," written by the dancer's wife, Romola.

## Pettijohn on Way West

C. C. Pettijohn, M.P.P.D.A. general counsel, left last night on his second swing into the west during the past month. He will make stop-offs in Arkansas, Louisiana and Texas en route to the coast and may be gone a month.

## Hopper En Route West

HOLLYWOOD, Oct. 7.—Harold Hopper, assistant to Larry Darmour, Majestic production head, arrives from New York Tuesday. Darmour returned last week after conferring with eastern executives on budget increases.

## Para. Foreign Staff Up

Total number of employes in Paramount International Corp. is now 3,447, of which 1,149 are located in England. The French office employs 465. The home office has 40 people on the international staff.

## New Garbo Pact with M-G-M Almost Ready

HOLLYWOOD, Oct. 7.—Negotiations between M-G-M and Greta Garbo on a new contract are nearing completion, but details are being kept secret until the deal is signed.

It is believed that if Miss Garbo and M-G-M do not get together, she will make some pictures for Walter Wanger for Paramount release or that she may divide her work between Wanger and M-G-M.

Harry Edington, Miss Garbo's manager, would not discuss the contract situation prior to his departure early Saturday morning for England on a five-week vacation. He said any information regarding Miss Garbo's status with M-G-M would have to come from studio officials.

The Swedish star does not contemplate a trip abroad at this time, Edington stated. Barbara Kent, Edington's wife, is accompanying him.

## Release Turner Plane

PARIS, Oct. 7.—"The Warner Comet," huge Boeing transport monoplane to be piloted by Col. Roscoe Turner and Clyde Pangborn in the London-Melbourne air race, has been released by French customs officials. The plane had been seized because of the non-posting of a 500,000-franc bond by the pilots to certify that the plane would not be sold in this country. The United States Lines came to the aid of the stranded airmen and posted the bond for them when they were unable to raise the money.

## Clark to Coast Soon

Within the next 10 days, John D. Clark, general sales manager of Fox, will leave for the coast and will be joined by Herman Wobber. After a visit to the studios, Clark and Wobber will return east, visiting Fox exchanges en route and holding special meetings in connection with the S. R. Kent Drive.

Wobber is in Washington today.

## "Bo" Dowling Resigns

Ambrose S. Dowling has resigned as European representative for RKO Export Corp. in London, where he is convalescing from a recent illness, the RKO home office stated Saturday. No successor to Dowling will be named, his duties to be consolidated with those of Phil Reisman, vice-president of RKO Export.

## Father of Dureau Of Saenger Passes

NEW ORLEANS, Oct. 7.—Gaston J. Dureau, Sr., father of Gaston Dureau, head of the Saenger circuit booking department, is dead at the age of 67. He died from a stroke.

Dureau, Sr., was a charter member of the Choctaw Club and a close friend of the late Mayor Behrman. He is survived by his widow, Mrs. Theresa Maurice Dureau, three sons, Gaston, Milton and Alton, and a daughter, Mrs. Edmond Langhetee.

Funeral services were held today and members of the local theatrical colony as well as exhibitors attended.

## Shift Date on "Aran"

Opening of "Man of Aran" has been changed to Oct. 18 at the Criterion instead of Oct. 19. Simultaneous with the Criterion opening will be "The Little Friend" at the Roxy. Arnold Van Leer will manage and handle advertising and exploitation at the Criterion.

Tiger King, Maggie Dillane and Michael Dirrane, three natives from the Island of Aran, will make personal appearances at the Criterion when the Gaumont British picture opens. Following the opening, the natives will return to the island.

## New Industrial Series

Emerson Yorke, formerly of Paramount Studios, has just completed production on a two-reel industrial short, "Romance of Rugs." Described as "an educational photographic theme in two studies," the film depicts the origin, care and hygiene of Oriental rugs and is available in 35 mm. and 16 mm. in both silent and sound versions.

## Lefton Closes Deals

Nat Lefton of Monogram of Ohio has closed a deal with Superior Talking Pictures, Inc., for 12 westerns for the western Pennsylvania and West Virginia territories. He has also contracted for six "Tarzan, the Police Dog" features and six "Northwest Mounted" features for the same territories from Stage and Screen Prod., Inc.

## R. L. Estill Promoted

SEATTLE, Oct. 7.—Robert L. Estill has been promoted to assistant booker at the local Paramount exchange. Max Hadfield succeeds Estill as head shipper.

## Columbia Gains Half on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc. | 36¾ | 36 | 36¼ | + ½ | 700 |
| Eastman Kodak | 100½ | 100⅛ | 100½ | + ¼ | 300 |
| Loew's Inc. | 29 | 28⅞ | 29 | ..... | 800 |
| M-G-M, pfd. | 26 | 26 | 26 | ..... | 300 |
| Paramount Publix, cts. | 4⅞ | 4⅞ | 4⅞ | + ⅛ | 4,700 |
| Pathe Exchange | 1¼ | 1¼ | 1¼ | ..... | 200 |
| RKO | 2½ | 2⅜ | 2⅜ | + ⅛ | 300 |
| Warner Bros. | 5 | 4⅞ | 5 | — ⅛ | 1.000 |

## Technicolor Up Half on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 12⅞ | 12¼ | 12¾ | + ½ | 1,000 |

## Warner Bonds Drop 1⅛ Points

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Keith B. F. 6s '46 | 62 | 62 | 62 | — ¾ | 5 |
| Loew's 6s '41, ww deb rights | 101⅞ | 101¾ | 101¾ | — ¼ | 3 |
| Paramount Broadway 5½s '51 | 42¾ | 42¾ | 42¾ | + ¾ | 5 |
| Paramount F. L. 6s '47 | 60¼ | 60 | 60¼ | — ¼ | 7 |
| Paramount Publix 5½s '50 | 60¾ | 60 | 60 | — ¼ | 9 |
| Warner Bros. 6s '39, wd. | 61 | 60⅛ | 60⅛ | —1⅛ | 4 |

## Purely Personal

RUDY VALLEE and LOU HOLTZ leave for Fox studios this week. En route, they will meet Director AL GREEN in Denver and he will accompany them to the coast.

LOUIS BROMFIELD'S story, "De Luxe," has been bought by 20th Century and will be produced as a play on Broadway next month.

AD SCHULBERG, JACK HULBERT and CHARLOTTE GREENWOOD sail for England on Oct. 12.

CHARLES RUGGLES is due in New York from the coast today.

## Film Men at Crime Session in Capital

WASHINGTON, Oct. 7.—Representatives of the film industry will join with other groups coming to Washington Oct. 10 for a three-day conference on crime.

The conference was called by Attorney General Homer S. Cummings, who announced that it would be held in his recent radio address on the Lindbergh case.

President Roosevelt will address the meeting at its opening session Wednesday night.

The conference is to consider the causes and prevention of crime; investigation, detection and apprehension; criminal courts and prosecution, and detention, parole, probation and pardon.

## Hays on Clean Films

Will H. Hays is scheduled to describe to the biennial convention of the International Federation of Catholic Alumnae at the Waldorf Astoria, Friday, the industry's efforts to meet the clean films issues of the church decency campaign.

## Wilcox to Do Musical

LONDON, Oct. 7.—Herbert Wilcox, production chief of British & Dominions, will produce "The Bohemian Girl," a musical, and will direct the picture himself. Wilcox is also having a completely modernized score written for the picture.

## Nine Song Writers at Fox

HOLLYWOOD, Oct. 7.—Fox has nine song writers penning tunes for future productions. They are: Ray Henderson, Ted Koehler, Johnny Green, Eddie Heymann, Herb Magidson, Joseph Myer, Jack Yellen, Jay Gorney and Don Hartman.

## Reagan Finds Upswing

Returning from a sales trip to Chicago and Minneapolis, Charles M. Reagan, Paramount division manager, states business in the midwest is on the upturn and theatre grosses have taken a substantial swing upward.

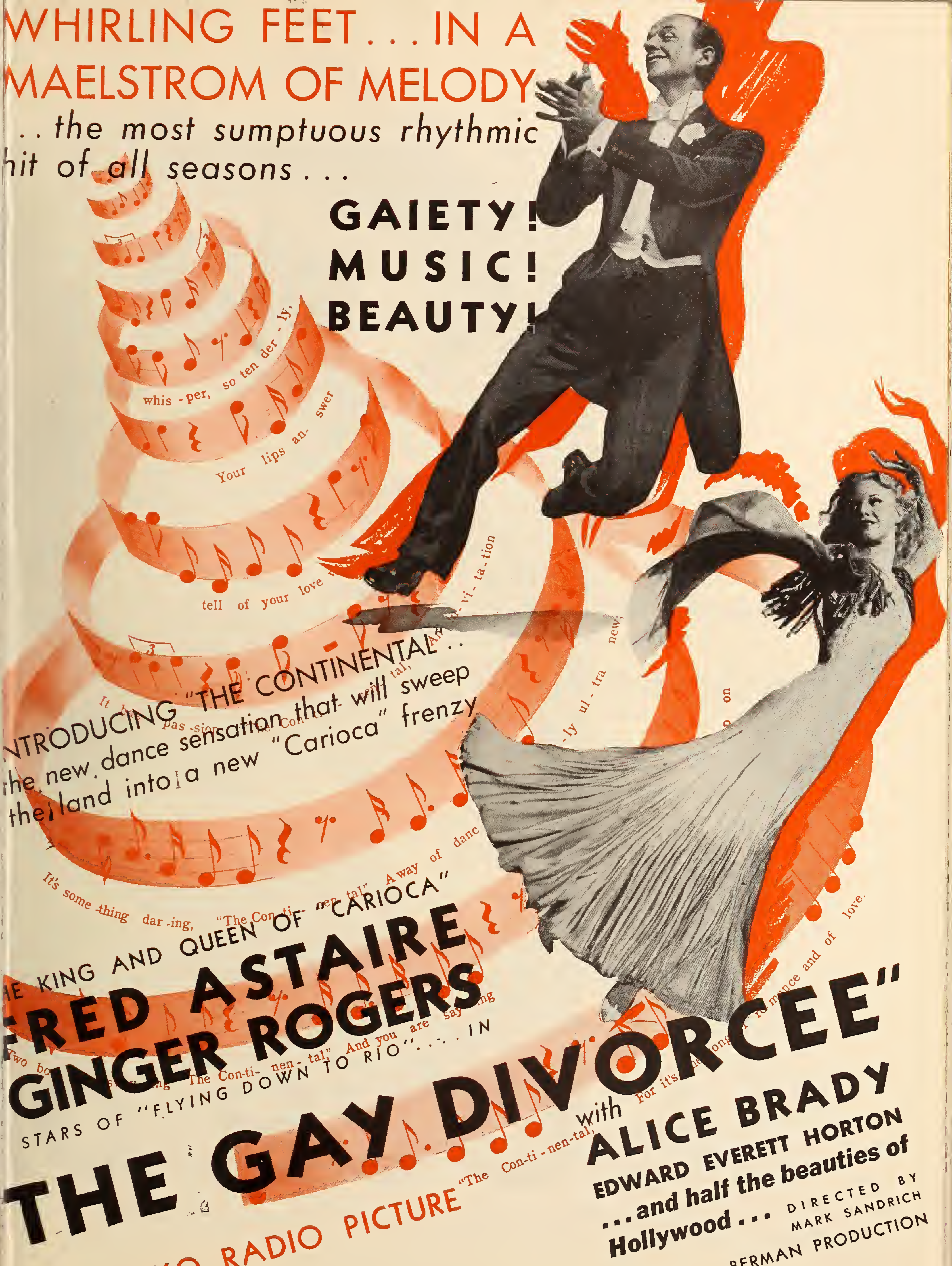
## RKO Closes 4 Deals

Jules Levy, general sales manager of RKO, has closed product deals with four circuits. Sparks, Hoblitzelle Interstate, Jules Rubens Great States and Kincey-Wilby.

# WHIRLING FEET... IN A MAELSTROM OF MELODY

..the most sumptuous rhythmic hit of all seasons...

**GAIETY!**
**MUSIC!**
**BEAUTY!**


whis-per, so ten-der-ly,
Your lips an-swer
tell of your love
An in-vi-ta-tion
It has pas-sion
The Con-ti-nen-tal
new, -ly ul-tra
It's some-thing dar-ing, "The Con-ti-nen-tal" A way of danc-
The Con-ti-nen-tal" And you are say-ing
For it's the song of ro-mance and of love.
"The Con-ti-nen-tal,

NTRODUCING "THE CONTINENTAL".. the new dance sensation that will sweep the land into a new "Carioca" frenzy

HE KING AND QUEEN OF "CARIOCA"

**FRED ASTAIRE**
**GINGER ROGERS**

STARS OF "FLYING DOWN TO RIO"... IN

# THE GAY DIVORCEE"

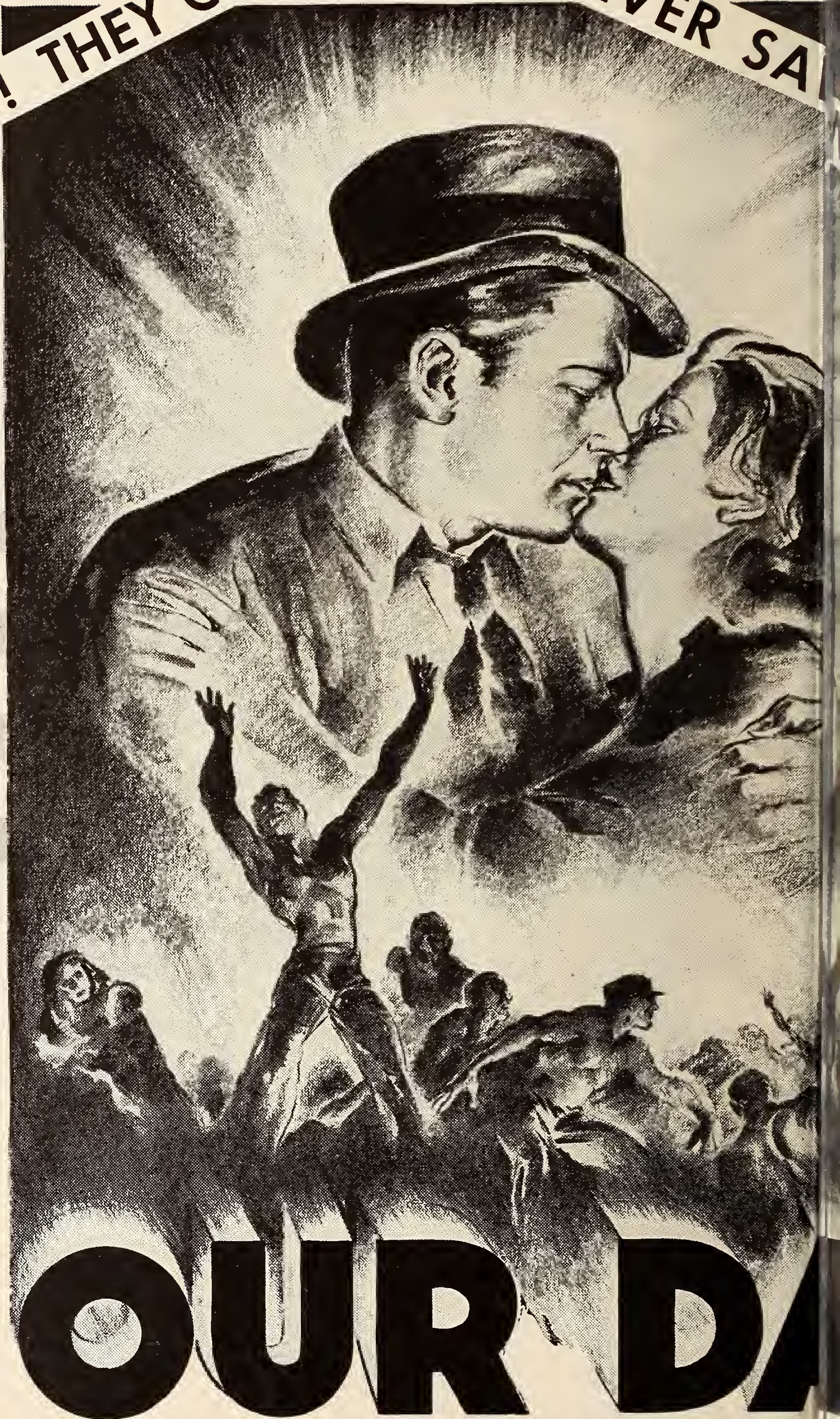
with
**ALICE BRADY**
**EDWARD EVERETT HORTON**
**...and half the beauties of Hollywood...**

DIRECTED BY
MARK SANDRICH

PANDRO S. BERMAN PRODUCTION

RKO-RADIO PICTURE

"THEY YELLED! THEY CHEERED! I NEVER SA



**"TERRIFIC CLIMAX!"**
*— N. Y. World Telegram*

**"BRILLIANT! AMAZING!"**
*— N. Y. Times*

**"EXCITING! ABSORBING!"**
*— N. Y. Daily News*

**"EXCELLENT! STIRRING!"**
*— N. Y. Eve. Journal*

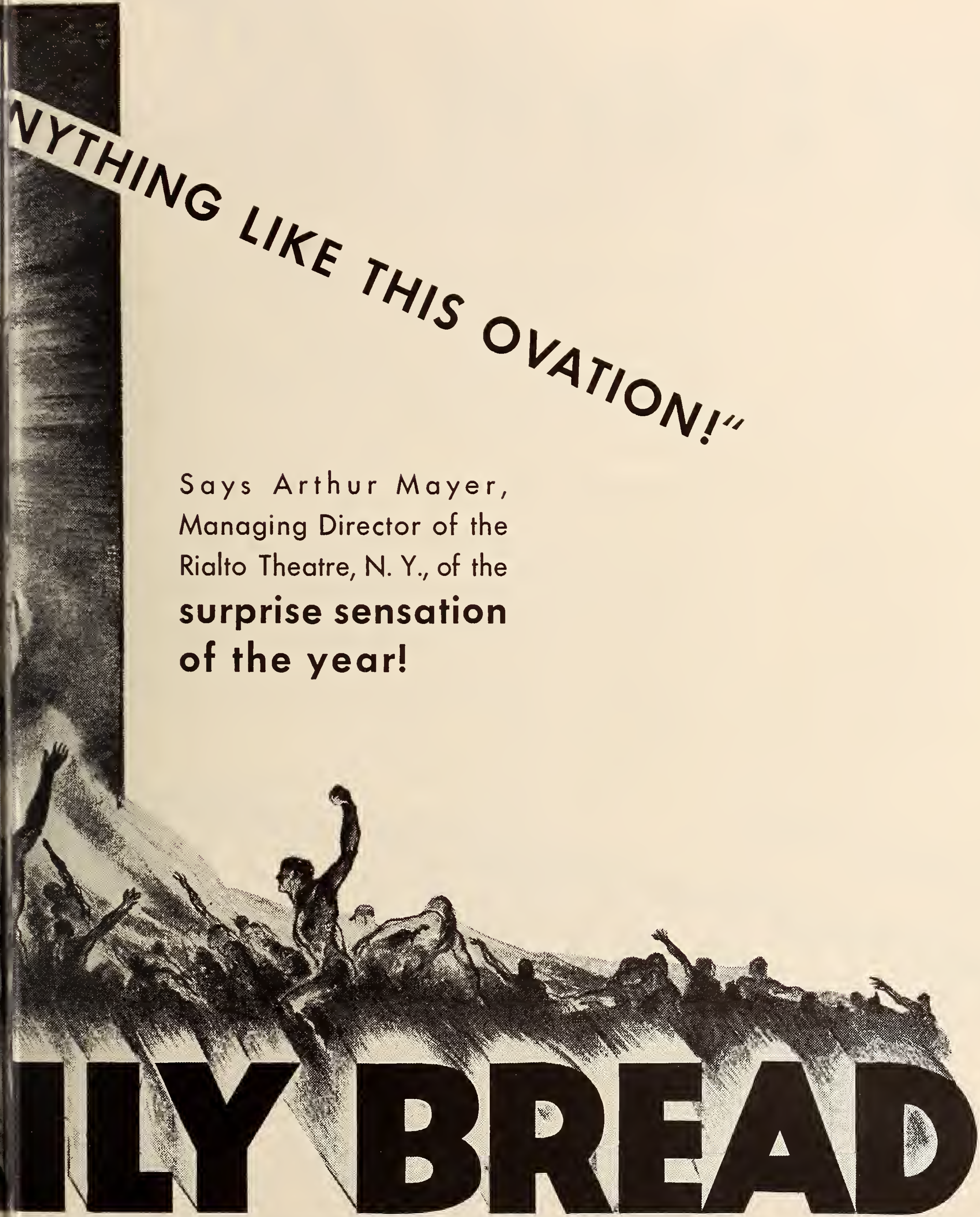
# KING VIDOR

who directed "The Big Parade"—"The Champ"—"Street Scene"....

*— now gives you*

NYTHING LIKE THIS OVATION!"

Says Arthur Mayer, Managing Director of the Rialto Theatre, N. Y., of the **surprise sensation of the year!**



*Released thru* UNITED ARTISTS

# *Get Ready For A*

**It's bigger than "Back Street"—bigger than "Only Yesterday"—bigger than any other picture you've had for many, many weeks or are likely to get in many, many more! . . . The perfect BIG-CROWD attraction from star, story, author, director and every other possible standpoint . . . GO TO IT!**

*Starring*

## LAUDETTE COLBERT

A
JOHN M. STAHL
Production For
UNIVERSAL

with WARREN
WILLIAM
ROCHELLE HUDSON
Ned Sparks Henry Armetta
Presented by CARL LAEMMLE

# Screen Sensation!

Even better than "BACK STREET"
Imitation of Life
A Novel by
FANNIE HURST
Imitation of Life
FANNIE
& Brothers
1817
STEP OUT WITH UNIVERSAL

# British Deal Said to Hang On 2 Million

*(Continued from page 1)*

suspension of the B.I.P.-Gaumont negotiations to the effect that the London negotiations had not contemplated an absorption of Gaumont British by B.I.P., but had had as their aim an amalgamation of interests of the two companies. A close working agreement between them would give them control of about 500 theatres in Great Britain as well as the most important production facilities. It would be by far the most important producing and distributing organization in the British Empire.

This community of interest which Maxwell is seeking, it is believed by some observers here, could be obtained through acquisition of the Fox holdings.

Efforts to reach Mark Ostrer, chairman of the G-B board, and Jeffrey Bernerd, general manager, both of whom are in New York, were unsuccessful Saturday. Ostrer will return to England Oct. 19. Bernerd will stay here until he completes the sales setup of the American organization for G-B.

# Mexico City Film Row Is Optimistic

*(Continued from page 1)*

the American representatives also urged a material reduction of the levies now being paid.

President Rodriguez informed the film men that he would take the whole matter up with the Minister of Finance after the latter's return from New York where he is now on official business. It is expected a definite answer to the distributors' pleas will be made about Oct. 15.

## *Expect a Break in Pittsburgh Ad Row*

*(Continued from page 1)*

been for several months but a series of meetings recently indicates that some action is in prospect.

The chief sufferer in the fight is Hearst's *Sun-Telegraph*, which has been receiving only directory space from Warners and Loew's. Next is the *Press*, which has had its space cut in half. Only the *Post-Gazette*, Pittsburgh's only morning daily, has not been slashed.

Warner's and Loew's are carrying the fight, with the Harris-Alvin and George Shafer's Pitt remaining on the outside, giving all papers equal space.

## *Talks on Music Tax Go on Again Today*

*(Continued from page 1)*

of the American Society of Composers, Authors & Publishers.

At the first meeting held last week Mills proposed an alternate tax of 40 cents per seat, while a member of the exhibitor delegation countered with a suggestion of 15 cents per seat. An agreement today is regarded as probable.

## *Hollywood Personals*

**Hollywood, Oct. 7.—Joe Morrison back from Arrowhead. . . . Alfred Delcambre took his mother for her first airplane ride the other day. . . . Randy Scott leaves shortly for a vacation in West Virginia. . . . Rhea Langford is here from Broadway. . . . Ann Sothern vacationing in Palm Springs. . . . Ann Dvorak taking dancing lessons for the role in "Sweet Music" at Warners. . . . Dolores Del Rio returns from Mexico. . . . Lois Wilson gets a role in "Bright Eyes" at Fox. . . . Mary MacLaren signed for "Evelyn Prentice" at M-G-M. . . . Jean Harlow's first novel, "Today Is Tonight," will be on the book stands by Christmas. . . . Anna Sten will go to New York for the opening of "We Live Again" at the Music Hall, Nov. 1. . . . Chandler Sprague has finished the script for "Private Worlds," Walter Wanger's next picture.**

# Deal on to Settle Suit by Quittner

*(Continued from page 1)*

Reynolds, counsel for Quittner, subsequently filed an appeal which is now pending in the U. S. Circuit Court of Appeals here and which may be heard this fall if the current discussions on a settlement are not successful.

Quittner, a former Middletown, N. Y., exhibitor, charged in his suit that Paramount erected the Publix at Middletown when he refused to contract for Paramount pictures at the distributor's terms. Following the opening of the Publix, the complaint alleged, Quittner was unable to obtain sufficient product for his two Middletown theatres which were subsequently foreclosed.

Cravath, de Gersdorff, Swaine & Wood are counsel for Paramount in the case and Arthur Butler Graham has been attorney for Quittner since the recent dissolution of the firm of Graham & Reynolds.

## *L. A. Hearings Over, Coast Men Returning*

*(Continued from page 1)*

ing either are on their way back or leaving today.

Ben Berinstein left Friday night for Chicago and will be met in the Windy City by Harry Hicks, who left Saturday night to pick him up and proceed coastward. Harry W. Chotiner is in Pittsburgh visiting friends and from there goes to Los Angeles. Jack J. Milstein, M-G-M branch manager in Los Angeles, leaves today.

I. E. Chadwick flew to Hollywood over the week-end to attend a code committee hearing on production scheduled for today.

As a result of the three-day hearing, exhibitors attending from the coast feel that everything will be worked out favorably to all. Hicks stated that 90 per cent of exhibitors in southern California were in favor of the schedule before the New York hearing and that discussions before the Campi appeal committee will result in the remaining 10 per cent being straightened out. He said exhibitors were for a uniform zoning plan and it is now up to Campi to give it to them.

John Bertero, F. W. C. attorney, and Port Major, booker of the circuit, will return west probably on Thursday.

Some of the men hold that the schedule will be returned to the Los Angeles board for a second revision.

## *Zohbel West Tomorrow*

Herman Zohbel, treasurer of Radio, leaves for the coast tomorrow.

# "Belle" Providence Wow; Gets $12,000

PROVIDENCE, Oct. 7.—"Belle of the Nineties" knocked Providence for the proverbial loop and chalked up a near-record of $12,000 for the Strand. Manager Ed Reed staged a midnight show and managed to eke out $500. The usual take at this house is under $7,000.

"Count of Monte Cristo" at Loew's caught $10,000 and Fay's, the Majestic and RKO Albee all were up to or over their usual pars, rounding out a strong week for the downtown belt.

Total first run business was $44,900. Average is $40,500.

Estimated takings for the week ending Oct. 4:

**"BELLE OF THE NINETIES" (Para.)**
**"THE MOONSTONE" (Monogram)**
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $12,000. (Average, $6,500)

**"MILLION DOLLAR RANSOM" (Univ.)**
FAY'S—(1,600), 15c-40c, 7 days. Parisian Follies on stage. **Gross:** $7,000. (Average, $7,000)

**"COUNT OF MONTE CRISTO" (U. A.)**
LOEW'S STATE—(3,800), 15c-40c, 7 days. Fashion show on stage. **Gross:** $10,000. (Average, $12,000)

**"JUDGE PRIEST" (Fox)**
**"THERE'S ALWAYS TOMORROW" (Univ.)**
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $7,800. (Average, $7,000)

**"WAKE UP AND DREAM" (Univ.)**
RKO ALBEE—(2,300), 15c-40c, 7 days. Tip Top Revue on stage. **Gross:** $7,200. (Average, $7,000)

**"BLACK MOON" (Col.)**
**"NAME THE WOMAN" (Col.)**
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $900. (Average, $1,000)

## *Sets Houston Mark*

HOUSTON, Oct. 7.—For the third time in two years the Majestic here has cracked a box-office record.

"Judge Priest" nosed out "I'm No Angel" for week-end attendance. The theatre announced that from the opening Friday through Sunday night 2,200 more persons had seen the Rogers film than viewed the West picture.

## *Farrell Dropped by Fox*

HOLLYWOOD, Oct. 7.—Charles Farrell's contract with Fox has been terminated by mutual agreement, it was stated at the studio yesterday.

## *E. J. Sparks Leaves*

E. J. Sparks of the Sparks Circuit and his general manager, Frank Rogers, have returned to Jacksonville, Fla., after a short stay in town.

## *"Redwoods," Kane's Next*

HOLLYWOOD, Oct. 7.—Robert T. Kane's next for Fox will be "Call of the Redwoods," a musical by Samson Raphaelson.

# RKOPayments Held Pending Court Action

*(Continued from page 1)*

from $300,000 per month to approximately $50,000 monthly, it is understood. This would give RKO 30 months in which to retire the notes in place of the five-month period in which the company has been committed to meet the $1,500,000 balance heretofore. The agreement, not yet in final shape, is expected to be presented to Federal Judge William Bondy in about two weeks.

Consolidated acquired the RKO notes from Chemical Bank & Trust Co. and Commercial Investment Trust last June, at which time they aggregated $1,825,000, maturing in the principal amount of $25,000 on July 1 and $300,000 on Aug. 1 and monthly thereafter up to and including next Jan. 1. The July and August maturities were met by RKO, but the Sept. 1 and Oct. 1 maturities of $300,000 each were deferred successively pending the outcome of the negotiations for a reduction in amount of the monthly obligations.

## *Washington Houses Take in $5,165,000*

*(Continued from page 1)*

reports showed, while the other theatres had a payroll of $322,000. Virginia theatres had salary payments aggregating $784,000.

Forty-one film theatres in Seattle had a gross of $2,352,000 on a payroll of $490,000, while 11 other theatres grossed $935,000 on a payroll of $171,000. In Tacoma, 11 film houses took in $325,000 and had a salary roll of $73,000, while 12 film theatres in Spokane took in $496,000 on a payroll of $117,000 and three other theatres took in $319,000 on a payroll of $52,000.

Ten film theatres in Richmond took in $750,000 and had a payroll of $153,000; while seven houses in Norfolk took in $432,000 and paid salaries of $85,000, and seven theatres in Roanoke took in $421,000 and had salaries of $63,000.

## *France to Abandon Import Quota Plan*

*(Continued from page 1)*

changes without the approval of Parliament expires. It is expected that a generally higher schedule of tariffs will become effective with abandonment of the import quota system.

Foreign managers of distribution companies were uncertain whether films would be affected by repeal of France's import quota laws and declined comment Saturday pending receipt of fuller information here on the prospective change.

## *Hoblitzelle Due Soon*

Carl Hoblitzelle and Robert O'Donnell of the Hoblitzelle Interstate circuit are due in town this week.

## *More Louisville Duals*

LOUISVILLE, Oct. 7.—Loew's here has gone to a dual bill policy with no change in scale.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

'OL. 36. NO. 84 NEW YORK, TUESDAY, OCTOBER 9, 1934 TEN CENTS

## ʌll of Majors For New Plan OnCodeCosts

### ;ome Independents Fall In Line as Well

All major companies and practical- all independent producers and dis- ibutors have approved the new al- ɔcation plan of assessment promul- ated by a committee comprising S. :. Kent, Harold S. Bareford and :dward Golden.

The revised assessment plan has een approved by Campi in principle nd sent to Division Administrator ol A. Rosenblatt, who will call a ublic hearing before approving it nally. Rosenblatt returned from the ɔast by air yesterday.

United Artists, Universal and Co- ımbia were the only major com- anies which objected to the original vy. These companies have sanctioned

(Continued on page 7)

## 'lemphis Meet Gets Fire Insurance Plan

Memphis, Oct. 8.—Organization of ıeatres into an insurance mutual as rotection against allegedly discrimi- ıtory fire insurance rates, expres- ɔns of satisfaction with the progress ade by the wholesome films cam- ıign and opposition to the increased usic tax were the principal matters esented to the M. P. T. O. of Ar- ınsas, Mississippi and Tennessee, in nvention here today.

Suggestion that theatres need an in- rance mutual plan was introduced

(Continued on page 8)

## ːxpect to Complete G-B Staff in Month

Completion of the Gaumont British les setup nationally is expected thin the next month, George Weeks, neral sales manager, stated yester- y. Weeks leaves today for Atlanta, ncinnati, Chicago, Kansas City and Louis to line up his personnel. ter another two weeks in the east

(Continued on page 2)

## 'igh Court Refuses To Act on "Holiday"

Washington, Oct. 8.—The Su- eme Court today denied a review of ower court decision in the case of iren vs. Shubert Theatres, involv- plagiarism of "Death Takes a bliday."

# Supreme Court Refuses Tri-Ergon Patent Review

## Zirn's Appeal Refused; Katz Denies Para. Lost

The application of Samuel Zirn, attorney for a Paramount Publix bondholders' group, for leave to appeal from the U. S. District Court order appointing Charles D. Hilles, Eugene W. Leake and Charles E. Richardson trustees of Paramount Publix was denied by the U. S. Circuit Court of

(Continued on page 7)

Alleging that neither Paramount nor creditors of the company suffered loss or damage as a result of the repurchase of the company's stock issued from 1929 to 1932 for the acquisition of theatres and that the payments did not constitute a "dividend or other distribution of assets to stockholders,"

(Continued on page 7)

## Trendle Says 12 Houses in New Service

United Detroit Service Booking Corp. now has 12 theatres using the service and more are expected to join, George W. Trendle, president, stated yesterday.

The company basically renders a service to the exhibitor, helps him buy and book pictures and in no wise is connected with United Detroit Theatres Corp., a Paramount subsidiary which also has Trendle at the head, according to Trendle.

"We are planning expansion," Trendle said, "but cannot state at this time what it will be."

The service company does not book, but acts as advisors to exhibitors, Trendle explained. Exhibitors

(Continued on page 4)

## Report Rogers Will Make One for M-G-M

Hollywood, Oct. 8.—Will Rogers, according to reports here, has been signed to do one picture for M-G-M, which will undoubtedly be a picturization of the Eugene O'Neill play, "Ah, Wilderness!"

Reports have been current for months that, following Will Rogers' successful stage appearance in the O'Neill play in San Francisco last spring, he would star in the picture for M-G-M.

## ASCAP's New Tax Schedule Compromised

A new music tax schedule which retains the former annual rate of 10 cents per seat for theatres up to 800 seats and establishes a new annual tax of 15 cents per seat for theatres of from 801 to 1,599 seats, and 20 cents per seat for theatres of over 1,600 seats was mutually agreed upon yesterday by the American Society of Composers, Authors & Publishers and the emergency committee on behalf of exhibitors.

The schedule was worked out yesterday morning between E. C. Mills, general manager of the A.S.C.A.P. and members of the emergency committee and was ratified yesterday afternoon by the A.S.C.A.P. board of

(Continued on page 4)

## Aarons for Combine In Percentage Fight

Philadelphia, Oct. 8.—Formation of a buying combine of all unaffiliated theatres in this territory to oppose high percentage playing terms demanded by distributors is advocated by George P. Aarons, secretary of M. P. T. O. of eastern Pennsylvania, southern New Jersey and Delaware, in a current bulletin issued to members of the organization.

Aarons cites a maximum percentage of 20 per cent as the highest paid by

(Continued on page 2)

### Ruling Regarded as of Vast Import in Use Of Sound Devices

Washington, Oct. 8.—A decision of potential import to the industry was handed down by the U. S. Supreme Court today when it refused to accept for hearing two appeals from the Circuit Court of Appeals rulings in the controversy involving patents held by the American Tri-Ergon Corp., which is controlled by William Fox.

Patents on two inventions were involved, double prints in recording and the flywheel on reproducers. The defendant in the double prints infringement suit was Paramount Publix, while the Wilmer & Vincent circuit and Altoona-Publix, a Paramount Publix subsidiary, were named as codefendants in the flywheel action.

The lower court had held that the

(Continued on page 4)

## Briefs to Be Filed In Dubinsky Dispute

Washington, Oct. 8.—Inability of Sam Dubinsky to get to Washington today resulted in the calling off of the hearing planned by the Amusements Division of the NRA on the wage controversy in Kansas City.

Dubinsky asked for permission to file a brief, and the I.A.T.S.E. representatives not only agreed to this, but consented to have the entire matter argued by briefs, thus eliminating the need for a hearing.

## Chicago Clearance Is Put Over Again

Chicago, Oct. 8.—The clearance and zoning board has tabled the B. & K. petition for a revision of the clearance setup. It is understood that it will come up for consideration at a future date. Meanwhile B. & K. officials stoutly maintain that they will push

(Continued on page 7)

## Hearing Is Given On Detroit Lease

Although Campi has sent to Washington an amendment approving withdrawal of the leasing clause, known as 5E, Part 6, in the code, a Detroit

(Continued on page 7)

MOTION PICTURE
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## Does $15,480 in Day

"Power" grossed $15,480 at the Music Hall on Sunday, according to Jeffrey Bernerd, who also declared yesterday the picture grossed £2,601 in its first three days at the Tivoli, London.

The record, he added, for an opening three days there until now was held by "The House of Rothschild" at £2,486.

## Refuse Barrymore Case

WASHINGTON, Oct. 8.—The U. S. Supreme Court today rejected an application by Dolores Costello and John Barrymore for a writ of certiorari against the Guarantee Building and Loan Ass'n., in a suit over a judgment resulting from some of their deposits in the institution.

## Crime Meet on Dec. 10-12

WASHINGTON, Oct. 8.—The three-day conference on crime called by Attorney General Homer S. Cummings, which will be attended by film industry representatives, is scheduled for Dec. 10-12, instead of Oct. 10, as reported yesterday.

## "Wimpole" Gets 3rd Week

"Barretts of Wimpole Street" will get a third week at the Capitol. This will be the eighth film to be held three weeks in the 15 years since the Capitol was opened, according to Major Bowes.

## Expect to Complete G-B Staff in Month

(*Continued from page* 1)

and midwest, Weeks will fly to Los Angeles to set his staff. From there he will go to Dallas, Des Moines, Omaha, San Francisco, Portland, Seattle and Salt Lake City.

Mark Ostrer, chairman of the G-B board; Jeffrey Bernerd, general manager, and Michael Balcon, production head, sail on Oct. 19 aboard the *Aquitania* for London. Berthold Viertel and Robert J. Flaherty, directors, sail later.

Arthur Lee and Balcon will visit Scarsdale, N. Y., on the first leg of a tour of theatre visits to get audience reaction.

Gaumont British today will announce sales setups in Washington, Pittsburgh and other cities Weeks visited last week.

## G-B After Jack Holt

HOLLYWOOD, Oct. 8. — Gaumont British is negotiating for Jack Holt to appear in two pictures. Michael Balcon, production head of G-B, is in New York and conducting negotiations with Holt's representatives here. Holt is under contract to Columbia, which will have to approve the deal, which would be in the nature of a loan.

Two other stars are being considered by G-B, but their names are being kept secret for the time being.

## G-B to Give a Luncheon

Gaumont British will give a luncheon in honor of Nova Pilbeam, Jack Hulbert, Robert J. Flaherty and Berthold Viertel at the Waldorf Astoria next Monday at 12:30 o'clock. Following the luncheon "Little Friend," starring Miss Pilbeam, will be screened in the ballroom.

## Walter Donaldson Wed

HOLLYWOOD, Oct. 8.—Walter Donaldson and Walda Mansfield, New York chorus girl, were married in Agua Caliente over the week-end. Witnesses were Mrs. Eddie Mannix and Leo Morrison.

## Pay Visit to Sing Sing

OSSINING, Oct. 8.—Will H. Hays and Harry M. Warner visited Sing Sing Prison yesterday and attended a football game between the prison team and a team from Kingston, N. Y.

## Aarons for Combine In Percentage Fight

(*Continued from page* 1)

affiliated theatres as compared with a maximum of 50 per cent which, he says, is demanded from independents.

"The answer," Aarons says, "is the formation of an independent buying circuit. As the current season is pretty well advanced, I do not suppose much can be done now, but the theatre owner should lay plans at this time and by concerted action develop the situation to the point whereby he will be amply protected for the 1935-36 season."

"If you hold off from buying," Aarons concludes, "you will be able to break down this abnormal, unjust and unfair, high percentage policy."

## Cartoon Programs Set

Cartoon programs are to be featured at the Bijou Theatre, 45th St., starting tomorrow. The house will be renamed the Mickey Mouse Theatre. The house has been taken back by the Astor-Bijou-Morosco Theatres Realty Corp., headed by Walter Reade and will be operated by Cartoon Exhibitors, Inc., of which Robert Schirmer is president.

## Criterion to Go Union

When Gaumont British takes over the Criterion on Oct. 18, non-union help will be displaced by members of the A. F. of L., including Local 306 operators.

G-B has the house for three months with an option and is not anxious to experience labor difficulties on its first venture into the theatre business here.

## No Lead Picked—Wanger

HOLLYWOOD, Oct. 8.—Walter Wanger denies all stories to the effect that Greta Garbo, Katharine Hepburn, Ann Harding or Irene Dunne will be in "Private Worlds." No feminine lead has been picked, he says.

## Strong Starts Own Firm

M. D. Strong has resigned as director and general manager of Inter-Continent Film Corp. to go into business for himself. His new firm is known as Criterion Films. He will finance and distribute both foreign and domestic films.

## Eastman Gains Quarter on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 36⅜ | 36⅛ | 36⅛ | — ⅛ | 200 |
| Consolidated Film Industries, pfd | 14⅜ | 14⅛ | 14⅛ | + ⅛ | 800 |
| Eastman Kodak | 100⅞ | 100½ | 100¾ | + ¼ | 700 |
| Fox Film "A" | 12 | 11¾ | 12 | — ¼ | 200 |
| Loew's, Inc. | 29⅜ | 28¼ | 28⅝ | — ⅜ | 3,600 |
| Paramount Publix | 4⅞ | 4½ | 4⅝ | — ¼ | 11,300 |
| Pathe Exchange | 1¼ | 1⅛ | 1⅛ | — ⅛ | 800 |
| Pathe Exchange "A" | 13¼ | 12¾ | 12¾ | — ¼ | 500 |
| RKO | 2½ | 2⅜ | 2⅜ | ..... | 1,200 |
| Warner Bros. | 5 | 4⅞ | 5 | ..... | 2,500 |

## Technicolor Off Quarter on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 12¾ | 12½ | 12½ | — ¼ | 1,400 |

## Bond Issues Show Slight Losses

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 6½ | 6½ | 6½ | — ¼ | 3 |
| General Theatre Equipment 6s '40, ctf | 6⅞ | 6⅜ | 6⅞ | — ⅛ | 2 |
| Keith B. F. 6s '46 | 61¾ | 61¾ | 61¾ | — ¼ | 3 |
| Paramount F. L. 6s '47 | 60⅛ | 60 | 60 | ..... | 13 |
| Paramount Publix 5½s '50 | 60⅛ | 60 | 60 | — ¼ | 5 |
| Pathe 7s '37 ww | 98 | 98 | 98 | — ¼ | 1 |
| Warner Bros. 6s '39, wd | 60 | 60 | 60 | — ⅛ | 2 |

## ◀ Purely Personal ▶

DAVID LOEW, FELIX FEIST, LOUIS NIZER, PAUL BENJAMIN, EARLE SWEIGERT, EUGENE PICKER, J. D. TROP, LOU METZGER, HENRY RANDEL, HOWARD DIETZ, CAPT. HAROLD AUTEN, MORT SPRING, AL FRIEDLANDER, HERMAN ROBBINS, SAM DEMBOW, JR., JAMES CLARK, LOUIS PHILLIPS, PHIL REISMAN, JACK ALICOATE and HARRY BRANDT were among the diners at the M. P. Club yesterday noon.

LEON SCHLESINGER has arrived in town with the first print of the latest Merrie Melody cartoon, "Those Beautiful Dames," which he will show to the home office. It is done in Technicolor.

DAVID BERNSTEIN gave a luncheon for DR. A. H. GIANNINI yesterday, all for the purpose of presenting the California banker with the scroll that designates him a Kentucky colonel.

IRVING LESSER anticipates a $33,000 week at the Roxy for the first seven days of "Peck's Bad Boy." Exactly 58,837 persons visited the house from Friday morning to Sunday night.

HOWARD S. CULLMAN will be one of the speakers at a luncheon today for GOVERNOR LEHMAN and LT. GOVERNOR M. WILLIAM BRAY at the Commodore.

JAMES C. BRADFORD, composer and specialist in film music, is back in New York after doing the music for "Hollywood Murder Mystery" on the coast.

JEANETTE REX, SOL LESSER'S publicity head, returns to the coast by air the end of the week, stopping off in Chicago to visit her brother.

MAURICE MCKENZIE, on the sick list for the past several days, is expected back at his M.P.P.D.A. offices within a day or two.

CLEMENCE DANE arrives today on the *Majestic.* She is under contract to M-G-M to write a story for DAVID SELZNICK.

ALAN CROSS and HENRY DUNN, Broadway players and radio stars, have been signed for a two-reel Vitaphone short.

EARLE SWEIGERT of Paramount and E. S. APPLEGATE of M-G-M in Philadelphia were visitors yesterday.

RALPH KOHN, ill for the past several weeks at his home, may be back on the job this week.

SAM PICKER of the NATHAN BURKAN office is vacationing this week.

ARTHUR BRILANT has joined *Variety's* reportorial staff.

BARBARA BARONDESS is on her way east.

WILLIAM WELLMAN is in town.

## Closes Shanghai Deal

Ned E. Depinet, president of RKO Distributing Corp., has closed a deal with the Peacock M. P. Co., Inc., Shanghai, for the entire 1934-35 lineup. Telfair Knight, now in this country, handled the negotiations for the China firm.

## To Aid Basket Fund

Warners will donate the net proceeds from the showing of "Happiness Ahead" at the Strand next Monday to the Christmas Basket Fund.

# PETE SMITH'S PRO FOOTBALL

# IT'S IN THE AIR!

**ONE GREAT REEL**

*featuring the sensational and intricate plays of the world's champion football team, the Chicago Bears, and starring the world's most notable gridiron athletes.*

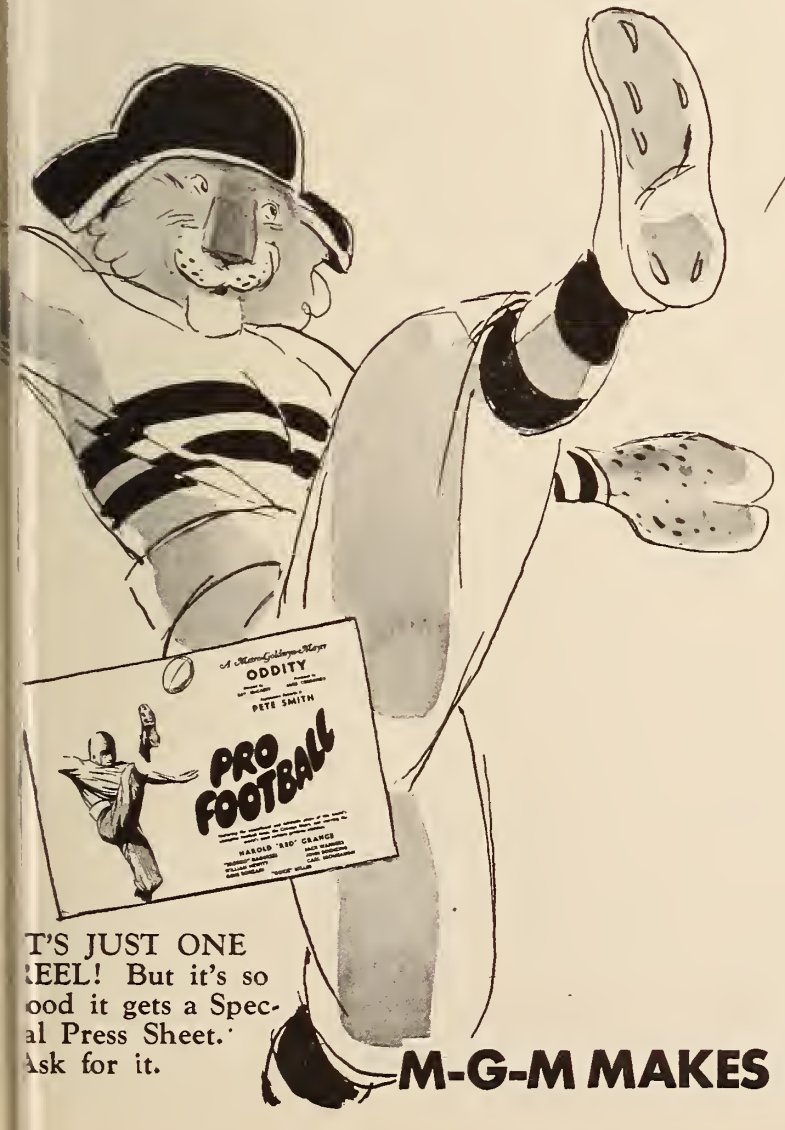
**HAROLD "RED" GRANGE**

| | |
|---|---|
| "BRONKO" NAGURSKI | JACK WANDERS |
| WILLIAM HEWITT | JOHN DOEHRING |
| GENE RONZANI | CARL BROMBAUGH |

"OOKIE" MILLER

*and Other Stellar Football Favorites*

DIRECTED BY RAY McCAREY



T'S JUST ONE
EEL! But it's so
ood it gets a Spec-
al Press Sheet.'
sk for it.

## ADVERTISE IT NOW WITH YOUR BIGGEST FEATURE!

Hollywood Reporter says:
'*A gold-mine of entertainment. A pleasure and a thrill a minute.*"

M. P. Daily says:
"*Pete Smith makes it particularly interesting with his trenchant remarks and the use of slow motion.*"

Film Daily says:
"*Unusual and timely short. Action, thrills and comedy by Pete Smith.*"

M. P. Herald says:
"*An ideal short, will go well on program during football season.*"

**M-G-M MAKES BIG ONES OUT OF LITTLE ONES!**

# Supreme Court Denies Review In Sound Case

*(Continued from page 1)*

patents had been infringed upon. Today's action of the Supreme Court, in effect, affirms that decision.

Paramount Publix was defended by Erpi and Wilmer & Vincent and Altoona-Publix by RCA Photophone.

The decision of the court is considered one of the most important matters affecting the industry in a long time.

As pointed out by the petitioners, "as construed by the courts below, the patents are so broad as to permit the respondents to claim tribute from practically every one who has produced or exhibited talking motion pictures, or has manufactured equipment for recording or reproducing sound with motion pictures, or has done the developing and printing of sound and picture records."

Tri-Ergon is a patent holding company organized in 1928 as a personal venture of William Fox for the purpose of exploiting commercially in this country the inventions of three Germans, Vogt, Engl and Massolle.

### Two Defended by RCA

Two suits for infringement of the same patent were involved; both were defended by RCA Photophone, a subsidiary of RCA, but the actual defendants, it was contended, "are theatre owning and operating companies" in which the alleged infringing machines supplied by RCA Photophone, are used to reproduce sound in conjunction with motion pictures."

In carrying the cases to the U. S. Supreme Court, the theatre companies contended there was a sharp conflict of opinion among the judges of lower courts as to the validity of the patents; that the decision of the Circuit Court of Appeals was diametrically opposed to and in direct conflict with the Supreme Court's decision in one of the De Forest cases and in other cases, and the suit involved an important question of patent law which should be settled by the Supreme Court.

## Says Tri-Ergon Ruling Clears Way for Suits

That the refusal of the U. S. Supreme Court to review a decision of the Circuit Court of Appeals in the American Tri-Ergon patents case clears the way for legal action on the part of Tri-Ergon against all producers and exhibitors for the collection of royalties on the double prints and flywheel patents was asserted yesterday by Daniel G. Rosenblatt of the law firm of Hirsh, Newman, Reass and Becker, who represented the plaintiff in the court battle.

Rosenblatt said that action would be taken in behalf of Tri-Ergon against a number of the leading producing companies and circuits of the nation for a royalty arrangement. He said no action would be taken against the small exhibitors as they would probably "fall in line" with any decision made by the big circuits regarding the payment of royalties to Tri-Ergon.

From producers payments would be sought on the use of the flywheel and double prints devices, Rosenblatt declared, while the exhibitors would be asked to pay for the use of the flywheel invention, which is used in reproduction equipment alone.

Erpi, which defended Paramount, yesterday had no statement to make. At the same time, Erpi legal experts appeared unperturbed by the Supreme Court decision. It is understood that the electric shortly will make a statement of its policy.

The litigation is reported to have involved technicalities. This may prove to be the basis of the impending Erpi statement, it is believed.

## *Interstate Gets Another*

DALLAS, Oct. 8.—The Melrose, de luxe suburban here, became part of Interstate Circuit, Inc., this week-end, it was reliably reported. The acquisition of the Melrose is third neighborhood house. Already the circuit operates the Arcadia, Dallas, and has started construction on a suburban house in Houston in partnership with Will Horwitz of that city. Interstate controls all downtown first runs in Dallas and Fort Worth and most of the houses in Houston, San Antonio, Austin, Galveston and other Texas cities.

## *Fights Sunday Date*

NEW ORLEANS, Oct. 8.—A. C. Dumestre has filed a claim with the grievance board charging Paramount with attempting to force a percentage playdate on "Belle of the Nineties" for Sunday night. He contends that if he plays the film Sunday and Monday, according to his agreement to book it two days, he will lose his Sunday business, since on Mondays the stockholders of his theatre and their families are admitted free. States he is willing to book it Wednesday and Thursday. The case will be heard this week.

## *Ernest Schwartz Gaining*

CLEVELAND, Oct. 8. — Ernest Schwartz, attorney and president of the Cleveland M. P. Exhibitors' Ass'n., wounded in a dual shooting two weeks ago during which his partner. B. Z. Levine was killed, is reported to be convalescing at Charity Hospital. Unless complications develop. his recovery is practically assured.

## *Chesterfield on Second*

HOLLYWOOD, Oct. 8.—"The World Accuses," the second picture on Chesterfield's current program goes into production on the Pathe lot tomorrow with Charles Lamont directing. The cast includes Vivian Tobin, Russell Hopton, Dickie Moore, Cora Sue Collins, Mary Carr, and Bryant Washburn. Lon Young will supervise.

## *Parker Joins Warners*

HOLLYWOOD, Oct. 8.—Austin Parker has checked into Warners to develop an original screen play to star Helen Morgan.

The actress is slated to arrive here tomorrow from Chicago for a featured role in "Sweet Music," her first on a long term ticket with Warners.

## *Doris Kenyon in Opera*

HOLLYWOOD, Oct. 8.—The Los Angeles Grand Opera Co. has engaged Doris Kenyon to sing the role of Suzanne in the forthcoming production here of "The Secret of Suzanne."

# Trendle Says 12 Houses in New Service

*(Continued from page 1)*

buy themselves, but we sit in with them and help them arrange their schedules.

It is understood a new holding company will be formed shortly to take over operation of theatres in United Detroit Service Corp. and owners of the houses will be stockholders in the holding firm.

Willard C. Patterson, general manager of the Paramount subsidiary, arrives from Detroit today to set product deals with Paramount. Trendle leaves for Washington today on matters pertaining to radio. He may stay there a few days before heading back to the auto city. He will be back on Oct. 18 when the general hearing on the Detroit schedule is before Campi.

## *A. J. Callaghan Buried*

HOLLYWOOD, Oct. 8.—Funeral rites for Andrew J. Callaghan, vice-president of Technicolor, who died here last Thursday at the Queen of Angels Hospital following an abdominal operation, were held with the singing of a solemn requiem high mass at St. Ambrose's Church followed by interment in Calvary Cemetery.

Callaghan was in his 46th year. He had been ill for several months, but had refused to give up work until a short while ago. Surviving are a widow; a son, Andrew, Jr.; a daughter. Frances. all of whom reside here. and his parents, who live in Chicago. his birthplace.

## *John E. Koen Dead*

SALEM, Oct. 8.—John E. Koen. 61, who established and operated the first film theatre in Salem and later, in association with his brother, the late William H. Koen, built theatres and operated them in Haverill, Beverly, Brockton and Quincy, died at his home. 5 Franklin St. He retired from the theatre business about 10 years ago. He is survived by his widow and by one brother, George.

## *Zanuck's Father Buried*

HOLLYWOOD, Oct. 8.—Funeral services for Frank Zanuck, who died here Saturday morning from a heart attack at the age of 73, were held here this morning at Wee Kirk of the Heather, Forrest Lawn. Zanuck is survived by his son Darryl F. Zanuck, production head of 20th Century, three sisters and two grandchildren.

## *Service for Dintenfass*

A memorial service for the late Mark H. Dintenfass will be held Friday at the Ferncliff Mausoleum, Ardsley, Mrs. Esther Dintenfass, the widow, will present a flagstaff to the mausoleum which has been on the Dintenfass estate at Palisade, N. J., for a number of years.

## *Dunne on "Brummel"*

HOLLYWOOD, Oct. 8.—Philip Dunne, son of Finlay Peter Dunne, will do the story for Edward Small's next Reliance feature, "Beau Brummel."

# ASCAP's New Tax Schedule Compromised

*(Continued from page 1)*

directors. It will be retroactive to Oct. 1 and adjustments will be made on the basis of the new rates on behalf of all exhibitors who have paid tax installments at the rate prescribed in the tax schedule which A.S.C.A.P. declared to be in effect on Oct. 1. That schedule, which goes into the discard as a result of yesterday's compromise agreement, established a music tax per seat based on the highest admission charged by the individual theatre at any performance. Thus, the tax would have ranged, in most theatres, from 15 cents to 75 cents per seat.

In addition to obtaining what is regarded in exhibitor circles as a highly advantageous compromise, exhibitors are not restrained under the agreement of yesterday from either aiding the Department of Justice in its anti-trust suit against A.S.C.A.P. and other music licensing agencies, in bringing litigation of their own against the society in an endeavor to have the collection of any music tax whatever declared illegal, or in endeavoring to enlist legislative aid for the revision of the copyright laws with the same objective.

### Profit to ASCAP Obscure

What A.S.C.A.P. obtains in the way of an advantage as a result of the compromise was not clear to observers yesterday. Some held that the exhibitor agreement might, in the opinion of A.S.C.A.P., weaken any exhibitor action or testimony against the society in the future, as exhibitor acceptance of the compromise might be held to be an admission that the collection of a music tax is valid and justified.

In a statement issued yesterday the society declared merely that it feels that exhibitors have acted "fairly" in agreeing to the increased rates. In a more wordy statement issued by the emergency committee the compromise increase was referred to as a "fair and constructive solution of a vexing question." It adds that the committee feels that it was treated fairly by A.S.C.A.P. and that its treatment of that organization, also, was fair. It urges exhibitors to support the agreement reached and recalls that without the committee's efforts the rates would have been much higher.

Members of the emergency committee are: Walter Vincent, chairman; Ed Kuykendall, Edward G. Levy, Sam Dembow, Jr., Major L. E. Thompson, Leopold Friedman, Leon Netter, Milton C. Weisman, Sydney Justin, Harry M. Pimstein.

## *Martin Barrett in Omaha*

Martin Barrett, field representative for Van Beuren Corp., is in Omaha on a tour of key cities. From there he goes to Chicago and Pittsburgh, returning to New York early next week.

Fred J. McConnel, general sales manager, has just returned from Chicago and Milwaukee.

# Garbo

# Garbo in "THE PAINTED VEIL"

Somewhere in the literature of the world there is a story that flames with the fire that Garbo can portray. Somewhere lurks a narrative of power that Garbo can tell to your audience, of smouldering love, of high adventure and tenderness that yields tears. Metro-Goldwyn-Mayer has found that story. It is Somerset Maugham's "The Painted Veil", destined to pack theatres throughout the world, to enthrall love-hungry hearts with its romance portrayed immortally by the one and only Garbo. Prepare for it as you have never prepared for a picture within your memory!

## All Majors for New Plan on Code Costs

(Continued from page 1)

the new schedule. Many independent companies were among those listed as against the first assessment schedule, but many have fallen in line with the three major firms.

The new plan, which will not be made public until the NRA Department of Research and Planning approves it, is considered by codists as a better allocation for majors and a nominal assessing plan for the smaller companies.

Instead of sending out bills for six months' payment, the $180,000 will be raised by one remittance. All of the major companies have already paid Campi sums toward the assessment.

The second semi-annual exhibitor schedule is ready and Rosenblatt is expected to approve it Thursday. He will attend the Campi session. The new exhibitor levy will find many theatres reclassified with reductions in assessments.

## Hearing Is Given On Detroit Lease

(Continued from page 1)

complaint on interference with the operation of the Eastown was heard yesterday by a Campi appeal committee consisting of Jack Cohn, chairman, and William Yoost, local circuit owner. Henry Randel, manager of the Paramount branch in Brooklyn, withdrew as a member of the board because United Detroit Theatres, a Paramount subsidiary, was a litigant.

Louis Phillips appeared with George W. Trendle in defense of United. Phillips held that although the United lease on the house expired May 21, 1934, Trendle was operating until June 30 when he was forced to vacate because Louis Wisper had bought 50 per cent of the first mortgage bonds and half of the chattel mortgage.

Wisper now operates the house. William H. Kaplan, attorney for Wisper, claimed that the bonds were bought after a trustee in bankruptcy for the theatre issued a public notice on the sale. Wisper contended that his purpose in buying the bonds was to get possession of the house. He admitted that a previous attempt to deal with the banks involved for a lease had met with failure.

Campi is expected to hear by Thursday on the approval of the NRA of the amendment to drop the leasing clause.

No action was taken by the appeal committee yesterday and the matter will be decided Thursday by the entire body. When the Detroit grievance board heard the case it certified it to Code Authority for disposition.

## Five Stories Bought

Hollywood, Oct. 8.—There has been a rush of story purchases during the past few days. Warners have bought Richard Lise's and Martin Mooney's "Police Escort" as a costarring vehicle for James Cagney and Phil Regan, and "Sport Page," by Clarence Bricker.

Radio has purchased "Star at Midnight," by Arthur Somers Roche, and "The Taming of Zenas Henry," by Sara Ware Bassett. M-G-M has acquired James Hilton's "Dawn of Reckoning."

# Zirn's Appeal Refused; Katz Denies Para. Lost

(Continued from page 1)

Appeals in an order handed down here yesterday.

Zirn's petition was filed with the higher court after Federal Judge Alfred C. Coxe appointed the trustees in conjunction with the approval of the Paramount Publix petition for reorganization under Section 77-B of the Bankruptcy Laws last June.

Zirn, who says he represents bondholders in the amount of $30,000, opposed the appointment of the trustees on the grounds of disqualification in the district court, but was overruled there. His application for the hearing of an appeal was then taken to the higher court and argued last week.

(Continued from page 1)

Sam Katz, former theatre head of the company, asks dismissal of the suit brought by the Paramount Publix trustees against himself and 15 other members of the Paramount board of 1930-32 to recover $12,237,071, the amount alleged to have been expended in the stock repurchase transactions.

Katz's allegations were made in the form of an amended answer to the trustees' complaint filed in State Supreme Court here yesterday by his attorneys, Cravath, de Gersdorff, Swaine & Wood and Samuel Spring.

The transactions specifically defended in Katz's reply are those by which Paramount acquired the Kunsky-Trendle circuit, Detroit; Great States Theatres, Illinois, and a 50 per cent interest in both the William Morris Agency and Columbia Broadcasting System.

Acquisition of Kunsky-Trendle and Great States is justified in the answer as a protective move by Paramount in the face of theatre expansion by competitors throughout the country. It is stated that with the ownership of theatres, a producer-distributor is not only assured of outlets for his own product, but is also in a more favorable position, because of his theatre ownership, to make favorable product deals with other circuits affiliated with a producer-distributor.

### CBS Deal Explained

Acquisition of the 50 per cent interest in Columbia Broadcasting for $4,999,955 by the issuance of 58,823 shares of stock available for repurchase under certain conditions by Paramount at $85 per share, was explained in Katz's answer to be the result of a belief prevalent in 1929 that some affiliation with a broadcasting company would ultimately be essential to a film and theatre company. It is suggested that the affiliation of RKO and NBC may have hastened the Paramount-CBS transaction.

Paramount showed a cash profit on this transaction, the answer states, when, in 1932, CBS repurchased the Paramount 50 per cent interest for $4,950,000 in cash and a negotiable promissory note for $250,000. With this money Paramount repurchased from Columbia 49,887 of its own shares for $4,036,140. Paramount was in need of cash at the time, the answer states, which made the Columbia offer desirable.

Paramount breached its 10-year agreement with the William Morris Agency in 1932, an agreement by which Paramount subsidiaries were to book at least 75 per cent of their acts and artists through that agency, whereupon the Morris office began an action against Paramount. The action was settled under an arrangement by which Paramount returned its 50 per cent stock interest in the Morris Agency and received 2,666 shares of its own stock, selling at $10 per share at the time, which had been issued at the time the interest in the Morris Agency was acquired.

The Kunsky-Trendle transaction is defended in the answer on the basis of the favorable earnings of the company, which, it states, were $650,000 net in 1928 and $950,000 in 1929, or 12½ and 20 per cent, respectively, on the $4,875,000 investment involved. Paramount set aside 65,000 shares of its stock in 1928, redeemable in 1931 at $75 per share, to consummate the Kunsky-Trendle deal. The stock was selling at $64 per share at the time the deal was made and at $22 per share at the redemption date, according to the Katz answer.

The Great States deal of 1929 involved 30,000 shares redeemable in 1931 at $85 per share, or an aggregate $2,550,000. The stock was quoted at $66 at the time of the deal and at $6 on the redemption date. The transaction is defended on the grounds that it was an advantageous acquisition, which has resulted in no loss to the company or creditors. It is also pointed out that Great States' earnings for the first nine months of 1928 had been $298,000 net, or 10 per cent on the proposed investment.

The answer asserts that the capital structure of the company was never endangered by the transaction and that the fact that necessary surpluses to make the transactions existed was certified to by competent accountants at the time. In addition to dismissal of the complaint, costs of the action are asked by Katz.

## Washington's Board Decides Five Cases

Washington, Oct. 8.—Five of six cases before the grievance board today were decided.

A complaint of the M. P. T. O. of the District of Columbia that Eastern High School was screening regular features to raise funds for strictly educational pictures was dismissed for lack of evidence.

F. H. Durkee Enterprises, Baltimore, brought a reduced admissions charge against the Aldine, charging passes were being issued with box-office surcharges. The board issued a cease and desist order to James Ryclzewski, operator, effective Oct. 9. Evidence of compliance must be submitted by Oct. 12.

A misunderstanding as to the meaning of "from and after Oct. 1" brought a reopening of the Durkee-Brought case of Sept. 24, as the Rex honored tax-bearing passes on that date. Leon H. Zeller and S. K. Schecter, operators of the house, assured Secretary Fitzgerald that the board's order went into full effect at the close of business on Oct. 1. The board was satisfied with the explanation and Durkee withdrew the case.

Charging overbuying, too frequent changes, and exercise of buying power suasion had been used by Durkee Enterprises against the Brodie Theatre, Joseph Brodie sought relief. Named as defendants were C. H. Pacy Co., Inc., and McHenry Theatre Co., operating Pacy's Garden and McHenry Theatres, respectively. Eight distributors were involved in Brodie's alleged lack of major product. The board dismissed the case.

The dispute between Baltimore's Colony Theatre and United Artists over an interpretation of contract provisions was postponed, probably to Oct. 29.

A second overbuying case was brought by J. B. Klein, Star Theatre, against Gilbert C. Grant, Dunbar Theatre, Baltimore. This case was also dismissed.

## Sam Moross In and Out

Sam Moross, representing John C. Flinn in the field, returned yesterday from a four-week trip to code boards in Kansas City, Des Moines, Chicago, Milwaukee, Indianapolis, Dallas and St. Louis. He left last night for Atlanta.

## Agents Join Fight On Capital Hearing

Hollywood, Oct. 8.—Ralph Blum, representing the agents here, has drawn up a petition protesting the agency code hearing's being held in Washington. When the petition is signed by a sufficient number of clients and agents it will be forwarded to Division Administrator Sol A. Rosenblatt, President Roosevelt and Deputy Administrator William P. Farnsworth. The agents, like the Academy, which has already wired a protest to Washington, believe it unjust to hold the meeting away from Hollywood.

## Chicago Clearance Is Put Over Again

(Continued from page 1)

their fight for the clearance plan which they authored calling for an additional week of protection.

The clearance and zoning board originally voted it down, 5 to 1, whereupon B. & K. filed a protest with Campi. In New York the case apparently proved too much of a puzzler, for Campi dumped it back into the lap of the local board, which is hesitating to put it to a vote again until the matter can be discussed further.

## Says He Can't Get Film

Cleveland, Oct. 8.—Charging that all major distributors in this territory refuse to serve him product of any kind, Jack Steinberg, Harbor Theatre, Ashtabula Harbor, has filed a protest with the grievance board against M. A. Shea, claiming that Shea, who operates theatres in Ashtabula, has tied up all runs of both the 1933-34 and the 1934-35 product.

## Hays Not to Speak

A report that Will H. Hays would address the convention of the International Federation of Catholic Alumnae on the subject of clean films at the Waldorf-Astoria Friday was accredited by Hays yesterday to a "misunderstanding." Other engagements will prevent his attending the session, it was said.

# "Priest" Sets 5-Year Mark In Cleveland

CLEVELAND, Oct. 8.—"Judge Priest" broke a five-year record at Warners' Hippodrome with a $15,000 gross—more than twice the average business.

"Barretts of Wimpole Street," at Loew's Stillman in its second week downtown at advanced prices, went to $7,500 against a $4,000 average. Both pictures are being held.

Total first run business was $44,500. Average is $33,000.

Estimated takings for the week ending Oct. 5:

**"CHARLIE CHAN IN LONDON" (Fox)**
ALLEN — (3,300), 20c-30c-40c, 7 days. **Gross:** $4,000. (Average, $3,000)

**"JUDGE PRIEST" (Fox)**
WARNERS' HIPPODROME — (3,800), 30c-35c-44c, 7 days. **Gross:** $15,000. (Average, $6,000)

**"BRITISH AGENT" (F.N.)**
RKO PALACE—(3,100), 30c-35c-44c, 7 days. **Gross:** $10,000. (Average, $10,000)

**"SCARLET EMPRESS" (Para.)**
LOEW'S STATE—(3,400), 30c-35c-44c, 7 days. **Gross:** $8,000. (Average, $10,000)

**"BARRETTS OF WIMPOLE STREET" (M-G-M)**
LOEW'S STILLMAN—(1,900), 30c-35c-44c, 7 days. **Gross:** $7,500. (Average, $4,000 at regular house admission prices of 20-30c-40c.)

## Memphis Meet Gets Fire Insurance Plan

*(Continued from page 1)*

by R. X. Williams of Oxford, Tenn. It was given promise of attention by the new board of directors after Williams asserted fire rates are 40 to 50 per cent higher than those of lumber yards in Mississippi despite compliance with state regulations.

Praise for the new season's product, particularly with regard to cleanliness of subject matter, was expressed by exhibitors at the open session, including Ed Kuykendall, national president.

Kuykendall spoke at length yesterday morning in support of the industry's drive for funds to oppose the A. S. C. A. P. music tax increases.

W. L. Landers of Batesville, Ark., was elected president, succeeding M. A. Lightman. H. D. Wharton, Warren; W. E. Elkins, Aberdeen, and W. F. Ruffin, Covington, were named vice presidents, respectively, for Arkansas, Mississippi and Tennessee. Williams was re-elected secretary-treasurer.

The following directors were chosen:

Tennessee: E. L. Drake, Jackson; J. W. Eaton, Col. Cecil E. Vogel, W. L. Hendricks and Lightman of Memphis; Mississippi: Raymond Goodman, Starkville; J. A. West, Louisville; W. C. Tyson, Water Valley; Arkansas: Sidney Nutt, Hot Springs; Henry Sanders, Little Rock; Cecil Cupp, Arkadelphia; J. F. Norman, England; Emma Cox, Osceola; M. S. McCord, Little Rock; R. L. McCutchen, Blytheville.

A resolution was offered by Ruffin urging the clearance board to take its time in drafting a new schedule and avoid rushing into it. Resolutions of sympathy for Maurice Kann, editor of MOTION PICTURE DAILY, over the loss of his wife were adopted.

A gesture of friendship was made toward state organizations in Arkansas and Mississippi in resolutions of encouragement.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Perfect Week-End"*

*(Warners)*

HOLLYWOOD, Oct. 8.—James Cagney as a tough-mug truck driver with a propensity for week-ending in jails will appeal to the masses who like him in rough and ready roles. The general tenor of the film is vigorous action with melodrama and brawling laughter.

The story united Cagney with Allen Jenkins as a truck-driving team and getting into grief with their chief, who hands them tough assignments. Patricia Ellis, a small town lunchroom queen, conflicts with Cagney for romance. The main plot, though virile, seems emasculated in dealing with strike-breaking gangsters who take over Cagney's truck to run milk through towns whose roads are barricaded and picketed by strikers.

The cast, including Robert Barrat, Hobart Cavanaugh, Spencer Charters, Addison Richards and Arthur Aylesworth, fits neatly into the Cagney-Jenkins-Ellis pattern. Ray Enright directed with broad, telling strokes from the screen play by Warren Duff and Seton I. Miller and a story by Frederick Hazlitt Brennan. Sid Hickox photographed well.

For aggressive action and broad comedy with rousing suspense for a windup, exhibitors can promise patrons a Cagney film that, while not highbrow or sophisticated, will surely please in neighborhoods where the masses predominate. Production code seal No. 217. Running time, 65 minutes.

## *"Kentucky Kernels"*

*(Radio)*

HOLLYWOOD, Oct. 8—This one is a laugh fiesta from the opening to the fadeout. Containing all the elements of comedy hoke and aided by prop southern accents this outdistances every preceding Wheeler and Woolsey opus and can be chalked as a sure-fire laugh and money getter.

The story spots Wheeler and Woolsey as two former stage magicians who adopt Spanky MacFarland when the youngster's father (Paul Page) plans suicide because of a broken romance. Attorneys notify the trio that the kid inherits a Kentucky estate and they move south, where they run smack into a feud.

From here on the comedy runs wild with the principals tossing a gag a minute. Mary Carlisle looks good as a romantic note, but has little to do. George Stevens directed with skill and a fine sense of comedy values, draining the story to the last laugh.

Spanky MacFarland, of Our Gang fame, almost steals the whole show with the comedy team of Miss Carlisle and Noah Beery turning in a crack performance. The story, music and lyrics by Bert Kalmar and Harry Ruby constitute a creditable job. Fred Guiol shares the script credits.

The picture is good, clean fun throughout. Previewed without a code seal. Running time, 79 minutes.

## Para. Signs Mary Ellis

HOLLYWOOD, Oct. 8.—Paramount closed a deal by cable today for the services of Mary Ellis, now appearing in London in "Music in the Air." The American actress-singer will arrive on these shores soon. No definite assignment has been decided upon.

## 5-5 Committee Meets

LOS ANGELES, Oct. 8.—The producers' and writers' five-five committee met tonight to discuss further regulations to propose for a standard working code between these two groups.

## Whitney Basil Ad Head

BUFFALO, Oct. 8.—T. J. Whitney has been named director of advertising and publicity for the Basil Bros. circuit.

## Oregon Court Asked To Force Picket Ban

SALEM, Ore., Oct. 8.—The Capitol here has requested the state Supreme Court to enforce its recent decree prohibiting picketing in front of the theatre. The theatre's attorney submitted evidence claiming that picketing of a "disagreeable and nasty sort" has been in progress. He stated that some pickets carried banners and shouted, "This is a scab theatre."

The decree of the Supreme Court held that peaceful picketing might be conducted one block from the theatre in each direction.

## Nine Portland Holdovers

PORTLAND, Oct. 8.—During the first 40 weeks of the year, nine films have been held for a second or more weeks. Heading the list in number of weeks run was: "It Happened One Night," "Wonder Bar," "House of Rothschild," "Chained," "Girl of the Limberlost," "Treasure Island," "Viva Villa," "Bull Dog Drummond," and now "Dames" in its fifth week.

# "Servants" Is Kansas City's Best, $4,800

KANSAS CITY, Oct. 8.—First run grosses were off at local showshops, with two exceptions. "Servants' Entrance," at the Uptown, nabbed $4,800, above par by $1,300. The Tower was in the money with $8,000 for "Million Dollar Ransom" and a stage show. "Belle of the Nineties" sagged in its second stanza of six days at the Newman.

Total first run business was $32,300. Average is $34,500.

Estimated takings:

***Week Ending Oct. 3:***

**"BELLE OF THE NINETIES" (Para.)**
NEWMAN—(91,800), 25c-40c, 6 days, plus Saturday midnight show, 2nd week. **Gross:** $5,200. (Average, 6 days, $6,000)

***Week Ending Oct. 4:***

**"AGE OF INNOCENCE" (Radio)**
MAINSTREET—(3,100), 25c-40c, 7 days, plus Saturday late show. **Gross:** $5,500. (Average, $7,000)

**"OUTCAST LADY" (M-G-M)**
MIDLAND—(4,000), 25c-40c, 7 days, plus Saturday midnight show. **Gross:** $8,800. Average, $11,000)

**"MILLION DOLLAR RANSOM" (Univ.)**
TOWER—(2,200), 25c-35c, 7 days, plus Saturday midnight show. Stage: "Shufflin' South" revue, with King, King & Arena; Ted & Al Waldman, Lorraine & Digby, Garland Sisters, Lester Harding, Clarence Stroud. **Gross:** $8,000. (Average, $7,000)

***Week Ending Oct. 5:***

**"SERVANTS' ENTRANCE" (Fox)**
UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $4,800. (Average, $3,500)

## Wood Starting Ohio Sales Tax Campaign

CINCINNATI, Oct. 8.—Following the third regional meeting of the Ohio I. T. O. at Cincinnati to discuss the 10 per cent state admission tax, P. J. Wood, secretary, is inaugurating an intensive canvass among legislators in behalf of the sales tax, which stands a good chance of passage at the November session of the General Assembly.

Protests against the measure heretofore have come largely from business interests in the Cincinnati sector, predicated on the possibility of industrial plants being moved to a Kentucky town immediately across the river. However, since the recent enactment of a sales tax in Kentucky, the likelihood of such an exodus does not exist, and the previous opponents now are in favor of the tax with certain modifications.

## Parker, Evergreen Merge

PORTLAND, Oct. 8.—The Williamette Amusement Co. is the new name of the merged interests in Oregon of J. J. Parker Theatres and the Evergreen Theatre Co. This new company will operate the Music Box after making such repairs as may be necessary.

## Ricardo Cortez Has Flu

HOLLYWOOD, Oct. 8.—Ricardo Cortez is laid up with a siege of the flu. Warners are proceeding with his picture, "The White Cockatoo," pending his return.

## Marsh Operated Upon

CLEVELAND, Oct. 8.—W. Ward Marsh, *Plain Dealer* movie editor, is in a hospital after an emergency appendicitis operation.

# *Completely*
# DEPENDABLE

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THE dependability of Eastman Super-Sensitive Panchromatic Negative is not based entirely upon its well-known uniformity. It is the original, inherent quality of the emulsion...its constant ability to help producers and cameramen make the most of every picture...that *completes* its dependability...that seals the acceptance which this famous film enjoys. Eastman Kodak Company. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

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EASTMAN *Super-Sensitive*
*Panchromatic Negative*

# Rogers Leads St. Paul with $6,800 Gross

MINNEAPOLIS, Oct. 8. — "Judge Priest" was the big noise among the Twin Cities' first runs last week. It went to $6,800, over par by $1,300 in the St. Paul Paramount.

"Servants' Entrance" was the only other one to stir up any excitement, and at that it was no box-office riot. The gross was $6,200 at the State here. This tops normal by $700.

Total first run business in Minneapolis was $22,800. Average is $21,000. Total first run business in St. Paul was $18,400. Average is $16,000.

Estimated takings:

### *Minneapolis*

### *Week Ending Oct. 4:*

**"BULLDOG DRUMMOND STRIKES BACK" (U. A.)**
CENTURY—(1,000), 25c-40c, 7 days. **Gross:** $4,300. (Average, $4,000)
**"FRIENDS OF MR. SWEENEY." (War.)**
LYRIC—(1,000), 20c-25c, 7 days. **Gross:** $1,800. (Average, $1,500)

### *Week Ending Oct. 5:*

**"THE RICHEST GIRL IN THE WORLD" (Radio)**
RKO ORPHEUM—(2,900), 25c-50c, 7 days. **Gross:** $5,500. (Average, $5,500)
**"SERVANTS' ENTRANCE" (Fox)**
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,200. (Average, $5,500)
**"I GIVE MY LOVE" (Univ.)**
TIME—(300), 25c-35c, 7 days. **Gross:** $2,500. (Average, $2,500)
**"THE GHOUL" (Gaumont British)**
**"ALL FOR LOVE"**
WORLD—(400), 25c-75c, 7 days. **Gross:** $2,500. (Average, $2,500)

### *St. Paul*

### *Week Ending Oct. 4:*

**"JUDGE PRIEST" (Fox)**
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,800. (Average, $5,500)
**"THE WORLD MOVES ON" (Fox)**
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500)
**"THEIR BIG MOMENT" (Radio)**
RKO ORPHEUM—(2,000), 20c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)
**"CHARLEY CHAN IN LONDON" (Fox)**
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,600. (Average, $1,500)
**"BLUE DANUBE"**
WORLD—(300), 25c-75c, 7 days. **Gross:** $2,500. (Average, $2,000)

# "Barretts" Pulls $10,200 in Omaha

OMAHA, Oct. 8.—"Barretts of Wimpole Street" was an outstanding hit in a week of generally big business here. It went up to $10,200, over par by $2,200 at the Paramount.

"The Count of Monte Cristo" and "The Notorious Sophie Lang" were strong at $8,500.

Total first run business was $26,550. Average is $22,500.

Estimated takings:

### *Week Ending Oct. 3:*

**"DEATH ON THE DIAMOND" (M-G-M)**
**"LOVE TIME" (Fox)**
WORLD—(2,200), 25c-40c, 7 days. **Gross:** $3,600. (Average, $3,500)
**"BARRETTS OF WIMPOLE STREET" (M-G-M)**
PARAMOUNT—(2,800), 25c-40c, 7 days. **Gross:** $10,200. (Average, $8,000)

### *Week Ending Oct. 4:*

**"THE AGE OF INNOCENCE" (Radio)**
**"YOUNG AND BEAUTIFUL" (Mascot)**
BRANDEIS—(1,500), 20c-25c-35c, 7 days. **Gross:** $4,250. (Average, $3,500)
**"THE COUNT OF MONTE CRISTO" (U. A.)**
**"THE NOTORIOUS SOPHIE LANG" (Para.)**
ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $8,500. (Average, $7,500)

# "Cristo" Hit; Gets 3rd Week In Pittsburgh

PITTSBURGH, Oct. 8.—The biggest surprise here in years is "The Count of Monte Cristo" at the Fulton. After playing to sensational business in its first week, it maintained almost its first week's pace during the second stanza, getting around $8,000, and it was held for a third week. It's the first picture to stay that long at this house in years.

Otherwise, business was just so-so. Both the Stanley and the Pitt, the former with "British Agent" and the latter with the "Dames on Parade" unit and "Unknown Blonde" on the screen, touched par, getting $9,000 and $6,500, respectively. "The Last Gentleman" was a disappointment at the Penn, doing barely $11,000, while the Alvin took it on the chin with "Charlie Chan in London," collecting only $3,600.

Total grosses in six first runs were $42,800. Average is $42,000.

Estimated takings for the week ending Oct. 4:

**"CHARLIE CHAN IN LONDON" (Fox)**
ALVIN—(2,000), 25c-40c, 6 days. **Gross:** $3,600. (Average, $5,000)
**"COUNT OF MONTE CRISTO" (U. A.)**
FULTON—(1,750), 15c-40c, 6 days, 2nd week. **Gross:** $8,000. (Average, $4,500)
**"THE LAST GENTLEMAN" (U. A.)**
PENN—(3,300), 25c-50c, 6 days. **Gross:** $11,000. (Average, $12,000)
**"UNKNOWN BLONDE" (Majestic)**
PITT—(1,600), 15c-35c, 6 days. Stage: "Dames on Parade" unit with Maude Hilton, Helen Compton's girl band and Flo Mayo. **Gross:** $6,500. (Average, $6,500)
**"BRITISH AGENT" (Warners)**
STANLEY—(3,600), 25c-50c, 6 days. **Gross:** $9,000. (Average, $9,000)
**"THE GREAT FLIRTATION" (Para.)**
**"CASE OF THE HOWLING DOG" (Warners)**
WARNER—(2,000), 25c-40c, 6 days. **Gross:** $4,700. (Average, $5,000)

# "Priest" Grosses $6,500, Portland

PORTLAND, Oct. 8.—"Judge Priest," at the Paramount accompanied by a double stage band and opening of the big Oregon-Stanford football rally, increased the take to $6,500, or $1,500 over normal.

"Barretts of Wimpole Street," at the United Artists, secured $6,000, or $1,000 over par.

Daily matinees were discontinued at Hamrick's Oriental, another change in policy and management.

Total first run business was $23,400. Average is $21,800.

Estimated takings for the week ending Oct. 5:

**"GIFT OF GAB" (Univ.)**
BROADWAY — (1,912), 25c-35c-40c, 7 days. **Gross:** $4,900. (Average, $5,000)
**"DAMES" (Warners)**
BLUE MOUSE—(668), 25c, **5th week,** 7 days. **Gross:** $1,700. (Average, $1,800)
**"CASE OF THE HOWLING DOG" (Warners)**
HAMRICK'S MUSIC BOX—(2,000), 25c-35c-40c, 7 days. **Gross:** $2,800. (Average, $3,000)
**"THE HUMAN SIDE" (Univ.)**
**"HAT, COAT, GLOVES" (Radio)**
HAMRICK'S ORIENTAL—(2,040), 25c, 7 days. **Gross:** $1,500. (Average, $2,000)
**"JUDGE PRIEST" (Fox)**
PARAMOUNT — (3,008), 25c-35c-40c, 7 days. Stage show. **Gross:** $6,500. (Average, $5,000)
**"BARRETTS OF WIMPOLE STREET" (M-G-M)**
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $6,000)

## *Not Noticed*

**Columbus, Oct. 8. — Just how much attention patrons pay to the sequence of a picture is a question in the mind of a local neighborhood exhibitor.**

**A print of "Many Happy Returns," reaching the theatre from a West Virginia town a few minutes before starting time, was run immediately on arrival, without the customary screening.**

**During the first show, the fifth reel was shown ahead of the fourth. The audience laughed where laughs were intended, and many told the manager how much they had enjoyed the picture as they left the theatre.**

# "Cristo" Up To $8,500 in Seattle; Held

SEATTLE, Oct. 8.—"Count of Monte Cristo" got off to a flying start with a $8,500 gross at the Music Hall. As this is $2,000 over par the picture was held over for an extended run at the Blue Mouse.

The competition was too strong for the second week of Mae West. As a result, the Fifth Avenue switched after four days to "Barretts of Wimpole Street." The take on the former was estimated at $3,000, and on the latter at $4,200.

Total first run business was $32,100. Average is $31,000.

Estimated takings for the week ending Oct. 6:

**"THE LAST GENTLEMAN" (U. A.)**
BLUE MOUSE—(950), 25c-40c-55c, 7 days. (Extended run from Music Hall.) **Gross:** $3,800. (Average, $4,000)
**"BELLE OF THE NINETIES" (Para.)**
FIFTH AVENUE—(2,450), 25c-40c-55c, 4 days, 2nd week. **Gross:** $3,000. (Average, first week, $7,000)
**"BARRETTS OF WIMPOLE STREET" (M-G-M)**
FIFTH AVENUE—(2,450), 25c-40c-55c, 3 days. **Gross:** $4,200. (Average, week, $7,000)
**"JANE EYRE" (Monogram)**
**"KING KELLY OF U. S. A." (Mono.)**
LIBERTY—(1,800), 10c-15c-25c, 7 days. **Gross:** $3,100. (Average, $4,000)
**"DOWN TO THEIR LAST YACHT" (Radio)**
**"HOUSEWIFE" (Warners)**
MUSIC BOX—(950), 25c-35c-50c, 7 days. **Gross:** $3,600. (Average, $3,500)
**"COUNT OF MONTE CRISTO" (U. A.)**
MUSIC HALL—(2,275), 25c-40c-55c, 7 days. **Gross:** $8,500. (Average, $6,500)
**"CHARLIE CHAN IN LONDON" (Fox)**
PARAMOUNT—(3,050), 25c-35c, 7 days. Chic Meyer's International Revue on stage. **Gross:** $5,900. (Average, $6,000)

## *Last Dietrich Picture*

HOLLYWOOD, Oct. 8.—Josef Von Sternberg has announced that "Caprice Espagnole," on which he is now working, will be the last film in which he will direct Marlene Dietrich. Von Sternberg has directed Miss Dietrich in all of her pictures except one since he discovered her on the Berlin stage.

## *Adolph Fried Back Here*

Adolph Fried of Film Sales Co., Ltd., is in New York from London for the second time in the last several months.

# "Priest" and Show Lead in Philadelphia

PHILADELPHIA, Oct. 8. — "Judge Priest," plus the first "concert" idea on the Fox stage was Philadelphia's big noise, gleaning a robust $26,000. The program was held for a second week, with a third in prospect.

The other stage show house, the Earle, took a neat $16,500 with "Million Dollar Ransom" and Blanche Calloway on stage.

Nothing sensational in "Caravan's" $8,500 reopening figure for the Locust, though the business indicated a profit. Not so much the strength of "The Fountain," which got $10,000 at the Boyd, as its suitability as a class picture led it to be put into the Karlton for second run downtown, launching the latter theatre as a second run house again.

Total first run business was $87,700. Average is $73,900.

Estimated takings for the week ending Oct. 4:

**"COUNT OF MONTE CRISTO" (U. A.)**
ALDINE—(1,200), 40c-55c-65c, 6 days, 3rd week. **Gross:** $8,500. (Average, $7,000)
**"GIRL FROM MISSOURI" (M-G-M)**
ARCADIA—(600), 25c-40c-50c, 2nd run. **Gross:** $2,400. (Average, $2,400)
**"THE FOUNTAIN" (Radio)**
BOYD—(2,400), 40c-55c-65c, 6 days. **Gross:** $10,000. (Average, $12,000)
**"MILLION DOLLAR RANSOM" (Univ.)**
EARLE—(2,000), 40c-55c-65c, 6 days. Stage: Blanche Calloway and Orchestra. **Gross:** $16,500. (Average, $12,000)
**"JUDGE PRIEST" (Fox)**
FOX—(3,000), 35c-40c-65c, 6 days. Concert on stage with augmented orchestra, Yasha Bunchuk, Viola Philo, Jan Peerce, Douglas Stansbury and Adelaide de Loca. **Gross:** $26,000. (Average, $12,000)
**"HAVE A HEART" (M-G-M)**
KARLTON—(1,000), 30c-40c-50c, 6 days. **Gross:** $2,400. (Average, $3,500)
**"CARAVAN" (Fox)**
LOCUST—(1,300), 55c-$1.10, 6 days. **Gross:** $8,500. (Average, $7,000)
**"BELLE OF THE NINETIES" (Para.)**
STANLEY—(3,700), 40c-55c-65c, 6 days, 2nd week. **Gross:** $8,000. (Average, $12,000)
**"GIFT OF GAB" (Univ.)**
STANTON—(1,700), 30c-40c-55c, 6 days. **Gross:** $5,400. (Average, $6,000)

# "Ransom" and Show $2,700, Oklahoma

OKLAHOMA CITY, Oct. 8.—"Million Dollar Ransom," helped by a stage show called "Showboat Follies," stirred up plenty of excitement hereabouts for four days last week by running up a $2,700 gross at the Liberty. This is $700 better than a week's normal take. "Pursued," which played the other three days, was pretty weak at $500.

As a result of the competition, other first runs fared badly.

Total first run business was $12,300. Average is $13,500.

Estimated takings for the week ending Oct. 6:

**"COUNT OF MONTE CRISTO" (U.A.)**
CRITERION—(1,700), 10c-20c-36c-41c-56c, 7 days. **Gross:** $4,000. (Average, $5,000)
**"A LOST LADY" (F.N.)**
MIDWEST — (1,500), 10c-26c-36c-56c, 7 days. **Gross:** $3,000. (Average, $4,000)
**"CHARLIE CHAN IN LONDON" (Fox)**
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,100. (Average, $2,500)
**"MILLION DOLLAR RANSOM" (Univ.)**
LIBERTY—(1,500), 10c-15c-26c-36c, (Showboat Follies on stage, 4 days. **Gross:** $2,700. Average week, $2,000)
**"PURSUED" (Fox)**
LIBERTY — (1,500), 10c-15c-26c-36c, 3 days. **Gross:** $500. (Average week, $2,000)

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 85 NEW YORK, WEDNESDAY, OCTOBER 10, 1934 TEN CENTS

## Columbia Net Outlook Same As Last Year

### *Stockholders Get Word; Cohn Pacts Approved*

Columbia's earnings for the three-month period ending Sept. 30 will equal the last year's record for the same period when the net was $1.36 per share, stockholders were told at the annual meeting yesterday.

Details could not be given out definitely, it was stated, because the audit has not been completed.

As was expected, contracts for the services of Harry Cohn as president and Jack Cohn as vice-president were ratified for a period of three years dating from July 1, 1934. The following directors were re-elected:

*(Continued on page 23)*

## New Principle Set In Plagiarism Suit

Dismissal by the U. S. Supreme Court of an appeal to review a decision of the lower court in the case of Wiren vs. Shubert, involving alleged plagiarism in "Death Takes a Holiday," firmly establishes the fact that the court may itself, unaided by experts, compare conflicting works and dispose of cases of that nature without trial, Louis Phillips, Paramount attorney, stated yesterday.

The suit was filed some time ago

*(Continued on page 23)*

## *Tennessee Theatres Take in $2,777,000*

WASHINGTON, Oct. 9.—Receipts of 124 film and vaudefilm theatres in Tennessee last year totaled $2,777,000. and the houses had an aggregate payroll of $613,000, according to the Census Bureau.

Ten theatres in Nashville had receipts of $576,000 on a payroll of $143,000, the bureau reported; while nine in Chattanooga had a take of $199,000 on a payroll of $57,000; four in Knoxville took in $96,000 and had a payroll of $25,000, and 19 in Memphis took in $813,000 and had a payroll of $173,000.

## *Court Orders Study Of Sales in Phila.*

PHILADELPHIA, Oct. 9.—The Orphans' Court of Philadelphia and Delaware County today appointed masters

*(Continued on page 23)*

## *Loew's Expects to Net Over $4 Per Share for This Year*

**Loew's will net a trifle more than $4 per share on the outstanding 1,464,205 shares of common stock for the fiscal year ended Sept. 1, a high official of the company told *Motion Picture Daily* yesterday.**

**Annual report of Loew's will be ready in another month, it was stated. The net is after depreciations and taxes as well as settlement of the recent libel suit on "Rasputin and the Empress," for which $125,000 was paid by the company. It also includes profits from international subsidiaries.**

**Loew's yesterday closed at 28¾ on the stock exchange with 4,900 shares traded in on the day for a loss of ¼ point per share.**

## Fox Moves in Patent Fight Now Awaited

What William Fox's next move will be in the battle he has been waging against the big electrics since his retirement was a question that stirred the industry yesterday. With the fight for recognition of the validity of his Tri-Ergon patents on double printing and reproducer flywheels won, his next move, it was predicted, will be to settle the question of infringement through suits for injunctions and accountings.

Possibility of an out-of-court settlement is regarded as remote by those

*(Continued on page 23)*

## Lubitsch to Make Two for Toeplitz

Ernst Lubitsch's deal with Toeplitz Prod. in England is for two pictures and contracts are on the way over from London for signing, the director stated yesterday.

Lubitsch said he has two more to make for Paramount, which will take

*(Continued on page 23)*

## Plan to End 3 N. Y. Advisory Boards Talked

A move is on foot to abandon the three advisory boards to the New York clearance and zoning board. Code members hold that the work of the advisory committees is a waste of time since the main board hears the same evidence and arguments.

One instance pointed to as an example is the case of the Maplewood, Maplewood, N. J., against New Jersey exchanges and Warner theatres. An advisory committee spent four and one-half hours on Oct. 1 hearing evidence and the meeting was adjourned

*(Continued on page 26)*

## Code Assent Limit Change Approved

WASHINGTON, Oct. 9.—Amendment of the film code to eliminate the provision requiring adherence within 45 days after its adoption or after the entry of an individual or company into the business, was approved today by the NRA. This leaves assents open

*(Continued on page 26)*

## *Para. Directorate Will Include Various Groups*

Paramount Publix bondholders, stockholders, bank and trade creditors will have representation on the new board of directors of reorganized Paramount, despite the fact that indications point to one of the smallest boards numerically in the history of the company, it was learned yesterday.

Names discussed in reorganization circles for places on the new directorate include those of Frank A. Vanderlip and Dr. Julius Klein, as representatives of Paramount Publix and Paramount Famous Lasky bondholders; Alvin J. Schlosser as representative of Paramount Broadway bondholders; Percy Johnston, president of

*(Continued on page 26)*

## Report a New Fox Met Bid, $4,500,000

### *Hayden Stone Said to Have Made Offer*

A new bid of $4,500,000 for the assets of Fox Metropolitan Playhouses was reported yesterday in well informed circles to have been made to the Fox Met bondholders' committee by Hayden Stone & Co., representing undisclosed interests.

The known association of Skouras Bros. with John Dillon of the Hayden Stone office immediately gave rise to reports, however, that the investment house was acting for Skouras in making the reported bid.

Included as part of the bid, it is said, is an offer to place $600,000 cash in escrow immediately as an evidence of good faith. This amount would revert to the bidder if a purchase of

*(Continued on page 23)*

## Fox Theatres Case Decision Reserved

Decision was reserved yesterday by Federal Judge Martin Manton on the validity of the claims of creditors who are petitioning for a reorganization of Fox Theatres under Section 77-B of the Bankruptcy Laws after the petition had been attacked on the grounds of bad faith.

Archibald Palmer, counsel for a group of bondholders of Fox Metropolitan Playhouses, all of the common stock of which is owned by Fox Theatres, charged bad faith in

*(Continued on page 23)*

## *Radio Trading Stirs Interest in Street*

For reasons not readily apparent to Wall Street traders, considerable activity in Radio Corp. issues has persisted over a period of several weeks past and is now leading to widespread speculation in the street as to whether or not the unusual activity in these stocks is not due to a revival of interest in the issues by the operator

*(Continued on page 23)*

## *British Lion Head Seeks Indie Films*

Sam Smith, managing director of British Lion, is negotiating with a number of independent companies for 26 pictures which his company will distribute in England. He also has

*(Continued on page 23)*

MOTION PICTURE
DAILY
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## Local Product Deal Agreement Delayed

Prior to signing of contracts yesterday settling the local product controversy between Loew's, RKO, Skouras, Randforce and Springer & Cocalis, a last minute hitch, said to be a disagreement over the language in the pacts, held up the deal.

The differences are said to be minor and will be cleared within the next day or so.

## M. P. Council Meeting

The Westchester County M. P. Council opened the fall season with a special meeting yesterday at the Woman's Club in Portchester. Leon J. Bamberger, in charge of sales promotion at RKO, and William Michaelson, manager of the RKO Embassy in Portchester, were among the speakers.

## Depinet to Coast Today

Ned E. Depinet leaves for the coast by plane today for conferences with studio executives on RKO Radio productions planned and now in work. His visit may be extended several weeks.

## Flint Duals End Nov. 1

FLINT, Oct. 9.—Double features will end here Nov. 1. Both indie houses and circuit theatres have agreed on a plan to do away with the duals.

## Schreiber Suit to Be Heard by Master

DETROIT, Oct. 9.—After five days of trial, the suit of Jacob Schreiber, owner of four theatres on Woodward Ave., against Louis and Ben Cohen of Cooperative Booking and all distributors but M-G-M will go before Special Master William Sayers of the U S. District Court here next Tuesday.

Schreiber contends that preferential treatment given to Cooperative by defending distributors is a restraint of trade.

Edward Raftery of O'Brien, Driscoll and Raftery, New York attorneys, arrives here Tuesday to defend distributors in association with Rockwell Gust, local attorney. William Henry Gallagher is counsel for Schreiber.

Edward Raftery leaves for Cleveland Sunday and on Monday will leave that city for Detroit. Raftery stated yesterday he had been retained by distributors to defend the case in conjunction with Rockwell Gust of Detroit.

## Warners Lining Up "Happiness" Drive

Warners are lining up an extensive national exploitation campaign to help exhibitors in selling "Happiness Ahead," which has its New York showing at the Strand tonight.

Song numbers from the film will be featured in two important radio programs. One is a Rudy Vallee broadcast emanating tomorrow night from the Warner studio on the coast. Another is the "Hollywood Hotel" hour Friday night featuring Dick Powell, who appears in the picture. Both programs will go out on a coast-to-coast hookup.

Exhibitors will also profit through the designation of a "Happiness Week" coincidentally with the release of the picture over the country. Pledge cards urging patrons to do some deed that will spread happiness will be supplied to exhibitors for distribution to their audiences during this period.

## Loew's Boston Dividend

Loew's Boston Theatres, Inc., have declared a regular quarterly dividend of 15 cents, payable Nov. 1 to stockholders of record of Oct. 22.

## Thirty-seven Seek To Join M. P. Club

Thirty-seven applications for membership in the Motion Picture Club are up in committee for disposal. The membership committee whose task it is to vote favorably or otherwise includes Harry D. Buckley, Gabriel L. Hess, Austin C. Keough, Louis Nizer, Lee A. Ochs, Martin Quigley, Phil Reisman and James Ryan.

The applicants are:

John M. Benas, Harry H. Buxbaum, J. O'Byrne DeWitt, Nathan Dobson, Thomas P. Drew, Dave and Max Fleischer, Al Friedlander, Samuel R. Gerstein, Lou Goldberg, J. R. Grainger, L. F. Guimond, Herbert Jaediker, Henry W. Kahn, Erwin S. Kleeblatt, Jacques Kopfstein, Alfred S. and Sherman S. Krellberg, Ed Kuykendall, Joseph T. Lee, Michael J. Merkin, Anthony Muto, Creed A. Neeper, George Nitze, Isroy Norr, Charles J. Oppenheim, Isidore S. Perse, Sidney I. Prager, Frederick C. Quimby, Dr. Martin L. Reiffel, William F. Rodgers, Bernard Sholtz, Jack H. Skirball, William Small, Walter Trumbull, Albert Warner and George Weltner.

## Weeks Adds Several To G-B Sales Staff

George W. Weeks, general sales manager of Gaumont British, yesterday appointed Joe Kaliski, formerly of Fox and M-G-M, sales manager in Washington, D. C.

Mark Goldman, formerly of Fox, was also appointed sales manager in Pittsburgh and Harry Skirball was named head of the exchange in Cleveland.

Abe Fischer, who has been associated with Gaumont British for some time, was appointed home office representative for Chicago, Milwaukee, Minneapolis, Indianapolis, St. Louis and Kansas City. A sales manager of the Chicago office will be named this week.

## Lucchese Lunch Guest

PHILADELPHIA, Oct. 9.—Over 200 exhibitors and exchange men turned out to greet Tony Lucchese, Gold Medal exchange manager, who returned to Vine Street after a year of illness. The affair was celebrated by an Italian luncheon at Palumbo's Cafe in South Philadelphia.

## Hold "Peck" at Roxy

"Peck's Bad Boy" is being held a second week at the Roxy and is likely to go a third.

## Paramount Drops Half on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 36⅞ | 36⅛ | 36⅛ | ..... | 1,300 |
| Consolidated Film Industries | 3¼ | 3⅛ | 3⅛ | ..... | 300 |
| Consolidated Film Industries, pfd | 13¾ | 13¾ | 13¾ | — ⅜ | 100 |
| Eastman Kodak | 100½ | 99¾ | 99¾ | — ½ | 200 |
| Eastman Kodak, pfd | 140⅛ | 140⅛ | 140⅛ | — ⅞ | 1,000 |
| Fox Film "A" | 11¾ | 11¾ | 11¾ | — ¼ | 300 |
| Loew's, Inc. | 29 | 28⅛ | 28¾ | — ¼ | 4,900 |
| Paramount Publix, cts | 4½ | 3⅞ | 4⅛ | — ½ | 17,000 |
| Pathe Exchange | 1¼ | 1⅛ | 1⅛ | ..... | 800 |
| Pathe Exchange "A" | 12¾ | 12½ | 12½ | -- ¼ | 500 |
| RKO | 2⅜ | 2¼ | 2¼ | — ⅛ | 500 |
| Warner Bros. | 4⅞ | 4⅝ | 4⅝ | — ¼ | 4,000 |

## Technicolor Off Half on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 12 | 12 | 12 | — ½ | 100 |

## Paramount Publix Bonds Off Two

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Loew's 6s '41, ww deb rights | 102½ | 102 | 102½ | + ¾ | 7 |
| Paramount Broadway 5½s '51 | 41 | 40 | 40 | —2¾ | 60 |
| Paramount F. L. 6s '47 | 58½ | 58½ | 58½ | —1½ | 7 |
| Paramount Publix 5½s '50 | 60 | 58 | 58 | —2 | 13 |
| Pathe 7s '37, ww | 98½ | 98 | 98½ | + ½ | 2 |
| RKO 6s '41, pp | 31 | 31 | 31 | ..... | 1 |
| Warner Bros. 6s '39, wd | 60¼ | 59 | 59 | —1 | 15 |

## Purely Personal

DAVID BERNSTEIN, ALBERT WARNER, ELMER C. RHODEN, HARRIS P. WOLFBERG, HERSCHEL STUART, ED OLMSTEAD, JULES LEVY, ED MCEVOY, DR. A. H. GIANNINI, FELIX F. FEIST, TOM CONNERS, E. M. SAUNDERS, E. A. ALPERSON, ROBERT WOLF, LOUIS PHILLIPS, EUGENE ZUKOR, HAROLD RODNER, LOU METZGER, LAURENCE BOLOGNINO, SI SEADLER, MORT SPRING, DAVID LOEW, E. C. GRAINGER, GUS EDWARDS, DAVID WEINSTOCK, JACK TROP, J. H. HOFFBERG and HARRY SHIFFMAN were among M. P. Club lunchers yesterday.

I. E. CHADWICK, proving he's still in town; HARRY THOMAS, MORRIS KINZLER, MARTIN DICKSTEIN, JIM MULVEY, JOE POLLAK, DICK BRADY and LYNN FARNOL were among those lunching at the Tavern yesterday.

JOHN CROMWELL and wife, KAY JOHNSON, returning from a three months' trip abroad, arrive today on the *Majestic,* which was delayed a day.

WALTER EBERHARDT casting longing eyes toward Nassau, scene of last year's vacation place and in top spot for this year's selection as well.

ANDRE HORNEY arrives from Paris on the *Statendam* Saturday bound for the M-G-M studios where he will write lyrics.

JOHN MYERS, publicity director for London Films, sails today for England.

MARCUS GRIFFIN now has an eight-pound son born at the Midtown Hospital.

CLAIRE TREVOR arrives in town today for a brief vacation from the Fox studio.

CLEMENCE DANE arrives on the *Majestic* today instead of yesterday.

EDWARD SCHNITZER of Columbia was down with a cold yesterday.

EDDIE CANTOR is now figuring on sailing for London Dec. 1.

JULES LEVY is planning a trip to the west shortly.

KAY FRANCIS arrives today on the *Rex.*

## Gets Contract Report

HOLLYWOOD, Oct. 9.—The complete report of the administration of the Academy standard minimum contract for artists for the year ended Oct. 1 was presented to the Academy's board of governors tonight.

## Benjamin Glazer Coming

HOLLYWOOD, Oct. 9.—Benjamin Glazer was on his way to New York by plane tonight to seek story material for forthcoming Paramount productions.

## Arliss Opens Oct. 17

George Arliss' second starring vehicle for 20th Century, "The Last Gentleman," opens at the Rivoli Theatre next Wednesday, Oct. 17th. United Artists is releasing.

## Grainger to Pittsburgh

E. C. Grainger, eastern division manager for Fox, leaves for Pittsburgh, Philadelphia and Washington on Saturday.

# Gaumont British Opens For Business

This is a statement from exhibitors to exhibitors. We operate 350 theatres in London and the British Isles. De luxe, suburban, neighborhoods.

¶ We don't ask where pictures are made. All we ask is: "Are they good entertainment?" And that's all our patrons ask. We believe you and your patrons feel the same way.

¶ We are also producers. We will bring you 16 productions every year. We know—and you know—that new personalities, new faces, new stories and new treatments, are what you want. And that's what we'll give you.

¶ Mr. Sidney R. Kent, President of Fox Films Corp., after screening our product, invited us to release in the U. S., through Fox. We consider this a compliment. And a responsibility. Mr. Kent's standards are high. We will measure up to them.

¶ Our sales offices in the U. S. will be in the Fox Exchanges. The branches will handle prints and accessories. Our own sales force will shortly contact you from your Fox Exchange. Regal Films, Ltd., will continue to serve Canada.

¶ Our policy is simple. Screen our pictures. Look before you book. Our first [8] are presented herewith. They tell our story in one word—Box-office.

MARK OSTRER
Chairman of the Board

JEFFREY BERNERD
General Manager

GB

GAUMONT BRITISH PRODUCTIONS

1600 BROADWAY • NEW YORK CITY
U. S. DISTRIBUTION—FOX EXCHANGES • IN CANADA, REGAL FILMS, Ltd.

# ROXY

## BOOKS 10

# "CHU CHIN CHOW"

*and* NINE MORE!

RADIO CITY

BOOKS 4

"POWER"

*and* THREE MORE!

GB

# POWER

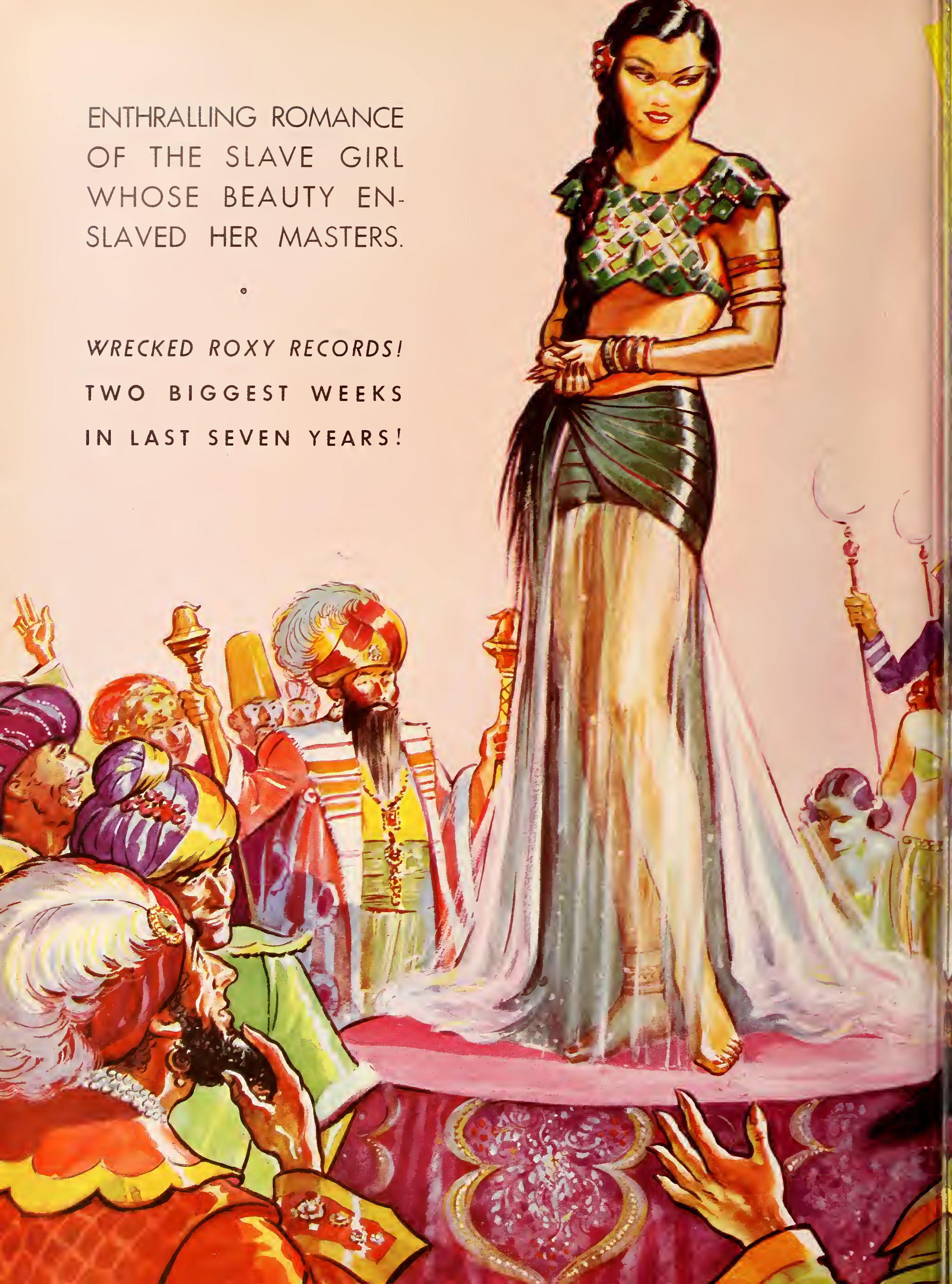
Based on the celebrated novel by
**LION FEUCHTWANGER**
Directed by
**LOTHAR MENDES**

*A tremendous new personality*
*Conrad* **VEIDT**

BENITA HUME
GERALD du MAURIER
FRANK VOSPER
CEDRIC HARDWICKE

*Now Playing*

**RADIO CITY MUSIC HALL**



ENTHRALLING ROMANCE OF THE SLAVE GIRL WHOSE BEAUTY ENSLAVED HER MASTERS.

•

*WRECKED ROXY RECORDS!*

TWO BIGGEST WEEKS IN LAST SEVEN YEARS!

# CHU CHIN CHOW

AUTHOR: OSCAR ASCHE

**DIRECTED *by* WALTER FORDE**

MUSIC BY FREDRICK NORTON

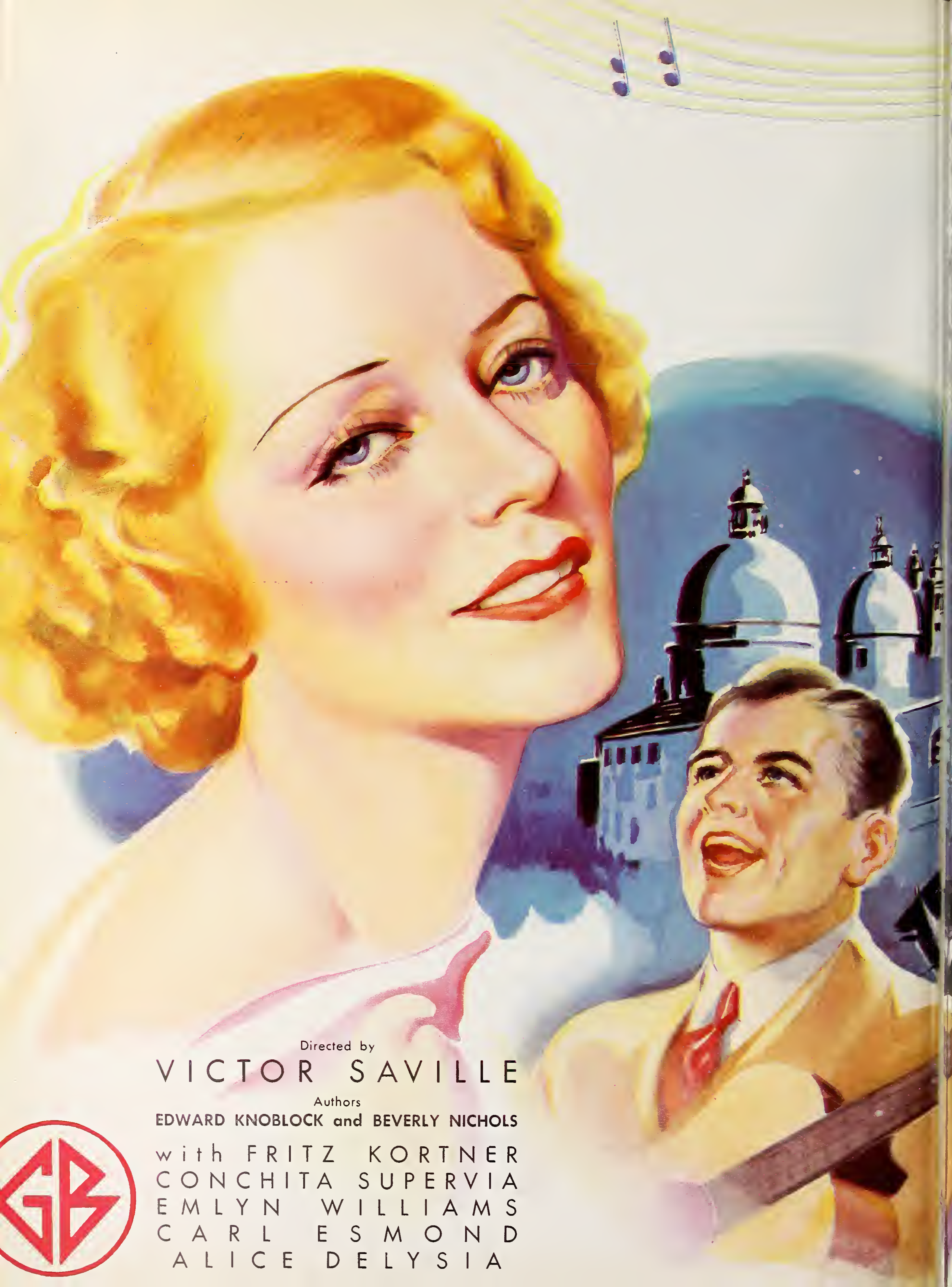
MUSICAL DIRECTOR: LOUIS LEVY

*with*

ANNA MAY WONG

GEORGE ROBEY

FRITZ KORTNER



Directed by

**VICTOR SAVILLE**

Authors

**EDWARD KNOBLOCK and BEVERLY NICHOLS**

with FRITZ KORTNER
CONCHITA SUPERVIA
EMLYN WILLIAMS
CARL ESMOND
ALICE DELYSIA

GB

A NEW PERSONALITY

# Evelyn Laye

# *in* "Evensong"

THEY WERE LOVERS—ONLY YESTERDAY—BUT HE COULDN'T REMEMBER—AND SHE COULDN'T FORGET.

directed by

**VICTOR SAVILLE**

written by

**H. M. HARWOOD**

*George* **ARLISS**

*in "The*

# IRON DUKE"

with

ELLALINE TERRIS
GLADYS COOPE
A. E. MATTHEW
ALLAN AYNESWORT

GB

*A New Personality*

THE MOST SENSATIONAL DISCOVERY IN YEARS!

# Jessie Matthews

in

# "Evergreen"

**SHE CAN SING! SHE CAN DANCE! SHE CAN ACT! SHE CAN LOOK! SHE CAN CHARM!**

•

*Princess Personality Herself!*

•

Youth, beauty and a Million Dollars worth of Magnetism!

•

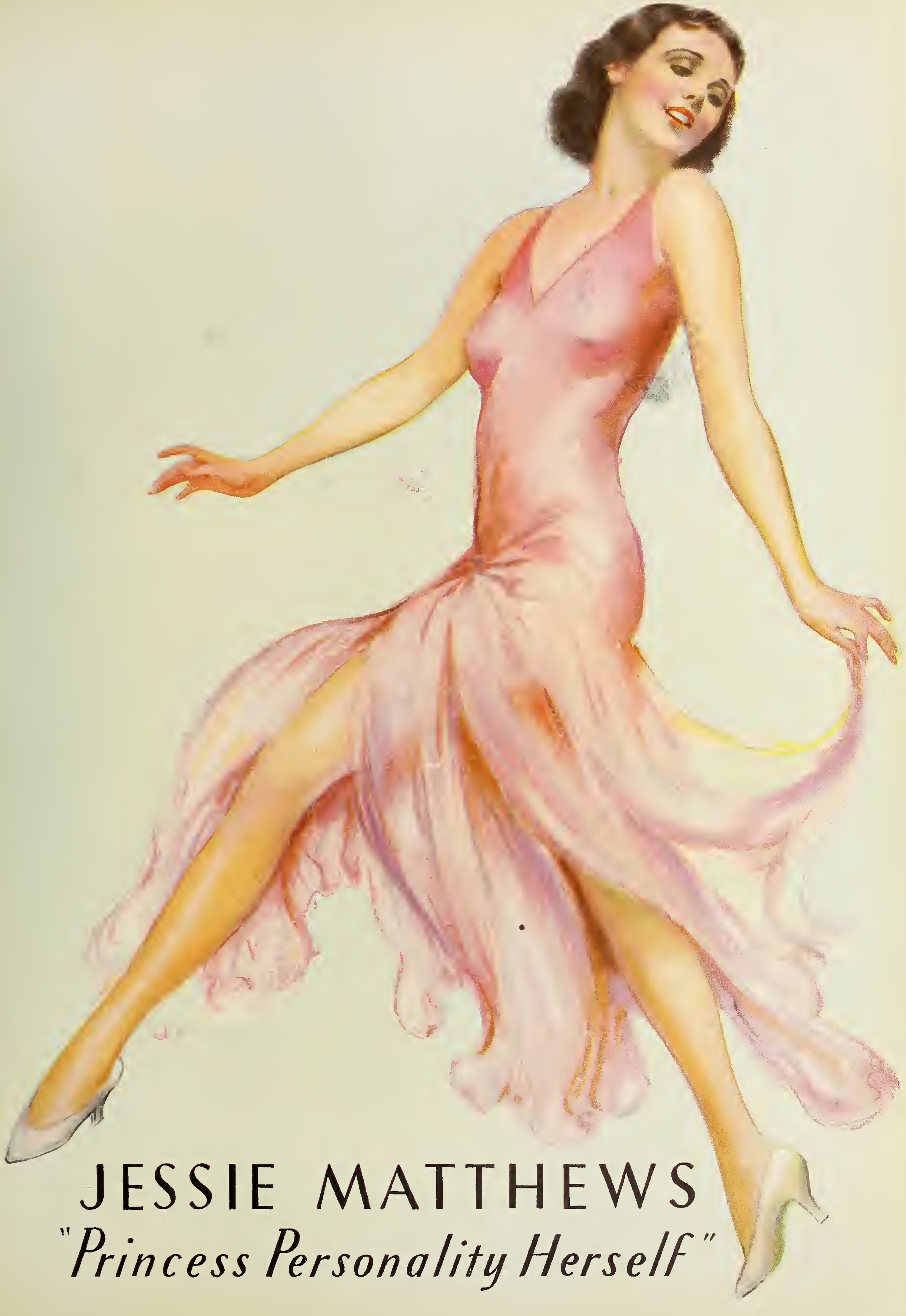
This is not a prediction—this is a promise. Jessie Matthews will be one of the Biggest Box-Office Bets in America within the next 6 months.

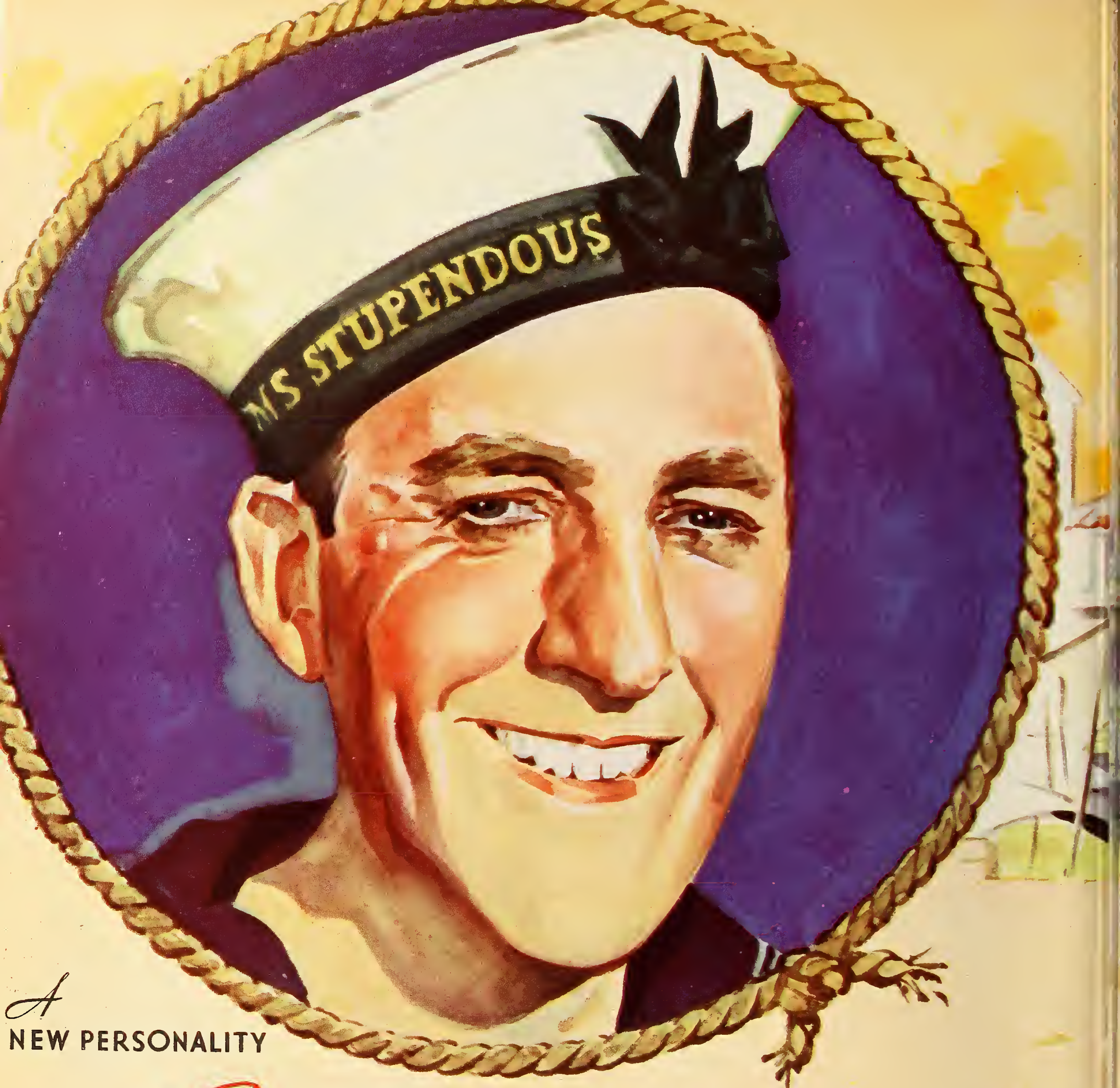
Based on the stage play by BENN W. LEVY

Directed by
VICTOR SAVILLE

Lyrics and Music by HARRY M. WOODS
RICHARD RODGERS and LORENZ HART

GB


JESSIE MATTHEWS
"Princess Personality Herself"

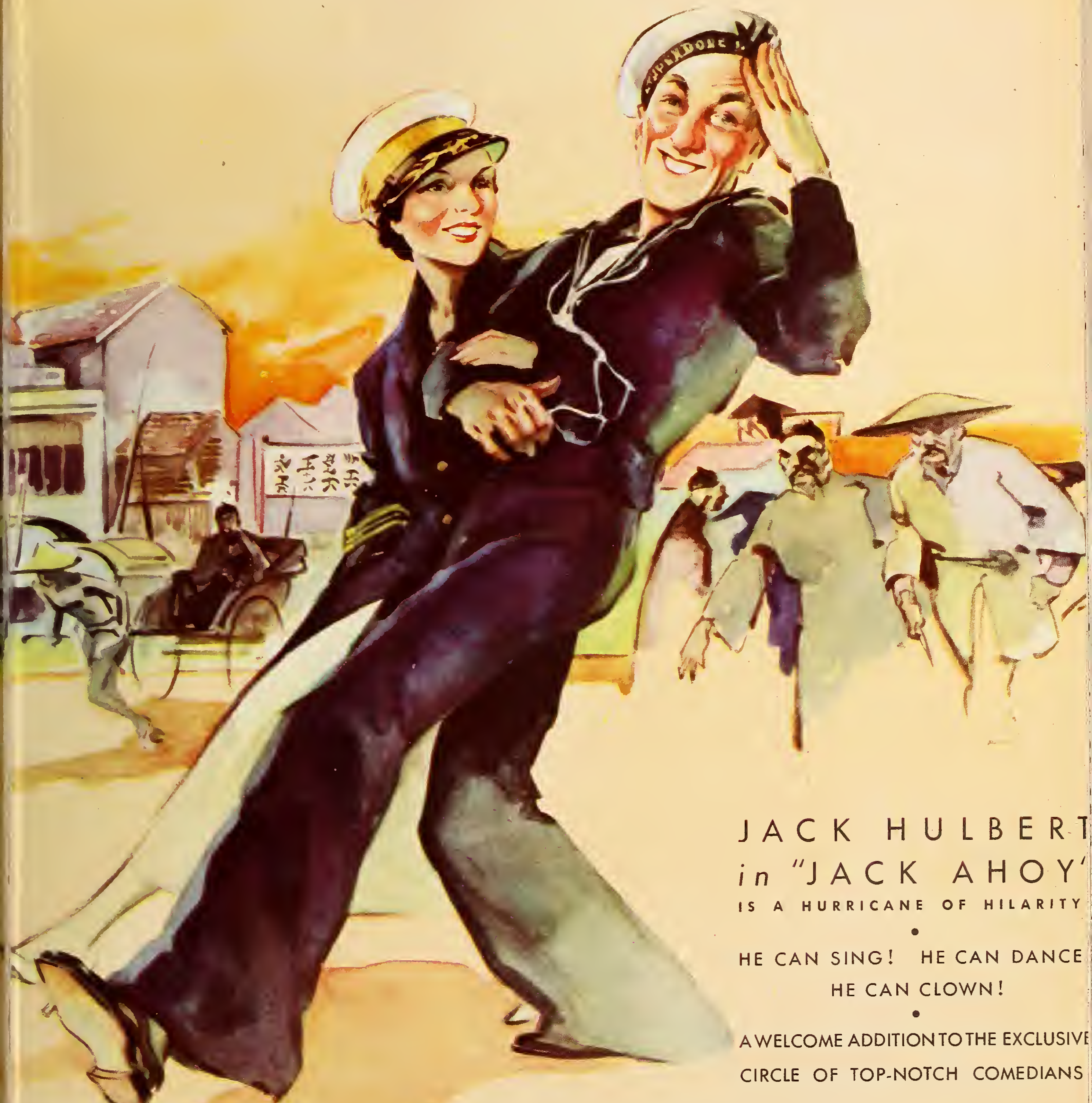

HMS STUPENDOUS

*A* NEW PERSONALITY

# *Jack Hulbert* *in* "JACK AHOY"

*By* Sidney Gilliat *and* John Orton

*Directed by* WALTER FORDE



## JACK HULBERT
## in "JACK AHOY"

IS A HURRICANE OF HILARITY

•

HE CAN SING! HE CAN DANCE
HE CAN CLOWN!

•

A WELCOME ADDITION TO THE EXCLUSIVE
CIRCLE OF TOP-NOTCH COMEDIANS

*Jack's Sensational Song Success—*"MY HAT'S ON THE SIDE OF MY HEAD," *will be Sung Whistled and Played, on the Air and Everywhere: on Release.*

GB

A NEW PERSONALITY

# EVELYN LAYE

in

# "Princess Charming"

WITH

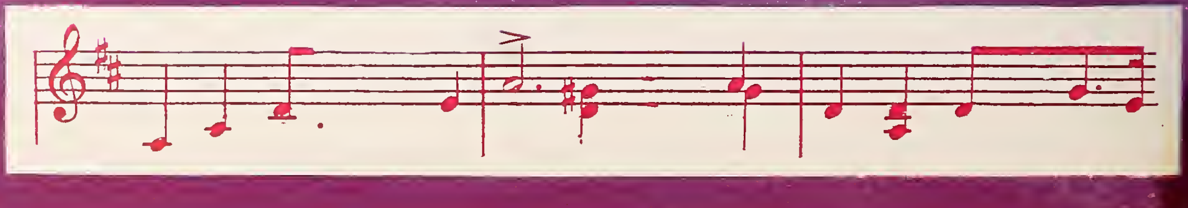
## HARRY WILCOXSON

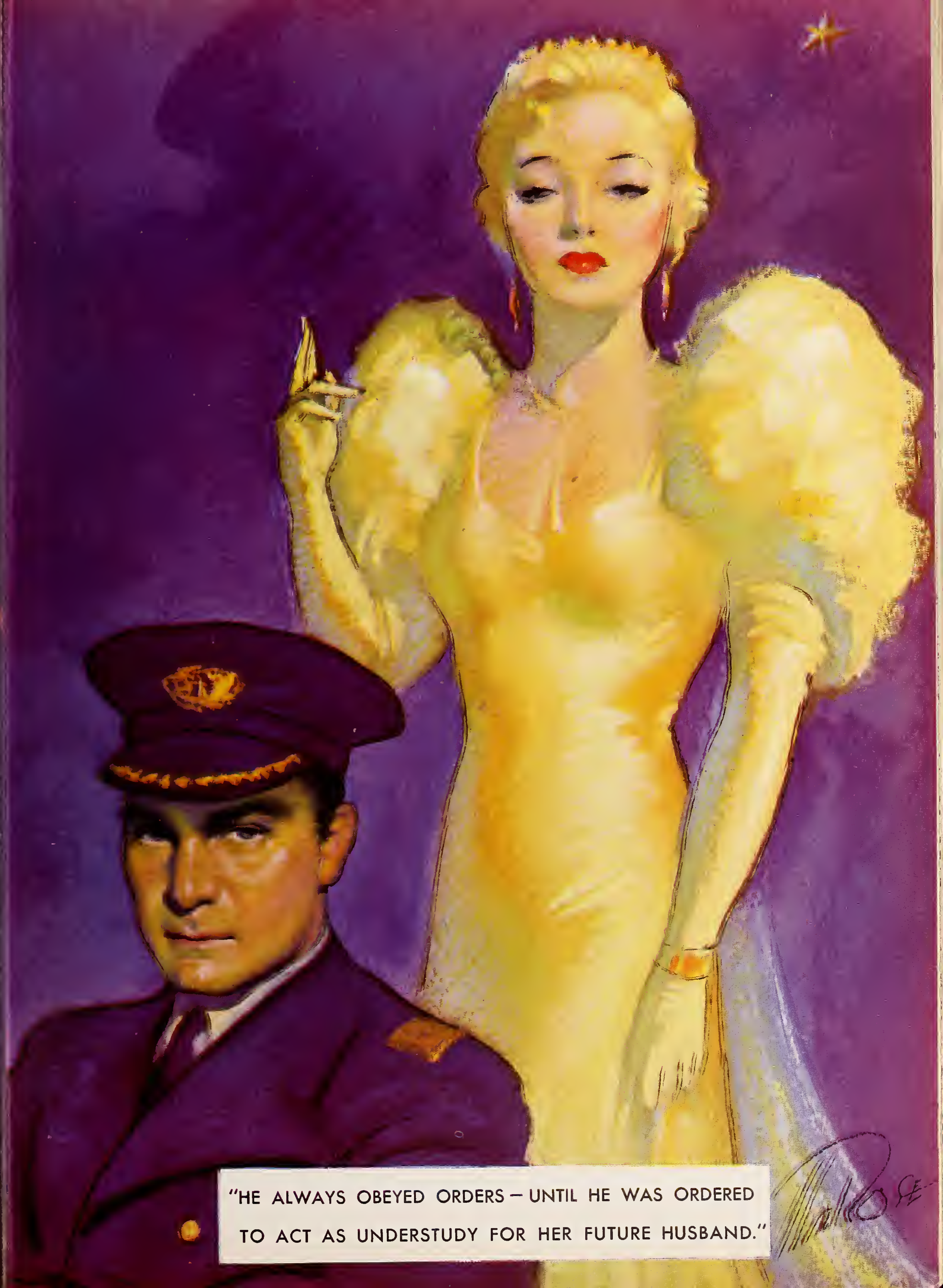
A NEW PERSONALITY • SENSATION OF "CLEOPATRA"!

YVONNE ARNAUD • GEORGE GROSSMITH

DIRECTED BY MAURICE ELVEY

GB

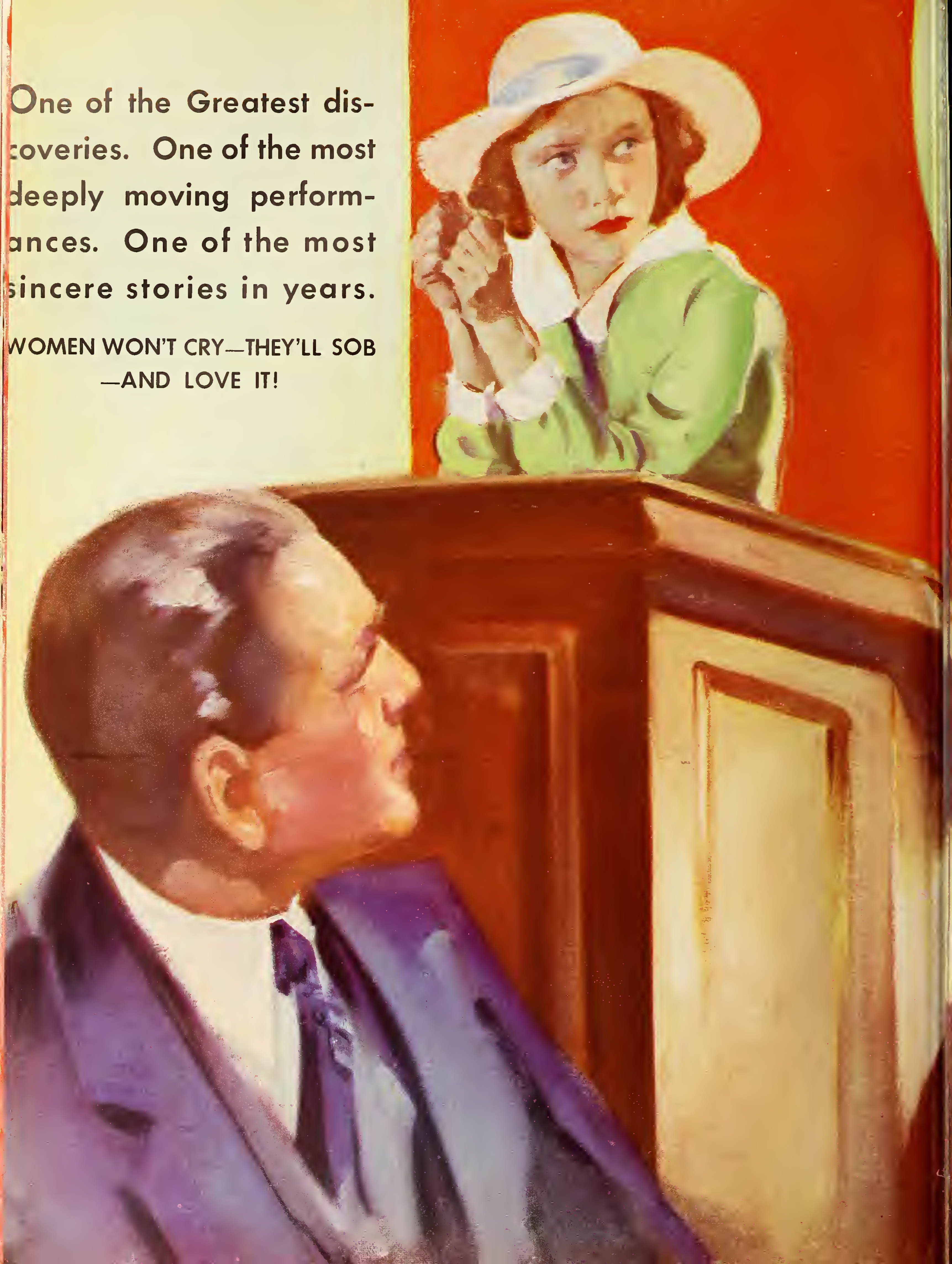




"HE ALWAYS OBEYED ORDERS — UNTIL HE WAS ORDERED TO ACT AS UNDERSTUDY FOR HER FUTURE HUSBAND."

One of the Greatest discoveries. One of the most deeply moving performances. One of the most sincere stories in years.

WOMEN WON'T CRY—THEY'LL SOB —AND LOVE IT!



A NEW PERSONALITY

# Nova Pilbeam

in

# "LITTLE FRIEND"

*with* MATHESON LANG • LYDIA SHERWOOD

*Directed by*
**BERTHOLD VIERTEL**

*By* ERNST LOTHAR

OPENING OCT. 18 *TWICE DAILY* Coming! CRITERION THEATRE

# "MAN of ARAN"

DIRECTED BY ROBERT FLAHERTY

PRODUCER OF "NANOOK OF THE NORTH"

## ON THE WAY

## 8 JUST AS GREAT... AS THE FIRST EIGHT

## GAUMONT BRITISH PRODUCTIONS

1600 BROADWAY • NEW YORK CITY
U. S. DISTRIBUTION—FOX EXCHANGES • IN CANADA, REGAL FILMS, Ltd.

PRINTED IN U. S. A.

# Report a New Fox Met Bid, $4,500,000

(Continued from page 1)

the Fox Met assets could not be consummated, it is understood, but would stand as an initial cash payment in the event a deal were closed. In what form the $3,900,000 balance would be paid could not be learned yesterday.

Sources close to the Fox Met situation are of the opinion that Hayden Stone is bidding for Skouras Theatres with Randforce possibly included in the proposal, either on a participating basis or on an agreement to continue operations by contract with Skouras. Randforce representation in such a deal is regarded as essential inasmuch as the Fox Film franchise is held jointly by the two operators of Fox Met.

Attorneys for Skouras denied yesterday that their company was behind the Hayden Stone bid. George Skouras could not be reached for comment.

# Fox Theatres Case Decision Reserved

(Continued from page 1)

the filing of the petition, alleging that it is merely an attempt to realize on Fox Met assets. Palmer, likewise, attacked the validity of the claims of Miriam Rogers of Boston, a sister of A. C. Blumenthal, in the amount of $350,000; the claim of Louis B. Seidman, a broker, for $35,000 and that of a typewriter concern for $29. The Bankruptcy Laws require that a petition for reorganization be filed by at least three creditors and Palmer attempted to disqualify the claims of one or more of the petitioners.

Mrs. Rogers' claim is alleged to have been assigned to her by Blumenthal, who, Palmer stated, filed it on the basis of a commission alleged to be due him for the acquisition of a theatre site in Boston for Fox in 1931.

Judge Manton adjourned the hearing to Oct. 18.

## *Fox Midwest Setup To Await FWC Move*

Reorganization of Fox Midwest will not take place until F. W. C. is reorganized, Elmer Rhoden, head of the midwest circuit, stated yesterday. He said he expected the coast organization to be rehabilitated within the next month or so, but could give no approximate date for his group of theatres.

Rhoden is in New York conferring with F. W. C. executives on product buys for this season. He expects to be here three weeks.

## *Winfield Sheehan Leaves*

Winfield Sheehan, in charge of production at the Fox studios, left for Hollywood by train yesterday to resume his duties at the studios. Sheehan recently arrived here from abroad.

# Fox Moves in Patent Fight Now Awaited

(Continued from page 1)

who know Fox's attitude. He has never been prone to compromise, they say, and he has indicated before a U. S. Senate investigating committee and in the book "Upton Sinclair Presents William Fox" that he feels strongly his retirement was forced.

Daniel G. Rosenblatt of Hirsh, Newman, Reass & Becker, who has been handling the litigation for Fox, said yesterday his next move probably would be outlined in a few days. Erpi remained silent, indicating a statement would be forthcoming later in the week. All attorneys connected with RCA Photophone and RCA said no statement would be made at present.

Otto Koeger of Hughes, Schurman & Dwight, who has been handling the involved litigation between Fox Film and Fox in which the Tri-Ergon patents figure, could not be reached.

One attorney, who did not wish to be quoted, said there was prospect of another year or more of litigation before a settlement can be reached. The courts, he said, must decide whether there has been infringement and how much.

# Lubitsch to Make Two for Toeplitz

(Continued from page 1)

another year. After the Paramount contract expires, Lubitsch will go to London, make one of the duo for Toeplitz, return here and make a picture and then go back to London to complete the deal. He said he did not know for whom he would make a picture after the first Toeplitz film and no negotiations are under way at this time.

Here for a three-week vacation following completion of "The Merry Widow," Lubitsch stated he will never give up the idea of continuing to make pictures in Hollywood. He said he loves the coast and the industry. "The Merry Widow" has been made in four versions, one English version for American audiences and another for British consumption, one for Belgium and the last for France. He said Maurice Chevalier and Jeanette MacDonald appear in all four.

Lubitsch holds that there is a definite trend toward operas and many new pictures will have operatic sequences. He says:

"I've been hearing so much about operatic pictures that in my dreams I can see gangster pictures being made with opera sequences. Since 'One Night of Love' there is a terrific vogue for this type of picture."

## *Santell Quits in London*

London, Oct. 9 (By Cable).—Alfred Santell is out as director of the "Dictator" for Ludovico Toeplitz, who says that in view of the fact his supervisory policy is not consistent with Santell's methods he acceded to the director's request that he be permitted to resign. The situation is similar to the recent resignation of Rowland Brown from London Films.

### *Coincidence*

**It's purely a coincidence, insists Si Seadler of M-G-M, that the Cardinals yesterday won the World Series and in "Death on the Diamond" the St. Louis team is shown winning the pennant in a series game.**

# New Principle Set In Plagiarism Suit

(Continued from page 1)

by Myra Page Wiren against Shubert Theatre Corp. and Paramount Publix, the complainant contending that her allegorical poem "Most" was plagiarized by "Death Takes a Holiday."

Representing Paramount, Phillips in the U. S. District Court of New York, southern district, moved for a dismissal without trial on the ground that a comparison of the poem and the picture showed they were not similar and therefore there was no need of a trial. Judge Henry Goddard dismissed the complaint and this was appealed to the Circuit Court of Appeals where the dismissal was unanimously affirmed.

The poetess then applied for a writ of certiorari to the Supreme Court and the petition was denied.

## *Court Orders Study Of Sales in Phila.*

(Continued from page 1)

to consider the advisability of the sale of the four theatre properties of the William Freihofer and Fred Nixon-Nirdlinger estates.

The buyer named is L. M. Maeder, employe of Albert M. Greenfield.

The houses were reported last week to have been bought by H. M. Warner, but this was denied. The court action indicates that the sale will go through, but the papers do not disclose the real purchasers. Hearings will begin as soon as possible.

## *Lederer Incorporates*

Francis Lederer has filed incorporation papers through his New York attorney. He plans to open a Broadway revue in November, in which he will appear. Rehearsals will be held in Hollywood.

## *"U" Signs Eugene Walter*

Eugene Walter, author of numerous Broadway stage shows, has been signed by Carl Laemmle, Jr., to do the screen adaptation of "Magnificent Obsession." Walter leaves for Universal City shortly.

## *Wolfberg Goes to K. C.*

Harris P. Wolfberg, midwest district manager for M-G-M, left for St. Louis yesterday after a week here conferring with Felix Feist. From St. Louis he will go to Kansas City, his headquarters.

## *Harry Sachs to Dallas*

Cleveland, Oct. 9.—Harry Sachs, feature booker for the Warner theatre department, has resigned to become booker for the Publix circuit with headquarters in Dallas.

# Columbia Net Outlook Same As Last Year

(Continued from page 1)

Harry Cohn, Jack Cohn, Leo M. Blancke, Nathan Burkan, Abe Schneider, Sol Bornstein and Jack Kerner.

Dr. A. H. Giannini, recently elected a voting trustee in place of Joe Brandt, resigned, praised the progress of the company and its earnings showings during the depression period. He said that about 15 years ago he gave the Cohn brothers their first loan.

Harry Cohn was not present.

## *Radio Trading Stirs Interest in Street*

(Continued from page 1)

identified with their sensational rise of 1929.

Reports are freely circulated in the financial district that this is so and, despite the improved earnings position reported by RCA for the first six months, and other considerations which might explain the current activity, the street persists in its belief that none of these as readily explains the stock movements as the report that the original sponsor of this bull market favorite is again in the field. Though no spectacular gains have been made in the Radio shares of late, the daily turnover for the past several weeks has averaged from 15,000 to 20,000 shares.

## *British Lion Head Seeks Indie Films*

(Continued from page 1)

a deal on for an American distributor to handle some British Lion product.

Smith leaves tomorrow for Toronto to confer with N. L. Nathanson of Regal Films in Canada and returns Monday by which time he expects to be set on his two deals. Paramount may take some of the British films for this market, it is understood.

The British Lion executive sails on Oct. 19 aboard the *Aquitania,* which will have among its passengers Mark Ostrer, Jeffrey Bernerd and Michael Balcon of Gaumont British.

## *Midwest Picking Up, W. F. Rodgers Finds*

Business conditions in the midwest are much better than they were six months ago, William F. Rodgers, M-G-M eastern division manager, stated yesterday following his return from Cleveland and Pittsburgh.

"There is no question that things are decidedly better," he said. Rodgers expects to leave for Pittsburgh over the week-end on another short trip.

## *Resume Revival Series*

Another series of revivals is to be put on by the Film & Photo League, 12 East 17th St. Features to be shown will be: "The Last Moment," "Shattered," "Metropolis," "Old and New," "Comrades of 1918," "Beggar on Horseback," "Ten Days That Shook the World" and "Storm Over Asia."

# You and your

# STOP PRESS!!

**ROXY REPORTS BIGGEST BUSINESS IN THEATRE'S ENTIRE HISTORY ... 58,837* JAMMED HOUSE OVER SATURDAY AND SUNDAY... POLICE RESERVES CALLED TO HANDLE UNPRECEDENTED THRONGS ... FIRE DEPARTMENT FORCED ALL BOX OFFICES TO CLOSE 37 MINUTES BECAUSE OF OVERCROWDING!**

*and "the adults outnumbered the juveniles 10 to 1," says Film Daily

**SELL IT TO THE ADULTS**

...the kid trade will take care of itself!

# audience . . .

## will laugh and cry together

If you've seen it . . . you know how tears of sympathy and gladness well into your eyes . . . as a jealous aunt and her snooty son make life a hell for this motherless lad . . . and *almost* turn his father against him.

**Jackie Cooper**
in
# PECK'S BAD BOY

**THOMAS MEIGHAN**
**JACKIE SEARL**
**O. P. HEGGIE**
**DOROTHY PETERSON**

A Sol Lesser Production
Directed by Edward F. Cline
*Screen play by Bernard Schubert and Marguerite Roberts*

**FOX**

# Plan to End 3 N. Y. Advisory Boards Talked

(*Continued from page* 1)

to Oct. 8, when again representatives for both sides consumed three hours to complete the testimony.

Because two other cases were on the calendar for the same day, the board postponed the executive session to Oct. 15, when a recommendation for a decision will be made. On Oct. 18, the main board meets and again the litigants will be present to submit additional testimony and summation.

That so much time should be spent on one case is regarded by some code members as ridiculous. Under a proposed plan, the New York, New Jersey and Long Island advisory boards would be eliminated and litigants will be allotted 15 minutes to present their sides of the case before the main board.

It is understood a recommendation along these lines will be made to Campi either at tomorrow's session or the meeting following.

## *Roosevelt, Beacon, Complaint Quashed*

Complaint of the Roosevelt, Beacon, N. Y., against the Beacon, same city, and Paramount on an alleged breach of contract was dismissed yesterday by the New York grievance board. The owner of the Roosevelt previously operated the Apollo, which since has been closed, and with the consent of Paramount had a number of pictures transferred to the new house. After the Roosevelt opened, Paramount sold four pictures to the Beacon, to which the Roosevelt claimed it was entitled under the Apollo contract. Louis Nizer, representing the distributor, contended the Apollo agreement was not entirely transferred.

When Dave Weinstock of the Rialto, Newark, declared he would not advertise prematurely again and that the issue at stake was an oversight on the part of the manager, Warners withdrew a complaint filed on behalf of the Goodwin, same city.

The Llewellyn, West Orange, complaint against Moe Rosenberg and Weinstock for interfering with possession of the house by negotiating for the theatre, was certified to Campi after the board dismissed Weinstock as a co-defendant. Weinstock said he was not interested in the theatre.

## *Code Assent Limit Change Is Approved*

(*Continued from page* 1)

indefinitely for newcomers in the industry.

The time limit for assents has been a subject for criticism ever since the code was adopted and the period had been extended to give all interests an opportunity for a full study of the agreement before making a decision. It has since been represented that members of the industry who did not come under the code within the original time limit now would be willing to accept it, and elimination of the assent limitation was recommended by Campi.

# *Para. Directorate Will Include Various Groups*

(*Continued from page* 1)

the Chemical Bank & Trust Co., representing the bank group and, possibly, Sir William Wiseman of Kuhn, Loeb & Co., a veteran of earlier Paramount boards, and Maurice Newton of Hallgarten & Co., representing stockholders.

From the company itself the following appear to be slated for posts on the directorate: Adolph Zukor, George Schaefer, S. A. Lynch, Austin Keough and either N. L. Nathanson or Emanuel Cohen. It is expected that the complete board will not exceed 12 members, as compared with earlier Paramount boards of 18 members.

According to current reports, a schism has arisen in Paramount reorganization circles between the stockholders' protective committee headed by Duncan A. Holmes and other reorganization factors over the amount of representation on the new board to which stockholders are entitled and, also, over alleged delays in consummating the reorganization plan which, it was believed some time ago, could have been presented by Oct. 1.

The bondholders are expected to receive approximately half of their $25,000,000 claims in debentures of the new company and the other half in new convertible preferred stock. Banks will probably receive $3,600,000 of their $13,200,000 claim in cash and the remainder in some form of new paper. Stockholders will retain their equity after an indicated exchange of one share of new stock for each two of the old. This plan, continuing as it does a large portion of the outstanding indebtedness of Paramount, virtually assures these principal creditor groups of representation on the board of reorganized Paramount until such time as the obligations represented have been liquidated.

# *Looking Over Shorts*

## *"The Return of Chandu"*

(*Sol Lesser-Principal*)

Hollywood, Oct. 9.—"The Return of Chandu" is 12 episodes of thrills and mystery. It will keep the youngsters on the edge of their seats. Although there have been tentative plans to release the film as a feature, it cuts up into a much better serial with promise of a good reception at neighborhood box-offices.

The story features Bela Lugosi, known as Chandu the Magician in the Orient where he was born, and Frank Chandler in America. Chandu brings the Egyptian princess Nadji, played by Maria Alba, to Hollywood to escape death at the hands of the mystic cult of the Ubasti. The cult wishes to sacrifice her in order to bring to life the recently recovered body of Princess Osanna of Lemuria and restore the lost continent to its former glory.

The following episodes, each winding up in wild uncertainty, involve a series of chases and black magic which carry the pursued half way around the world. A happy ending finds Chandu and Princess Nadji enamored.

Lugosi, Miss Alba, Clara Kimball Young, Lucien Prival, Dean Benton, Phyllis Ludwig and the balance of the cast offer good performances. Director Ray Taylor's handling of suspense is excellent. Barry Barringer did a good screen adaptation from the radio story by Harry Earnshaw, Vera Oldham and R. R. Morgan. The episodes retain the original Chandu theme music. Excellent photography by John Hickson.

## *"Life's Last Laughs"*

(*C. S. Clancy-Columbia*)

This is No. 2 of the series based on quaint and humorous epitaphs on tombstones. Some of these carvings on stone reveal a really remarkable sense of humor. Others give a good insight on human nature. No code seal. Running time, 10 mins.

## *"Switzerland the Beautiful"*

(*M-G-M*)

Another of the James A. FitzPatrick Travel Talk series, this time done in Technicolor. Interlaken, Lucerne and Geneva are covered with interspersed scenes of typical village life. The coloring greatly enhances the film and makes it doubly entertaining. Running time, 10 mins.

## *"Good Golfers Start Young"*

(*Columbia*)

An interesting and at the same time amusing study of form in golf. Among the prominent golfers seen in action are Maureen Olcott, Johnnie Hines, "Wiffy" Cox, Walter Kozak and Johnny Farrell. There is also an amazing exhibition by a tot named Eddie Rule, Jr. No code seal. Running time, 10 mins.

## *"Polo Thrills"*

(*Columbia*)

Here is a sports short that lives up to its title. It is furious action from beginning to end. If a program needs something with a wallop, this should fill the need. The film shows how polo ponies are trained and winds up with a series of exciting shots of an international polo match between teams representing the United States and Great Britain. As fine a short as could be wished for. No code seal. Running time, 10 mins.

## *"Katnips of 1940"*

(*Mintz-Columbia*)

A fine job of animation has been done on this "Krazy Kat" number. It is lively and diverting. The cartoon relates the tale of the aspiring musical show novice who gets her break when the star goes phooey. Smartly executed. Code seal No. 66. Running time, 7 mins.

# "Richest" Is Hit in Frisco With $16,000

San Francisco, Oct. 9.—First runs had a big week, with three going well over normal, and another making par. "The Richest Girl in the World" headed the list at the Golden Gate by going over the line $3,000 for a take of $16,000.

"Judge Priest" grabbed $25,000 at the Warfield with vaudeville and a stage band.

Total first run business was $85,000. Average is $83,000.

Estimated takings:

*Week Ending Oct. 2:*

**"THE RICHEST GIRL IN THE WORLD"**
**(Radio)**

GOLDEN GATE—(2,800), 25c-35c-40c, 7 days. Stage, band. **Gross:** $16,000. (Average, $13,000)

*Week Ending Oct. 3:*

**"DEATH ON THE DIAMOND" (M-G-M)**
**"LOVE TIME" (Fox)**

FOX—(4,600), 15c-30c-40c, 7 days. **Gross:** $11,000. (Average, $11,000)

**"BELLE OF THE NINETIES" (Para.)**

PARAMOUNT—(2,670), 15c-25c-55c-65c, 7 days, 2nd week. **Gross:** $11,000. Average, $11,000)

**"JUDGE PRIEST" (Fox)**

WARFIELD—(2,700), 25c-35c-55c-65c, 7 days. Stage, vaudeville, band. **Gross:** $25,000. (Average, $23,000)

*Week Ending Oct. 4:*

**"ONE NIGHT OF LOVE" (Col.)**

ORPHEUM — (3,000), 15c-30c-35c-40c, 7 days, 5th week. **Gross:** $5,000. Average, $9,000)

**"OUTCAST LADY" (M-G-M)**

ST. FRANCIS—(1,400), 15c-35c-55c, 7 days. **Gross:** $7,000. (Average, $8,000)

**"COUNT OF MONTE CRISTO" (U.A.)**

UNITED ARTISTS—(1,200), 15c-35c-55c, 7 days. **Gross:** $10,000. (Average, $8,000)

## *Differences Aired On Buffalo Zoning*

Differences over the Buffalo clearance and zoning schedule were aired at Campi yesterday before a special appeal committee comprising Leslie E. Thompson, chairman; E. C. Grainger and Tom Murray.

Attending from Buffalo were Jane Halloran, code secretary, Jules Michaels, Basil Brothers, Benjamin Gold and S. Balser among others. Louis Nizer, O. O. Decker and William Rodgers, the latter two with M-G-M, also were on hand.

## *Rosenblatt to Study Atlanta's Board Row*

Atlanta, Oct. 9.—Division Administrator Sol A. Rosenblatt has assured Ike Katz, head of the G. F. T. A., that a probe will be made into the eligibility of Nat Williams and Oscar Lam to serve as unaffiliated members of the local code boards.

## *Charles H. Burkey Dead*

Kansas City, Oct. 9.—Charles H. Burkey, 63, veteran exhibitor, died early today of heart disease. Funeral services will be Thursday. Burkey entered exhibition here 22 years ago, when he built the Summit, which he operated until his death. He had been president of the Independent Theatre Owners of Kansas City several years before being forced into retirement three years ago by ill health. For many years he served as vice-president of the M.P.T.O. of Kansas and Western Missouri, of which he was a founder.

# Unanimous!

**VARIETY**

Says "As a box-office attraction it looks like a runner-up to LADY FOR A DAY, and should pull the same patronage."

**THE Hollywood REPORTER**

Says "It's a honey! The old adjectives will have to do. It's plain ordinary swell—a tremendous successor to LADY FOR A DAY."

**MOTION PICTURE DAILY**

Says "This is money in the bank, crammed with mass and class appeal. A worthy successor to LADY FOR A DAY."

and now **Film Daily**

Says "Another bell-ringer from Columbia—will click anywhere. May Robson follows LADY FOR A DAY with another triumph."

CAROLE MAY

**LOMBARD · ROBSON**

# LADY BY CHOICE

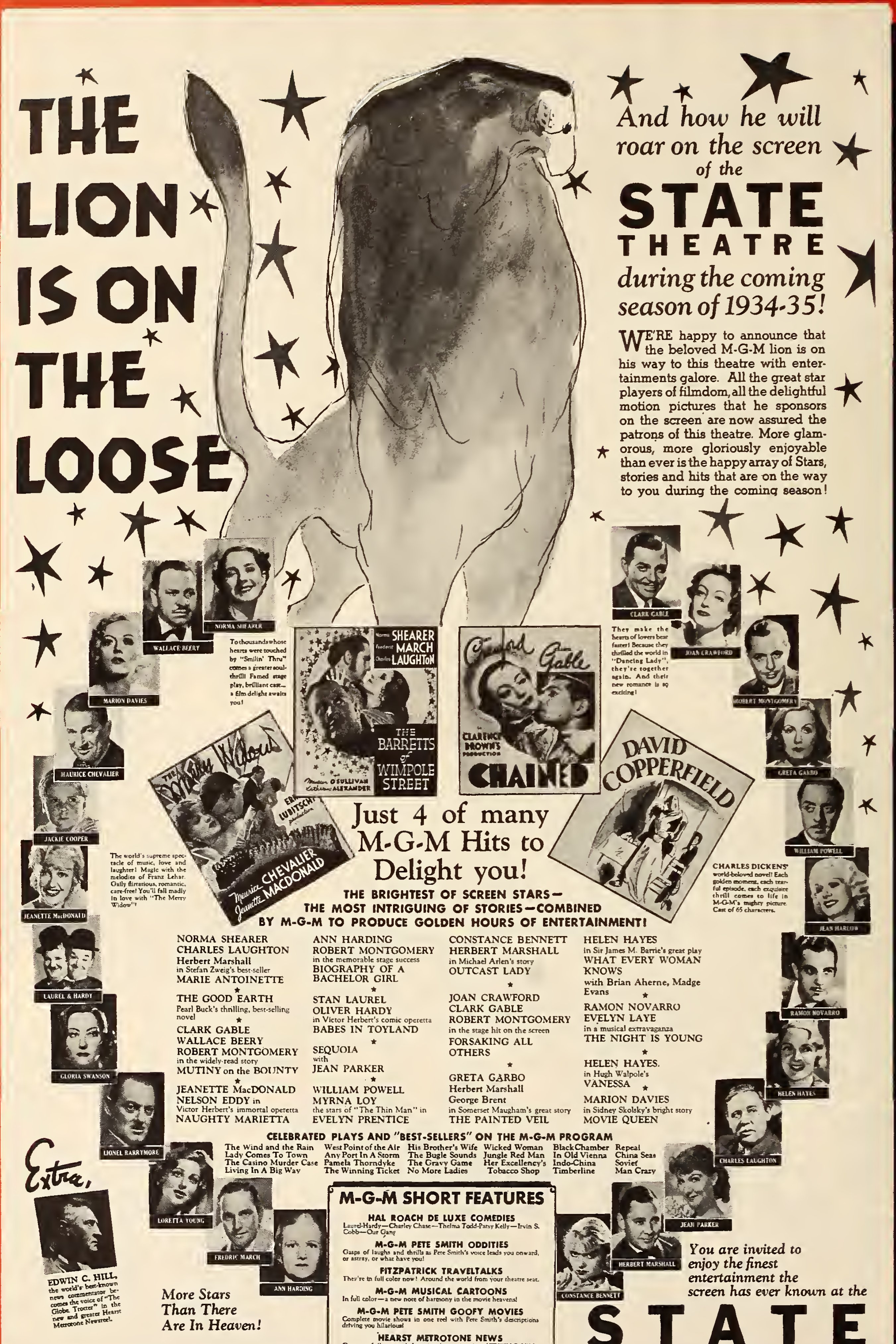
with ROGER PRYOR · WALTER CONNOLLY

Story by Dwight Taylor · Screen play by Jo Swerling

Directed by David Burton

A COLUMBIA PICTURE

COLUMBIA PICTURES


WALLACE BEERY
NORMA SHEARER
MARION DAVIES
MAURICE CHEVALIER
JACKIE COOPER
JEANETTE MacDONALD
LAUREL & HARDY
GLORIA SWANSON
LIONEL BARRYMORE
LORETTA YOUNG
FREDRIC MARCH
ANN HARDING
CLARK GABLE
JOAN CRAWFORD
ROBERT MONTGOMERY
GRETA GARBO
WILLIAM POWELL
JEAN HARLOW
RAMON NOVARRO
HELEN HAYES
CHARLES LAUGHTON
JEAN PARKER
HERBERT MARSHALL
CONSTANCE BENNETT
SHEARER
MARCH
LAUGHTON
THE BARRETTS of WIMPOLE STREET
O'SULLIVAN
ALEXANDER
Crawford
Gable
CLARENCE BROWN'S PRODUCTION
CHAINED
The Merry Widow
ERNST LUBITSCH production
Maurice CHEVALIER
Jeanette MACDONALD
DAVID COPPERFIELD

# THE LION IS ON THE LOOSE

*And how he will roar on the screen of the*

## STATE THEATRE

*during the coming season of 1934-35!*

WE'RE happy to announce that the beloved M-G-M lion is on his way to this theatre with entertainments galore. All the great star players of filmdom, all the delightful motion pictures that he sponsors on the screen are now assured the patrons of this theatre. More glamorous, more gloriously enjoyable than ever is the happy array of Stars, stories and hits that are on the way to you during the coming season!

To thousands whose hearts were touched by "Smilin' Thru" comes a greater soul-thrill! Famed stage play, brilliant cast—a film delight awaits you!

They make the hearts of lovers beat faster! Because they thrilled the world in "Dancing Lady", they're together again. And their new romance is so exciting!

The world's supreme spectacle of music, love and laughter! Magic with the melodies of Franz Lehar. Gaily flirtatious, romantic, care-free! You'll fall madly in love with "The Merry Widow"!

CHARLES DICKENS' world-beloved novel! Each golden moment, each tearful episode, each exquisite thrill comes to life in M-G-M's mighty picture. Cast of 65 characters.

## Just 4 of many M-G-M Hits to Delight you!

**THE BRIGHTEST OF SCREEN STARS—**
**THE MOST INTRIGUING OF STORIES—COMBINED**
**BY M-G-M TO PRODUCE GOLDEN HOURS OF ENTERTAINMENT!**

NORMA SHEARER
CHARLES LAUGHTON
Herbert Marshall
in Stefan Zweig's best-seller
MARIE ANTOINETTE

★

THE GOOD EARTH
Pearl Buck's thrilling, best-selling novel

★

CLARK GABLE
WALLACE BEERY
ROBERT MONTGOMERY
in the widely-read story
MUTINY on the BOUNTY

★

JEANETTE MacDONALD
NELSON EDDY in
Victor Herbert's immortal operetta
NAUGHTY MARIETTA

ANN HARDING
ROBERT MONTGOMERY
in the memorable stage success
BIOGRAPHY OF A BACHELOR GIRL

★

STAN LAUREL
OLIVER HARDY
in Victor Herbert's comic operetta
BABES IN TOYLAND

★

SEQUOIA
with
JEAN PARKER

★

WILLIAM POWELL
MYRNA LOY
the stars of "The Thin Man" in
EVELYN PRENTICE

CONSTANCE BENNETT
HERBERT MARSHALL
in Michael Arlen's story
OUTCAST LADY

★

JOAN CRAWFORD
CLARK GABLE
ROBERT MONTGOMERY
in the stage hit on the screen
FORSAKING ALL OTHERS

★

GRETA GARBO
Herbert Marshall
George Brent
in Somerset Maugham's great story
THE PAINTED VEIL

HELEN HAYES
in Sir James M. Barrie's great play
WHAT EVERY WOMAN KNOWS
with Brian Aherne, Madge Evans

★

RAMON NOVARRO
EVELYN LAYE
in a musical extravaganza
THE NIGHT IS YOUNG

★

HELEN HAYES.
in Hugh Walpole's
VANESSA

★

MARION DAVIES
in Sidney Skolsky's bright story
MOVIE QUEEN

**CELEBRATED PLAYS AND "BEST-SELLERS" ON THE M-G-M PROGRAM**

The Wind and the Rain
Lady Comes To Town
The Casino Murder Case
Living In A Big Way
West Point of the Air
Any Port In A Storm
Pamela Thorndyke
The Winning Ticket
His Brother's Wife
The Bugle Sounds
The Gravy Game
No More Ladies
Wicked Woman
Jungle Red Man
Her Excellency's Tobacco Shop
Black Chamber
In Old Vienna
Indo-China
Timberline
Repeal
China Seas
Soviet
Man Crazy

*Extra,*

EDWIN C. HILL, the world's best-known news commentator becomes the voice of "The Globe Trotter" in the new and greater Hearst Metrotone Newsreel.

*More Stars Than There Are In Heaven!*

METRO-GOLDWYN-MAYER

### M-G-M SHORT FEATURES

**HAL ROACH DE LUXE COMEDIES**
Laurel-Hardy—Charley Chase—Thelma Todd-Patsy Kelly—Irvin S. Cobb—Our Gang

**M-G-M PETE SMITH ODDITIES**
Gasps of laughs and thrills as Pete Smith's voice leads you onward, or astray, or what have you!

**FITZPATRICK TRAVELTALKS**
They're in full color now! Around the world from your theatre seat.

**M-G-M MUSICAL CARTOONS**
In full color—a new note of harmony in the movie heavens!

**M-G-M PETE SMITH GOOFY MOVIES**
Complete movie shows in one reel with Pete Smith's descriptions driving you hilarious!

**HEARST METROTONE NEWS**
Greatest of all newsreels featuring the magic voice of EDWIN C. HILL, the world's best-known news commentator.

**M-G-M MUSICAL COMEDY REVUES**
Magnificent! Girlish beauty, mirth and melody—entirely in color!

*You are invited to enjoy the finest entertainment the screen has ever known at the*

## STATE

THE THEATRE OF THE STARS

## TELL THEM THE GOOD NEWS!

Leo has prepared a Special Campaig Book to make you Show Sho the Talk of Town. Here's on of the ads

**ASK YOUR M-G-M BRANCH OFFICE!**

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 86 NEW YORK, THURSDAY, OCTOBER 11, 1934 TEN CENTS

## Quick Action On Para. Aim, Says Law Firm

### *In Creditors' Interest, Aver Trustee Advisors*

That a reorganization of Paramount at "the earliest practicable date" ld by the trustees of the com- to be for the best interests of rs, was asserted by Root, Clark, & Ballantine, trustees' coun- terday in reply to a charge ays in handling claims filed the company were obstructing ganization.

harge was made by Saul E. counsel for a Paramount ders' group, in a letter to the s, requesting data on the cur- status of the creditors' claims filed against the company.

In denying the charge through their

(*Continued on page 6*)

## Para. Negotiating On All Trust Suits

That Paramount is now negotiating settlements of all anti-trust litigation pending against the company was revealed yesterday in a report on the status of claims filed against the company submitted by the trustees.

Anti-trust suits involved in the settlement negotiations include the Quittner action for triple damages of $5,100,000; the A. B. Momand, Oklahoma, action for $4,960,000, and the E. M. Loew, Boston, action for $5,099,000.

## *Scenes of Jugoslav King Are Censored*

A newsreel censorship of scenes taken in and around Marseilles during the ceremonies prepared to greet the arrival in that city of King Alexander of Jugoslavia, who later was assassinated with Foreign Minister Barthou, has been clamped down by the French Government, Paris cables received here yesterday declared.

Fox Movietone News flew its clips to Paris, but the plane was grounded by government officials and the film held.

## *Overbuying Charges Made Against Reade*

Two overbuying complaints have been lodged against Walter Reade in New Jersey and will be heard by the

(*Continued on page 6*)

## *Ostrers Now Hold Control of G-B Stock, Mark Reveals Here*

Majority control of Gaumont British rests with Isidore and Mark Ostrer whose stock interest is not 49 per cent as frequently reported, but 51 per cent. The additional two per cent was acquired by them about two years ago from Lord Lee of Fareham, according to Mark Ostrer, chairman of the board of G-B, in a statement made to *Motion Picture Daily* yesterday.

Ostrer denied reports John Maxwell of B. I. P. is negotiating with Fox for the 49 per cent stock interest held by the American company. He said he had held conversations with S. R. Kent, president of Fox, who hit reports the latter company was selling its interest in G-B.

## *Feature Clips in Shorts To Be Used by Educators*

A series of 24 two-reel subjects cut from standard releases and to be called "Secrets of Success," is to be made available to church and educational groups through the Hays office. The idea is to show life situations as an aid to religious education and character building.

The films will be 35 mm and will be shown, according to the plan, in theatres, probably Saturday mornings when the programs will not interfere with regular programs.

Recommendations as to who shall get the films will be made by a committee consisting of Howard M. Le Sourd, dean of Boston University Graduate School; Phyllis Blanchard, psychologist, Child Welfare Clinic,

(*Continued on page 6*)

## Frank Lloyd Is Made Head of M. P. Academy

Hollywood, Oct. 10.—Frank Lloyd was named to the presidency of the Academy of M. P. Arts and Sciences at a joint meeting of its board of governors and executive committees that ended early this morning. He succeeds J. T. Reed.

Warner Baxter was elected successor to Howard J. Green as first vice-president, while Howard Estabrook was chosen to succeed Lewis

(*Continued on page 10*)

## Expect Action on Code Costs Today

Campi is expected to approve the revised assessment plan for producers and distributors today in addition to the second half levy for exhibitors.

Division Administrator Sol A. Rosenblatt arrived from Washington last night to attend today's hearing and

(*Continued on page 6*)

## Protestants' Films Drive Near Windup

Activity of the Protestant Church in its campaign for clean films was seen drawing to a close yesterday when an executive of the Federal Council of the Churches of Christ in America told Motion Picture Daily no plans had been made by the Council to carry on its film program beyond Oct. 21.

Several weeks ago that date was designated as "National Sunday" on

(*Continued on page 6*)

## Houses Under 800 To Pay 5-Cent Fee

Theatres seating under 800 and operating three or less times a week will pay A. S. C. A. P. five cents per seat a year, according to the new schedule agreed upon between the society and members of the emergency committee.

With A. S. C. A. P. abandoning its demand to tax theatres according to

(*Continued on page 10*)

## Hays Predicts Continued Use For the Code

### *Results Are Favorable, He Tells Directors*

Continued application of the production code with proper consideration for "strong, dramatic themes" will be the order for the industry, Will H. Hays told M. P. P. D. A. directors at the regular quarterly meeting of the board yesterday.

Results to date under code administration are viewed favorably by Hays, who sees stronger entertainment values reflected in the "encouraging" public response being given to new season pictures. Hays also finds higher standards of entertainment indicated in an analysis of 279 features scheduled for the new season which reflect, he told the M. P. P. D. A. board, a better selection of story material with

(*Continued on page 6*)

## Gaumont Costs to Average $300,000

Gaumont British will spend an average of $300,000 on each of the 26 pictures to be produced this season, Mark Ostrer, chairman of the G-B board, stated yesterday. He added that "The Iron Duke" with George Arliss has been completed at a cost of $750,000.

Ostrer sails on the *Aquitania* Oct. 19, accompanied by Jeffrey Bernerd,

(*Continued on page 10*)

## *Moore Picture First Columbia to Loew's*

Booking of "One Night of Love" into the Paradise, Valencia, State, 83rd St., 175th St., 72nd St., Lexington and Orpheum on Oct. 19 marks the first Columbia picture to go into Loew houses under the revised booking setup in Greater New York.

RKO gets all of Universal's product with the exception of five films, which go to Loew. No Fox pictures will be booked by Loew, it was stated yesterday, the output being transferred to RKO houses with the consent of the distributor.

## *Three Per Cent Sale Tax Drafted in Ohio*

Columbus, Oct. 10.—A general three per cent sales tax, said to meet most of the objections of the opposing groups which brought about defeat of

(*Continued on page 10*)

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

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## *Speakers Join Service*

Several men will speak at the Mark H. Dintenfass memorial services to be held at 3 o'clock Sunday at the Ferncliff Mausoleum, Ardsley. Among them will be Howard Mackay, Charles H. Ingersoll, Dr. Vincent Godfrey Burns and Louis F. Hoebel, mayor of Fort Lee. A musical program will be presented. W. Ray Johnston will be among those present.

## *Berle Heads Ampa Talent*

Milton Berle, Patsy Flick and Gus Edwards will be the guest artists at the Ampa meeting today. Hal Horne will be guest chairman. Two surprises are also promised.

## *Starts "World Accuses"*

Hollywood, Oct. 10.—George H. Batcheller has started his latest Chesterfield feature, "The World Accuses," at the Pathe Studios. It is an original by Charles Belden.

## *Epstein Coming East*

Hollywood, Oct. 10.—Dave Epstein, Hollywood press agent, will leave Hollywood by plane today for a two weeks' business trip to New York.

## *"Crimson Romance" Fri.*

"Crimson Romance" opens at the Criterion tomorrow. Motion Picture Daily reviewed the picture by wire from the coast Sept. 8.

## Production Strong With 43 Shooting

Hollywood, Oct. 10.—Production last week continued to flourish with a total of 43 features and four shorts before the cameras, which is a decrease of one feature and two shorts under the preceding week.

Warners led the field with seven features in work, two preparing and 12 in the cutting rooms; M-G-M had six, two and nine; Radio, six, two and four; Paramount, six, three and two; Fox, four, three and five; Columbia, three, three and six; Universal, three, two and one; Roach, one, zero and zero; Century, one, zero and zero; independent group, six, five and seven.

In the short subject division Roach reported one working, one preparing and two editing; M-G-M, zero, zero and four; Universal, zero, one and one; Radio, zero, three and six; independents, three, five and five.

## *M-G-M Planning Big Opening on "Widow'*

M-G-M has laid out elaborate plans for the opening of "The Merry Widow" at the Astor tonight. The activities will be broadcast over WHN from the lobby beginning at 8:30 and extending to 9:30 o'clock.

Ernst Lubitsch, the director, and Jeanette MacDonald, who co-starred with Maurice Chevalier, will be among those present. Others who have been invited are Colleen Moore, Mae Murray, Libby Holman, Marilyn Miller, Helen Hayes, Lois Moran, Douglas Fairbanks, Dorothy Mackaill and Barbara Barondess.

Major Edward Bowes will be in charge of the broadcast.

## *Preview School Picture*

Hollywood, Oct. 10.—University of Southern California students are holding a preview of their two-reel picture, based on the Edgar Allan Poe story, "The Oval Portrait," tonight at the Hollywood Egyptian. The picture, which cost $5,000, was made by students at M-G-M with the cooperation of the studio, under the supervision of student Richard Bare. If M-G-M officials deem the picture of sufficient merit, a release through the studio may be effected.

## Indiana '33 Gross Set at $7,218,000

Washington, Oct. 10.—Box-office receipts of 287 film houses in Indiana last year totaled $7,218,000 and payroll payments aggregated $1,524,000, according to the Census Bureau.

There were 10 legitimate and vaudefilm houses in the State which took in $234,000 and had a payroll of $38,000.

Indianapolis, it was reported, had 39 film theatres with box-office receipts of $1,601,000 and payrolls of $372,000. Other city reports included: Fort Wayne, 13 film houses with receipts of $481,000 and payrolls of $97,000; East Chicago, four film houses with receipts of $63,000 and payrolls of $23,000; Gary, six film and vaudefilm theatres with receipts of $171,000 and payrolls of $45,000; Hammond, four film houses with receipts of $351,000 and payrolls of $93,000; South Bend, 12 film houses with receipts of $537,000 and payrolls of $102,000; Evansville, seven film houses with receipts of $315,000 and payrolls of $65,000; Terre Haute, 12 film and vaudefilm houses with receipts of $418,000 and payrolls of $114,000.

## *Milwaukee Group to Ask Variety Charter*

Milwaukee, Oct. 10.—At a meeting of 12 exhibitors and exchange men at the Hotel Schroeder, it was agreed to make application for a charter to the Variety Club. Those attending were addressed by Ed Harvey, director of radio station WISN and a member of the board of directors of the Pittsburgh Tent. Among those present were H. J. Fitzgerald, George Fischer, A. C. Gutenberg, E. F. Maertz, Dave Weshner, Charles Trampe, E. J. Weisfeldt, Sam Shurman, J. O. Kent, Arthur Schmitz, Ben Koenig and Al Kvool.

## *Taxes Up at Allied Meet*

Seattle, Oct. 10.—Taxation, both state and federal, will be one of the subjects to come before the annual convention of Allied Amusements of the Northwest scheduled to start Oct. 24 at the Washington Hotel. Other subjects include the music tax problem, sales contracts and the code.

## *Big Board Issues Advance*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 37 | 36½ | 37 | + ⅞ | 700 |
| Consolidated Film Industries | 3½ | 3⅜ | 3⅜ | + ¼ | 300 |
| Consolidated Film Industries, pfd | 14⅝ | 13½ | 14½ | + ¾ | 1,500 |
| Eastman Kodak | 101 | 99¾ | 101 | +1¼ | 1,000 |
| Fox Film "A" | 12⅛ | 11¾ | 12⅛ | + ⅜ | 800 |
| Loew's, Inc. | 29¼ | 28⅜ | 29⅛ | + ¾ | 7,400 |
| Paramount Publix, cts | 4⅜ | 4 | 4¼ | + ⅛ | 17,500 |
| Pathe Exchange | 1¼ | 1⅛ | 1⅛ | ..... | 700 |
| Pathe Exchange "A" | 13 | 13 | 13 | + ½ | 100 |
| RKO | 2¼ | 2¼ | 2¼ | ..... | 500 |
| Warner Bros. | 5 | 4¾ | 5 | + ⅜ | 3,100 |

## *Technicolor Climbs ⅝ on Curb*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 12⅝ | 12⅛ | 12⅝ | + ⅝ | 300 |

## *Warner Bonds Rise ¾ Point*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 6½ | 6½ | 6½ | ..... | 2 |
| Keith B. F. 6s '46 | 61 | 61 | 61 | — ¾ | 1 |
| Loew's 6s '41, ww deb rights | 102½ | 102½ | 102½ | ..... | 5 |
| Paramount Broadway 5½s '51 | 40½ | 40½ | 40½ | + ½ | 10 |
| Paramount F. L. 6s '47 | 58½ | 57⅝ | 57⅝ | — ⅞ | 10 |
| Paramount Publix 5½s '50 | 58 | 57½ | 57½ | — ½ | 21 |
| Pathe 7s '37, ww | 98½ | 98½ | 98½ | ..... | 1 |
| Warner Bros. 6s '39, wd | 60 | 59½ | 59¾ | + ¾ | 14 |

## ◀ *Purely Personal* ▶

Ronald Colman and Loretta Young will be interviewed by Louella Parsons tomorrow over station WABC and coast-to-coast network. Both Colman and Miss Young are in 20th Century's "Clive of India."

Ernest Truex sails today on a five-day Bermuda cruise. A week after his return he is scheduled to start work in his next Educational short at the Eastern Service plant under Al Christie's direction.

Tala Birell, European importation once headed for stardom on the Universal roster, plays one of the leads in "Order Please," stage play which opened at the Playhouse Tuesday night.

Buddy Cantor, film news commentator, is broadcasting Saturday nights at 6:30 from WMCA over the American Broadcasting System's network on the Wilson distilling hour.

Richard Henry Dana's "Two Years Before the Mast" and M Harriet M. Lothrop's "Five L Peppers" have been bought by M gram.

Richard Beck, partner with H Ellman in Capital Film Exch Chicago, is in town for a week. B father owns the Castle in the V City.

Iris Adrian, Broadway night singer who was signed three we ago by Paramount to a long-term co tract, left yesterday for Hollywood.

Monroe Greenthal, Manny Silverstone and others were among those bidding bon voyage to John Myers on the *Berengaria* yesterday.

Moe Streimer, local U.A. branch manager, is touring several upstate New York cities and is expected back tomorrow.

Henry King, Fox director, has been appointed to the Advisory Committee of the National Air Congress.

Robert Edmond Jones leaves today for the Radio studios to supervise the color work on "Becky Sharp."

Edward Golden, Monogram sales manager, will leave today for Buffalo and Toronto and will be back Tuesday.

Frank Craven is in town after a three-year stay in Hollywood. He is rehearsing for "Oedipus Wrecks."

E. E. Paramore Jr.'s "Guns" and "The Desert Castle Mystery" have been acquired by Paramount.

William Scully, eastern district manager for M-G-M, returns today from New Haven.

Hal LeRoy has been signed to do a two-reel Vitaphone short at the Brooklyn plant.

Jack Trop is back from a 10-day trip to Detroit, Chicago and other midwest points.

Al Friedlander returned yesterday from an overnight trip to New Haven.

Bruce Cabot sailed for London yesterday on the *Berengaria*.

Leon Schlesinger has checked out of the Park Central.

Sam Ornitz is looking over the Broadway play mart.

Robert O'Donnell of Texas is in town.

# GET THIS

e Libson in Cincinnati
ll Keyes in Dayton
Bill Hollander in Chicago
Frank Starz in Dallas
Harry Browning in Boston
Will Singer in Omaha
Charles Taylor in Buffalo
Bill Tubbert in Syracuse
Frank LaFalce in Washington
Howard Waugh in Memphis
Ed Fay in Providence
Ken Grimes in Morgantown
Fuzzy Knight in Fairmont
Don Nichols in Charlotte
Gene Curtis in Toronto
Ed Hart in Plainfield
F. Moneyhun in Indianapolis
Earl Hudson in Detroit

AND OTHER REAL SHOWMEN EVERYWHERE

# IT'S YOUR

## KIND OF AN IDEA

# STAGE A "HAPPINESS WEEK"

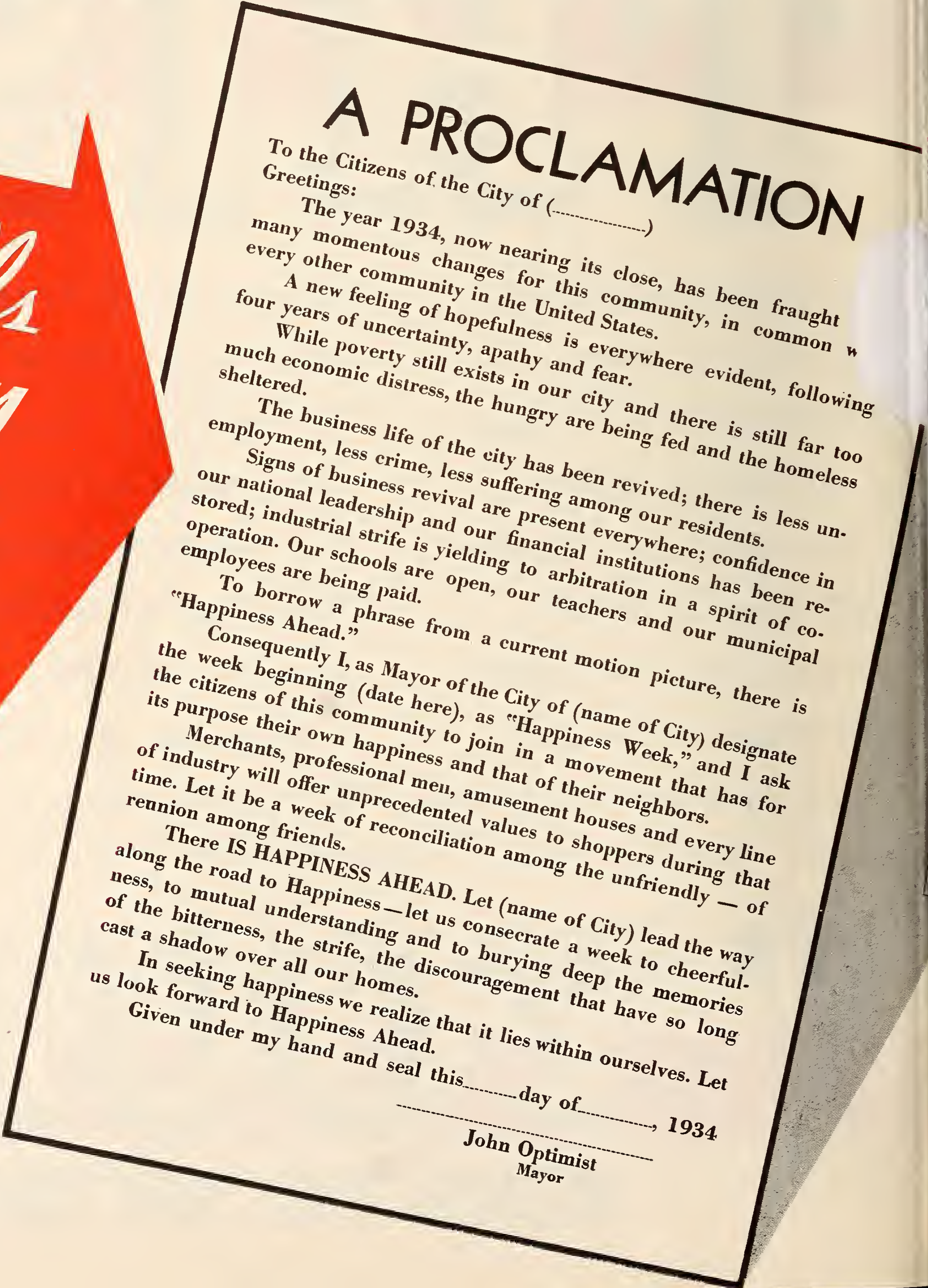
**The Time is right–the Title's right–the Stars are right–the Story's *perfect*–for a big city-wide celebration of HAPPINESS WEEK tied in with your run of "HAPPINESS AHEAD."**

**Only an idea as big as this can bring you maximum returns from the picture that's been hailed as "excellent–delightful–grand"!**

**You won't have to force it. We provide you with convincing arguments and special inducements that will line up the whole town behind you without a struggle!**

## *This tells you why*

**his prepared proclamation o be issued by the Mayor xplains why a Happiness Veek will be a timely nd beneficial event.**



## A PROCLAMATION

To the Citizens of the City of (……………)
Greetings:

The year 1934, now nearing its close, has been fraught with many momentous changes for this community, in common w every other community in the United States.

A new feeling of hopefulness is everywhere evident, following four years of uncertainty, apathy and fear.

While poverty still exists in our city and there is still far too much economic distress, the hungry are being fed and the homeless sheltered.

The business life of the city has been revived; there is less unemployment, less crime, less suffering among our residents.

Signs of business revival are present everywhere; confidence in our national leadership and our financial institutions has been restored; industrial strife is yielding to arbitration in a spirit of co-operation. Our schools are open, our teachers and our municipal employees are being paid.

To borrow a phrase from a current motion picture, there is "Happiness Ahead."

Consequently I, as Mayor of the City of (name of City) designate the week beginning (date here), as "Happiness Week," and I ask the citizens of this community to join in a movement that has for its purpose their own happiness and that of their neighbors.

Merchants, professional men, amusement houses and every line of industry will offer unprecedented values to shoppers during that time. Let it be a week of reconciliation among the unfriendly — of reunion among friends.

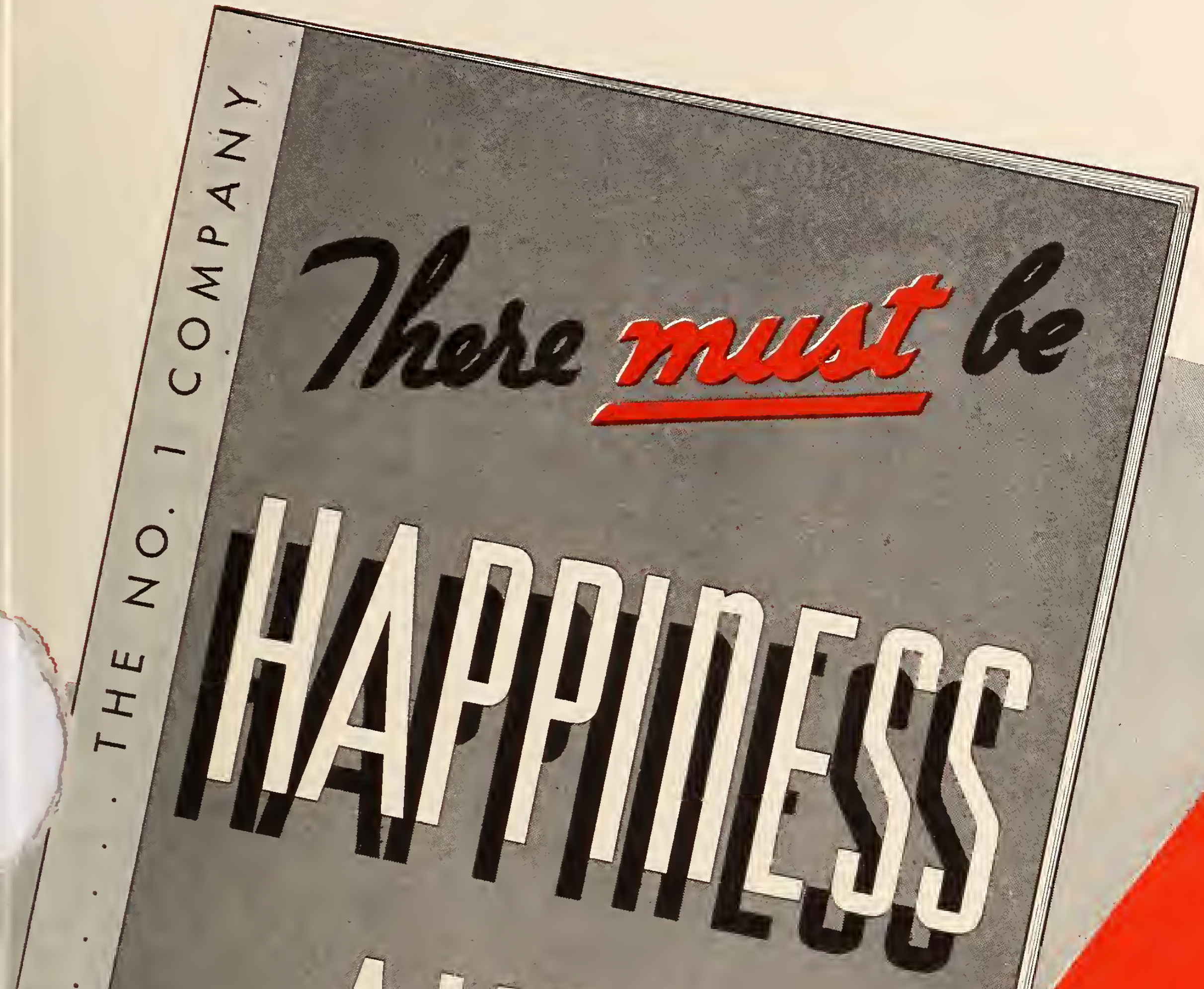
There IS HAPPINESS AHEAD. Let (name of City) lead the way along the road to Happiness—let us consecrate a week to cheerfulness, to mutual understanding and to burying deep the memories of the bitterness, the strife, the discouragement that have so long cast a shadow over all our homes.

In seeking happiness we realize that it lies within ourselves. Let us look forward to Happiness Ahead.

Given under my hand and seal this……day of……, 1934

……………………
John Optimist
Mayor

# FOR "HAPPINESS AHEAD"



NER BROS. . . . THE NO. 1 COMPANY

*There **must** be*

HAPPINESS AHEAD

*when Warner Bros. give you*

DICK POWELL

*singing 3 big song hits—with*

JOSEPHINE HUTCHINSON

*star of famous New York Repertory Theatre*

AND 5 OTHER BIG STARS—DIRECTED BY MERVYN LeROY

*This shows you how* . . . .

**See pages 11 to 19 of the press sheet for a wealth of fully prepared material, including ads, accessories, publicity stories and ideas that will make it easy for you to set up Happiness Week.**

WARNING!—See this picture yourself before you decide how strong you want to go on the campaign. We know it's the kind of show that will make you want to go out and ring doorbells, wave flags, and post 24-sheets on City Hall . . . . . . . And you'll find it doubly interesting as a sample of the great attractions that are coming in . . . . . . .

## WARNER BROS.' HAPPINESS YEAR

# Quick Action On Para. Aim, Says Law Firm

(*Continued from page* 1)

counsel, Charles D. Hilles, Eugene W. Leake and Charles E. Richardson, the Paramount trustees, declared that "notwithstanding the favorable operations of the company under the trusteeship" it was believed that the earliest possible reorganization was advisable, and for that reason, the trustees have treated the subject of claims as "one of first importance."

"While reorganization is a matter for the creditors and stockholders to proceed with," the trustees' letter states the trustees will continue to facilitate it by cooperating with these groups.

Accompanying the letter to Rogers, is a summary of the present status of the $297,000,000 of claims filed against Paramount in the bankruptcy and reorganization proceedings. The period for filing these claims expired Sept. 15. Since, the $178,000,000 claim of Paramount Broadway bondholders has been reduced to $44,000,000 and, with eliminations of duplicate claims, the total has been further reduced to $154,000,000.

### Only Third Held Provable

Of this amount only slightly more than $50,000,000 is regarded as being filed in proper amount and provable. More than $4,000,000 of claims in this category are those of Paramount subsidiaries filed against the parent company and with others of the same type can be made a part of a plan of reorganization for the company.

The claims report states that less than $3,000,000 of the claims remain to be investigated by the trustees and that $1,500,000 of this amount represents the claim of the Stanley Co., which, the report declares, is believed to be "without merit" and objections to it have been filed. In addition, more than $50,000,000 of claims are being negotiated under settlement plans that will greatly reduce their amount, it was said.

The claims remaining against the company, the trustees' letter states, "constitute no obstacle to the presentation of a plan of reorganization" now.

## *No Darro Series Yet*

HOLLYWOOD, Oct. 10.—Contrary to reports, Warners are not yet making a series of kid pictures featuring Frankie Darro, but instead will spot him in the juvenile lead in "Racing Luck" which is scheduled at this time as a Lyle Talbot starring vehicle.

## *Bud Barsky Off Tuesday*

Bud Barsky, independent producer, plans to leave for the coast next Tuesday. He is here arranging financing and distribution on a series of pictures he plans to make upon his return to Hollywood next week.

## *Educ'l Series Is Begun*

"Three Cheers for Love," the first in Educational's new "Young Romance" series of comedy shorts, has gone into production at the Eastern Service Studios, Astoria.

# *Feature Clips in Shorts To Be Used by Educators*

(*Continued from page* 1)

Philadelphia; Florence Hale, editor of *The Graded Teacher,* former president of the National Education Ass'n, and Mark A. May, executive secretary, Institute of Human Relations, Yale University.

The plan was approved by the M.P.P.D.A. last August and member producers will contribute the film required. Experiments have already been conducted with shorts made from cuts from "Young America," "Alias, the Doctor" and "Tom Brown of Culver."

The pictures have been designed to appeal to three age groups, children, adolescents and adults.

Distribution will be made at first through the Hays office and this office will also pay the cost of printing. No rental charges will be made. Shorts will be used to supplement the programs.

In addition to selected theatres the films will be available for some schools and churches, the first showing to be at the Protestant Episcopal convention in Atlantic City this week.

## *The Deans Go Thespian*

HOLLYWOOD, Oct. 10.—Negotiations for screen and stage engagements are being conducted by the William Morris office here in behalf of Paul (Daffy) Dean and Jerome (Dizzy) Dean of the St. Louis Cardinals, World Series champs, it was learned today. Jack Weiner of the coast branch of the agency states that several offers are under consideration.

Charles Hyde, general manager of the William Morris agency, confirmed in New York yesterday dispatches from the coast regarding the Dean brothers.

## *Cincy Delays Two Cases*

CINCINNATI, Oct. 10.—No agreement was reached by the local grievance board yesterday in the overbuying complaint of the Grand, Dayton, O., against the Wayne, same city, and the case was postponed until the next meeting in two weeks.

An overbuying case also was postponed.

## *Landau Leaves Saturday*

Arthur Landau of the Small-Landau agency in Hollywood leaves for Hollywood by plane on Saturday after 10 days in New York. While here he has been signing writers and stage players, but refused to divulge the names until he returns to the coast.

## *Seiters Back on Coast*

HOLLYWOOD, Oct. 10. — William Seiter and Marion Nixon have returned here from a 10-day honeymoon in New York. While in the east Seiter conferred with Jerome Kern on the music for his next picture, "Roberta."

## *E. W. Shinn Recovering*

NEW ORLEANS, Oct. 10.—E. W. Shinn, chief booker for Paramount, is recovering from a tonsilitis operation in a local hospital here.

# Hays Predicts Continued Use For the Code

(*Continued from page* 1)

increased selection of historical, biographical and musical subjects.

Reiterating his statement that the industry's answer to the decency campaign will be made in pictures, Hays told the board that that policy "commends itself through results to date."

"We have done much more than substantially strengthen safeguards for production code observance," Hays said. "The present trend in pictures is setting a rather high mark and public support responds encouragingly. This support is of the utmost importance.

"We will continue to welcome all criticism and to safeguard code observance, properly treating strong dramatic themes and remembering that entertainment is in itself a vital, necessary purpose," Hays said.

His survey of the 279 features, he related, shows a "very large increase in the number of films to be made from the great classics of literature and the stage and from books that have won a place in the hearts of millions of readers."

Historical and biographical films, he said, will comprise seven per cent of the season's production as compared with one per cent last season. There will be 34 musicals, 22 comedies, 24 detective and mystery films, 16 adventure films and six aviation pictures, he said.

Among those attending the meeting yesterday were Adolph Zukor, Joseph M. Schenck, Ned E. Depinet, Jack Cohn, W. C. Michel, Nicholas M. Schenck, H. M. Warner, R. H. Cochrane and Albert Warner.

## *Overbuying Charges Made Against Reade*

(*Continued from page* 1)

New York grievance board next Tuesday. The cases are:

Herbert and Leon Shusterman of the Strand, Red Bank, against Reade's Carlton, same city, Fox, U. A., M-G-M, Vitagraph, Columbia, Paramount and RKO. The Shustermans claim that Reade last year bought 249 pictures when his requirements called for 156.

The Roxy, Perth Amboy, against Reade's Majestic, Strand and Crescent, same city, Fox, U. A., M-G-M, Columbia, RKO and Big U.

It is understood Louis Nizer, secretary of the local Film Board of Trade, will represent distributors and Milton C. Weisman will act as attorney for Reade.

## *Plans Hallowe'en Dance*

The Warner Club will hold an informal Hallowe'en dance the evening of Oct. 26 at its clubrooms.

# Protestants' Films Drive Near Windup

(*Continued from page* 1)

which day all Protestant ministers were requested to preach a sermon advocating clean films and to urge formation of Better Films Councils in their spheres of influence. As an aid to ministers, a booklet, called "Source Material on Motion Pictures for Pastors," was prepared from material culled from the industry's trade press and from editorial matter which had appeared in the religious and daily press.

Distribution of these booklets has reached a nation-wide scope, it is claimed by the council, and it is expected that every Protestant minister will make use of it in preparing his sermon for Oct. 21. Distribution of the council's pledges is also progressing at a faster rate than heretofore, it is said, and it is estimated that over 1,000 a week are being mailed. It is felt, however, that t demand for the pledges will ce with the expected formation of Better Films Councils.

## Expect Action on Code Costs Today

(*Continued from page* 1)

may submit a report on the Hollywood situation. Rosenblatt returned from the coast Monday.

Decisions will be rendered on several appeal hearings, but none will be made on the sessions held the last few days on the Los Angeles, Detroit, Buffalo and Indianapolis clearance and zoning schedules. The Indianapolis zoning plan was up yesterday with a number of exhibitors from that territory in for the hearing.

Walter Vincent will substitute for Ed Kuykendall at the session which will get under way at 10 this morning.

## *Buying Case Quashed By Milwaukee Board*

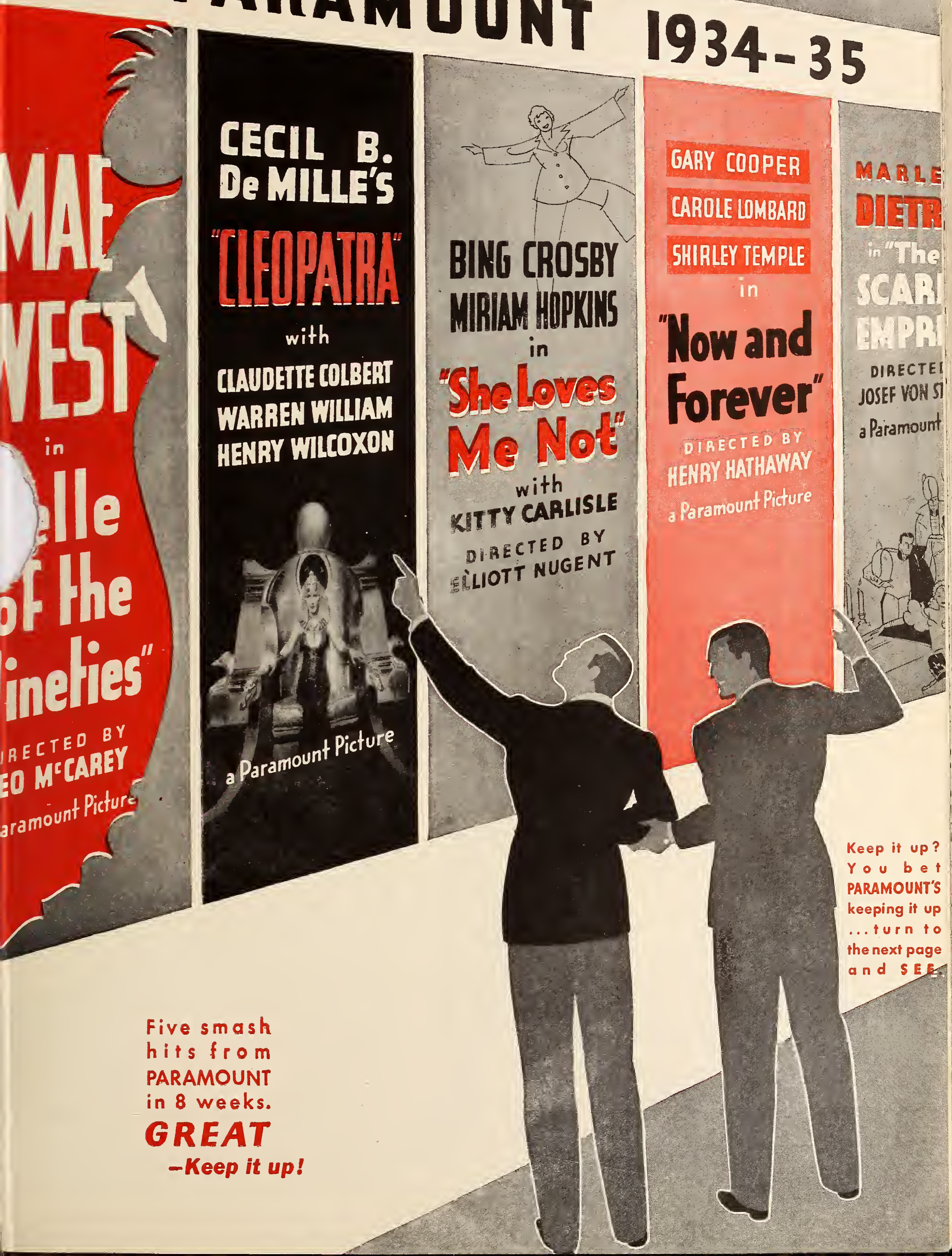
MILWAUKEE, Oct. 10.—The grievance board has dismissed overbuying charges brought by the World Theatre against Etta Wiesner, Gem Theatre, and U. A., RKO, Fox, M-G-M and Vitagraph. The Gem. it was testified, has 312 pictures under contract for 1934-35 on a three changes weekly policy.

In the cases of Saxe Amusement Management vs. J. E. Honthaner, operator of the Comet; Warners vs. M. Silvermann of the Silver Theatre Corp., and Warners vs. Julius Wasniewski, operator of the Midget, all charged with admitting children for five cents, cease and desist orders were issued.

## *Labor Questions All In*

All local theatres having returned questionnaires on labor, the NRA fact finding committee is now classifying theatres in a plan to set a basic operators' scale, according to a point system adopted by the committee.

# PARAMOUNT 1934-35


MAE WEST
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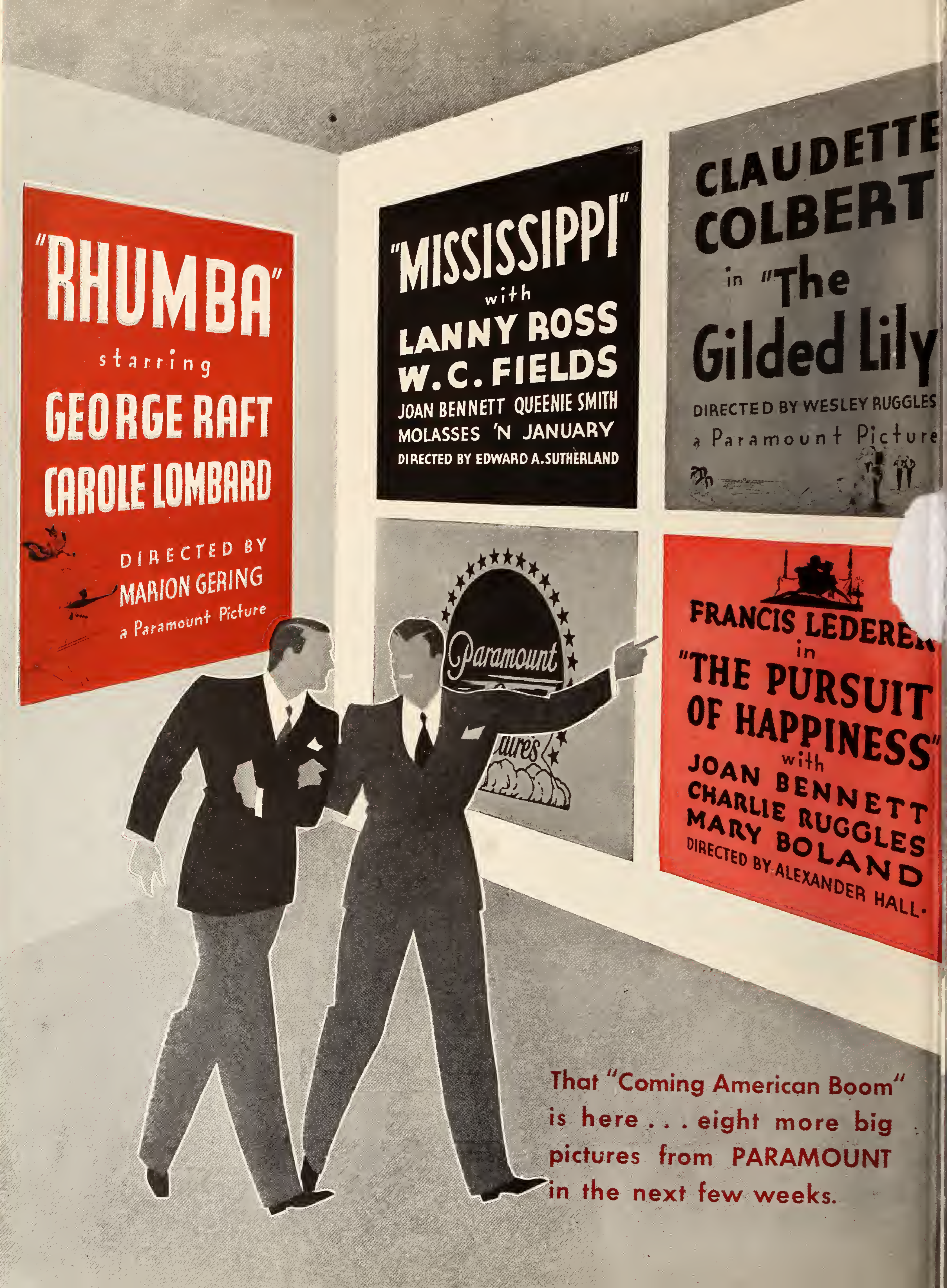
IRECTED BY
EO McCAREY
aramount Picture
CECIL B. DeMILLE'S
"CLEOPATRA"
with
CLAUDETTE COLBERT
WARREN WILLIAM
HENRY WILCOXON
a Paramount Picture
BING CROSBY
MIRIAM HOPKINS
in
"She Loves Me Not"
with
KITTY CARLISLE
DIRECTED BY
ELLIOTT NUGENT
GARY COOPER
CAROLE LOMBARD
SHIRLEY TEMPLE
in
"Now and Forever"
DIRECTED BY
HENRY HATHAWAY
a Paramount Picture
MARLE
DIETR
in "The
SCAR
EMPR
DIRECTE
JOSEF VON ST
a Paramount

Keep it up? You bet PARAMOUNT'S keeping it up ... turn to the next page and SEE.

Five smash hits from PARAMOUNT in 8 weeks.

**GREAT**

***—Keep it up!***


"RHUMBA"
starring
GEORGE RAFT
CAROLE LOMBARD
DIRECTED BY
MARION GERING
a Paramount Picture
"MISSISSIPPI"
with
LANNY ROSS
W. C. FIELDS
JOAN BENNETT QUEENIE SMITH
MOLASSES 'N JANUARY
DIRECTED BY EDWARD A. SUTHERLAND
CLAUDETTE COLBERT
in "The Gilded Lily"
DIRECTED BY WESLEY RUGGLES
a Paramount Picture
Paramount
FRANCIS LEDERER
in
"THE PURSUIT OF HAPPINESS"
with
JOAN BENNETT
CHARLIE RUGGLES
MARY BOLAND
DIRECTED BY ALEXANDER HALL.

That "Coming American Boom" is here . . . eight more big pictures from PARAMOUNT in the next few weeks.

## "College Rhythm"

with

**JOE PENNER**
**LANNY ROSS**
**JACK OAKIE**
**HELEN MACK**

DIRECTED BY NORMAN TAUROG
a Paramount Picture

## "HERE IS MY HEART"

with

**BING CROSBY**
**KITTY CARLISLE**

DIRECTED BY FRANK TUTTLE
a Paramount Picture

## "Mrs. WIGGS of the CABBAGE PATCH"

with

**PAULINE LORD**
**W. C. FIELDS**
**ZASU PITTS**

DIRECTED BY NORMAN TAUROG
a Paramount Picture.

## "LIVES OF A BENGAL LANCER"

WITH

**GARY COOPER**
**FRANCHOT TONE**
**RICHARD CROMWELL**
**SIR GUY STANDING**

DIRECTED BY HENRY HATHAWAY
a Paramount Picture

# Frank Lloyd Is Made Head of M. P. Academy

(*Continued from page 1*)

S. Stone as second vice-president. Nathan Levinson was elected secretary, succeeding Frank Capra. William Sistrom was re-elected treasurer, while Don Gledhill was continued as executive secretary and William Conklin as chairman of the actor-producer relations committee.

A code for first assistant directors was adopted. Ratified by seven of the major producing organizations, it provides for the payment to assistant directors of a bonus of one week's pay between pictures for overtime on a preceding picture. The assistant directors were the only workers that failed to take their troubles to the NRA, electing to work out their problems through the Academy.

**See Brighter Future**

The meeting ended on a note of high enthusiasm, engendered by the belief expressed by those in attendance that the Academy had overcome its past obstacles and was destined to reclaim its former position in the near future.

Statistics on the administration by the Academy of the standard minimum contract for artists for the year ended Oct. 1 were made public in a report submitted to the governors.

The report states that approximately $500 weekly was paid to some actors in settlement of their claims on the basis of the Academy's interpretation of the minimum contract, while an equal number of cases was reversed on the ground the claimants gave their contracts the wrong reading.

It is revealed that since the arbitration department was established in 1931 a total of $112,000 has been paid out by studios in claims handled through the Academy. The report also discloses that, in addition to members of the M. P. Producers' Ass'n, independent producers have availed themselves of the services of the producer-actor relations office to settle claims without going to court.

# Houses Under 800 To Pay 5-Cent Fee

(*Continued from page 1*)

evening admission prices, the highest figure to represent the fee per seat for each theatre, exhibitors declare the new plan a victory despite increases of five and 10 cents over last year's levy.

A theatre seating 801 paid $80.10 a year under the 1933 assessment. This same theatre under the new levy of 15 cents now pays an annual total of $120.15, but under the proposed A. S. C. A. P. plan to tax according to admissions this house would have been required to pay $200.25.

For theatres seating over 1,600, the new assessment is doubled, bringing the music levy of $160 to $320.

## *ITOA Discusses ASCAP*

Settlement of the A.S.C.A.P. music tax increase highlighted discussions of the I.T.O.A. at the organization's regular meeting yesterday at the Astor.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Great Expectations"*

(*Universal*)

Hollywood, Oct. 10.—An intelligent, entertaining screen version of Charles Dickens' story richly endowed with typical Dickens humor and melodramatic pathos gives distinction to this production. Cut to exhibition length, the film should prove a first rate show to those appreciative of Dickens, though the mass reception may be uncertain.

The story revolves around the character Pip, portrayed by George Breakstone as a boy and by Phillips Holmes as an adult. The youth lives with his sister, Rafaela Ottiano, and Alan Hale, her blacksmith husband. Visits of the boy to the estate of Florence Reed, where her ward, Anne Howard, as a child, and Jane Wyatt as an adult, lives, result in a youthful romance.

While serving as an apprentice blacksmith years later, Holmes is notified that a substantial bequest for schooling has been offered by an anonymous person. He finds later that the donor is a former convict, Henry Hull, whom he had befriended as a child. Family relationships, subsequently revealed, lead to the engagement of Holmes and Miss Wyatt.

Stuart Walker has directed intelligently. All cast performances are excellent. Gladys Unger's screen play retains the complete period flavor.

Wherever Dickens is popular this should register, but in other spots it will need exploitation to sell. Production code seal No. 301. Running time, 101 minutes.

*"Happiness Ahead," last night's premier at the Strand, was reviewed by wire from Hollywood on Sept.* 15.

*"Now and Forever," tonight's premier at the Paramount, was reviewed by wire from Hollywood on July* 30.

*"Judge Priest," this morning's opener at the Radio City Music Hall, was reviewed by wire from Hollywood on Aug.* 6.

*"Wake Up and Dream," last night's opener at the Mayfair, was reviewed by wire from Hollywood on Sept.* 4.

*"The Merry Widow," tonight's premiere at the Astor, was reviewed by wire from Hollywood on Sept.* 4.

# Gaumont Costs to Average $300,000

(*Continued from page 1*)

general manager; Michael Balcon, production head; Jack Hulbert and Berthold Viertel. Ostrer will return after the first of the year, while Bernerd will be back in about four weeks. Nova Pilbeam will sail shortly after the opening of "Little Friend" at the Roxy. The picture starts Oct. 18 and the child actress will return to England around Oct. 21.

Balcon, who has been here on a talent mission in addition to studying audience reaction, is finding difficulty lining up the players he wants. He leaves tonight for Toronto to visit theatres and returns Monday.

Ostrer stated yesterday his company is not interested in acquiring the Roxy, although a deal had been on at one time. He said G-B does not want to operate its own theatres in America.

## *Weeks to Atlanta Today*

George W. Weeks, Gaumont British general sales manager, departs for Atlanta today to appoint a staff there. There will follow visits to Cincinnati, Indianapolis, Detroit, Kansas City and St. Louis.

## *Saville on "Dictator"*

London, Oct. 10.—Through cooperation with Gaumont British, Toeplitz Prod. was able to resume production this morning on "The Dictator" after only two and one half days' delay. Victor Saville has taken over the directorial job relinquished by Alfred Santell. Saville has just finished "The Iron Duke" with George Arliss. He studied the script over the week-end.

# *Three Per Cent Sale Tax Drafted in Ohio*

(*Continued from page 1*)

sales tax proposals in recent sessions of the legislature, has been drafted for submission to the General Assembly Nov. 19.

It is estimated the tax will yield $65,000,000 to $75,000,000. The state administration estimates current needs at around $62,500,000.

Motion Picture Daily is advised that, while the bill does not specifically provide for repeal of the nuisance tax, which includes the 10 per cent admission impost, it does leave room for specific repealers, which could be written in. If the bill passes, as is now predicted, the present tax could easily be modified to include admissions as sales.

In the proposed setup, sales under 10 cents would be exempt, while amounts from 11 to 41 cents would be subject to a one-cent tax. The impost would be two cents up to 71 cents, with a three-cent levy between 71 cents and $1. The full three per cent would apply for $1 up.

## *Pickett to Hastings*

Omaha, Oct. 10.—J. W. Pickett has been made manager of the Blank Strand at Hastings, Neb., succeeding Carl Rose who goes to York, Neb., to take charge of the Sun and York for Central States Theatre Corp. of Des Moines.

# *Short Subjects*

## *"Laughing with Medbury In the Arctic"*

(*Walter Futter-Columbia*)

John P. Medbury wise-cracking on the ice, so to speak. The humorist has built a more or less funny narrative around a collection of stock shots of the polar regions. Some of his remarks are all right, while others are a little too obvious to be really funny. Not bad, as a whole, however. Code seal No. 165. Running time, 10 mins.

## *"Songs of the Colleges"*

(*Radio*)

A timely and appropriate short subject and one that should have particular apppeal to younger audiences now that football games are on again. The songs of 13 colleges such as Tulane, Georgia Tech, Notre Dame, Yale, Harvard and Ohio State are played by the Trojan band of the University of Southern California while flashes of former football games in which teams of these universities have played are shown. Production code seal, No. 261. Running time, 15 mins.

## *"Men in Black"*

(*Columbia*)

Featuring the trio of Ted stooges, this burlesque on the m profession is passably funny. crazy concoction made up chief gags that are familiar by this time it still manages to arouse laugh The three funsters, Larry Fine a Jerry and Moe Howard, are internes in a hospital who carry on like lunatics. Code seal No. 241. Running time, 19 mins.

## *"Pastry Town Wedding"*

(*Radio*)

The wedding of two of the elfin populace of Pastry Town is here portrayed to the accompaniment of appropriate music and song. It is a pleasing cartoon done in color that should amuse audiences. Besides the wedding itself the methods of baking cakes, all done by means of laugh producing processes, are also shown. Production code seal No. 81. Running time, 8 mins.

## *"Trapeze Artist"*

(*Mintz-Columbia*)

There is considerable entertainment value in this "Krazy Kat" animated. It is a cartoon version of the story of the man on the flying trapeze. A clever and amusing piece of work. The strains of the popular tune serve as a musical score. Code seal No. 67. Running time, 7 mins.

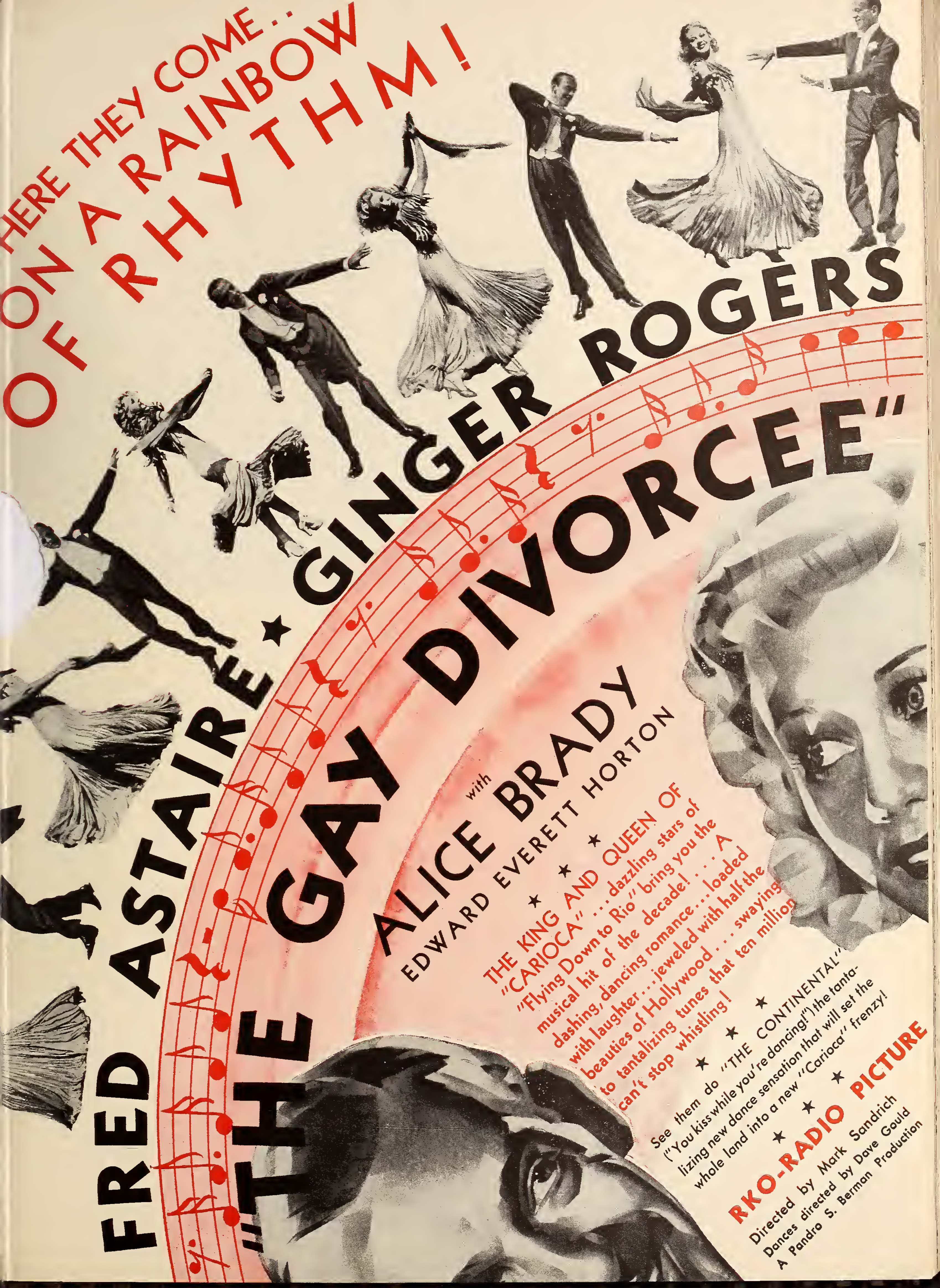
## *"Dumb Bell Letters"*

(*Radio*)

This is Number 3 of the series and is just as funny as the first two. It contains the usual letters collected by Juliet Lowell from various business organizations. Production code seal No. 88. Running time, 4 mins.

## *Skouras to St. Louis*

Spyros Skouras left last night for St. Louis by plane on a short business trip. He will return east within the next few days and go to the coast later on.



HERE THEY COME . .
ON A RAINBOW
OF RHYTHM!

**FRED ASTAIRE ★ GINGER ROGERS**

# "THE GAY DIVORCEE"

with
**ALICE BRADY**
EDWARD EVERETT HORTON

★ ★ ★

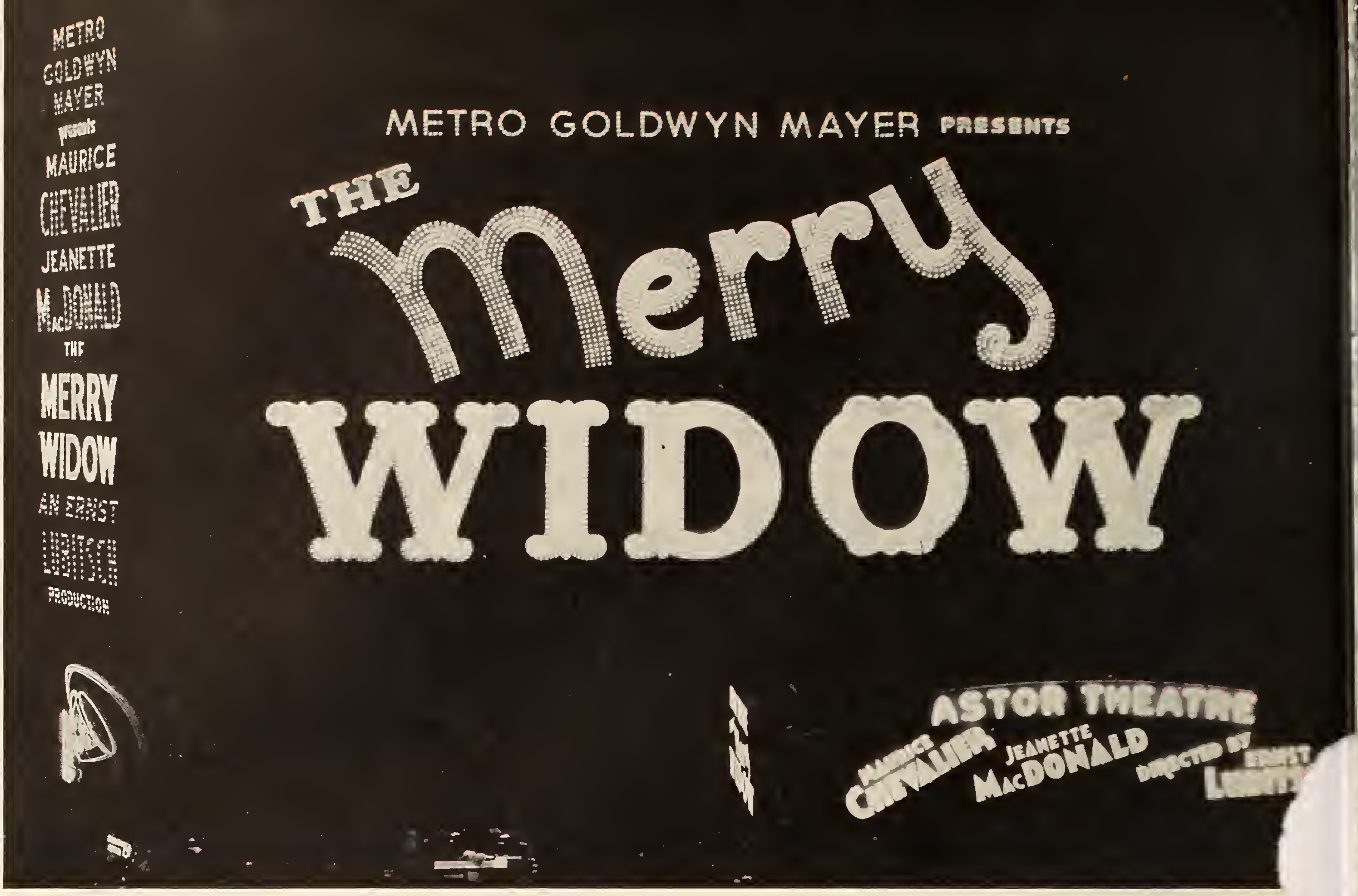
THE KING AND QUEEN OF "CARIOCA" . . . dazzling stars of "Flying Down to Rio" bring you the musical hit of the decade! . . . A dashing, dancing romance . . . loaded with laughter . . . jeweled with half the beauties of Hollywood . . . swaying to tantalizing tunes that ten million can't stop whistling!

★ ★ ★

See them do "THE CONTINENTAL" ("You kiss while you're dancing!") the tantalizing new dance sensation that will set the whole land into a new "Carioca" frenzy!

★ ★ ★

**RKO-RADIO PICTURE**
Directed by Mark Sandrich
Dances directed by Dave Gould
A Pandro S. Berman Production


METRO GOLDWYN MAYER presents MAURICE CHEVALIER JEANETTE MacDONALD THE MERRY WIDOW AN ERNST LUBITSCH PRODUCTION
METRO GOLDWYN MAYER PRESENTS
THE Merry WIDOW
ASTOR THEATRE
MAURICE CHEVALIER
JEANETTE MacDONALD
DIRECTED BY ERNST LUBITSCH

# TONIGHT'S THE NIGHT ON BROADWAY!

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 87 NEW YORK, FRIDAY, OCTOBER 12, 1934 TEN CENTS

## Reels Anxious Over Films of King's Death

### *Wonder If French Gov't Will Lift Ban*

Newsreel organizations were in suspense yesterday over the ultimate fate of their clips on the assassination of King Alexander of Jugoslavia in Marseilles. Inquiries made here yesterday revealed that only Pathe had succeeded in getting its film through the censorship barrier set up by the French authorities.

The other newsreels were reported awaiting word of a possible change in the government's attitude. The censorship order greatly surprised newsreel officials, as they had never known anything like it to occur in France. The only possible reason ad-

*(Continued on page 6)*

## Allied Lines Up on Congress Campaign

Washington, Oct. 11.—Concentration on a three-point legislative program before and during the next session of Congress is being urged upon Allied by Abram F. Myers, general counsel.

The points are:

"To secure a Congressional investigation of the negotiation, writing and

*(Continued on page 6)*

## *Says Theatre Guild May Make Pictures*

Dayton, Oct. 11.—Prediction that the Theatre Guild eventually will have to go into pictures was made by Lawrence Langner, Guild director and one of its founders, when interviewed during a one-day stopover here.

"Unwillingness of actors to go on tour, plus the fact that many of the legitimate theatres are being converted into film houses will sooner or later result in the guild going into the picture business. The solution will be for the guild to produce its plays on the New York stage, transfer them to the screen with the same casts, and release the pictures itself," he declared.

## *Campi Passes New Assessment Plans*

Following modifications in the producer-distributor and exhibitor assessment schedules, Campi yesterday

*(Continued on page 6)*

## Fox Midwest In Pool with Two Circuits

### *Commonwealth, Grubel Join Operating Pact*

Kansas City, Oct. 11.—Solidifying its position in highly competitive situations, Fox Midwest has effected a pool with Commonwealth Theatres here, and in Kansas City, Kan., with Grubel Bros., owners of the Electric, formerly operated by Paramount. The move involved six houses.

It is understood the deal is in the form of a partnership arrangement, with a split of the profits on an equal basis. Fox Midwest is in charge of bookings and has virtually taken over operation of the competitive theatres,

*(Continued on page 6)*

## Pool By Circuits Irks Sales Heads

Sales heads of all major companies yesterday were reported to have met at the Hays office to discuss the buying and booking tieup between the Skouras-Seider-Schwartz circuits in Long Island. The meeting yesterday followed sessions by local branch managers during the last two weeks.

Although no action was taken at yesterday's meeting, it is understood

*(Continued on page 6)*

## *O'Heron Now Radio Associate Producer*

Hollywood, Oct. 11. — Frank O'Heron, vice-president in charge of studio operations for Radio, will become an associate producer at that studio Monday. His first production will be "Cape Cod." Joseph J. Nolan, assistant to B. B. Kahane, will succeed him, handling all committments and agency dealings. The title of vice-president, however, will be dropped.

### *Mae Writes Him*

**Omaha, Oct. 11.—Charlie Schlaifer, publicity man for the A. H. Blank theatres, is prizing a letter purportedly from Mae West, written in red ink on orchid-colored stationery, thanking him for photographing a number of Winnebago Indians, one of whom will be used in "Now I Am a Lady." Schlaifer made a trip to a reservation to look over prospects. La West took a fancy, she said, to the photo of one, "Howling Dog." He has another name and is a college man.**

## Files General Suit on Color Film Patents

San Francisco, Oct. 11.—All present color films, including Technicolor, are an infringement of patents he applied for in 1916 and obtained in 1918 and 1923, declares Leon F. Douglas, inventor, in a $20,000,000 suit he has just filed in U. S. District Court here.

The suit is preliminary to other suits to be filed against Technicolor, Paramount, Walt Disney Prod., and others, assert Douglas' attorneys,

*(Continued on page 6)*

## *F. & M. May Lose 3 Houses in St. Louis*

Fanchon & Marco may lose the recently acquired Ambassador, Missouri and St. Louis in St. Louis, it was reported yesterday. Spyros Skouras, who was forced to drop the houses a few months ago, may recover them, it was stated.

Both Harry C. Arthur of F. & M. and Skouras were in St. Louis yesterday conferring with lawyers there

*(Continued on page 6)*

## *Legion of Decency Comes To Rescue in New Orleans*

New Orleans, Oct. 11.—The local Legion of Decency furnished an unusual demonstration of strength when called upon to give its support to the Catholic historical picture, "Through the Centuries," which, after being booked into the St. Charles opened with an attendance of 15 persons, establishing a new all-time low record for an opening performance here.

Harry McCloud, operator of the St.

*(Continued on page 6)*

## Ask Fox Met Operators to Change Pact

### *Hayden, Stone Offer to Hinge on New Deal*

The bondholders' committee of Fox Metropolitan Playhouses will submit the new $4,500,000 Hayden, Stone & Co. bid for the circuit's assets to Skouras and Randforce with a proposal that the two operators consent to the drafting of new short-term operating contracts carrying provisions for cancellation in the event the Hayden, Stone deal is not consummated within 60 days after reorganization of Fox Met, it was learned yesterday.

Observers familiar with the Fox Met situation regard the committee's proposal as a definite indication that the Hayden, Stone bid is in the nature of an investment move on the part of the financial house and contemplates continued operation of the

*(Continued on page 6)*

## Quittner Suit Is Settled By Para.

Settlement of the $5,100,000 Quittner anti-trust suit has been agreed upon and contracts are being drawn for submission to the Federal court for approval, it was learned yesterday.

Although terms of the settlement could not be disclosed prior to the filing of the agreement with the

*(Continued on page 2)*

## Big Para. Claims Go Into New Setup

Approximately $48,265,000 of claims filed against Paramount Publix in bankruptcy proceedings will be disposed of through reorganization plans for the properties involved, it was learned yesterday.

Most important of these is the Paramount Broadway claim of $44,-

*(Continued on page 2)*

## *Miami Studying Tax Removal on Studios*

Miami, Oct. 11.—The question of tax exemption for the purpose of luring California film producers here was discussed at today's meeting of the City Commission. As soon as the legal department rules on whether or not this is possible some action will be taken, it was stated.

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DAILY
(Registered U. S. Patent Office)

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## *Film Men Leave for Golf, Variety Party*

A number of film men here are planning a busy week-end. They leave today for Philadelphia to take part in the annual handicap golf tournament of *The Philadelphia Exhibitor* at the Lulu Temple Country Club, which will be followed by a dinner.

From Philadelphia the contingent will continue on to Pittsburgh for the annual Variety Club dinner and the Pitt football game.

## *Some Close, Others Open*

Columbia, United Artists, Universal, Warners and Paramount home offices will close today at noon in celebration of Columbus Day. Fox will be closed all day. The Hays office will also be closed at noon.

## *Major, Bertaro Leave*

Port Major, booker, and John Bertaro, attorney for Fox West Coast, have left for Los Angeles, and will arrive there tomorrow. They came east on the Los Angeles clearance and zoning schedule.

## *Miller, Silverman Here*

Jack Miller and Edward Silverman of the Essaness circuit in Chicago are in town on product buys. They plan to leave next Tuesday.

## *Ampa Members Give Comedians Big Hand*

Comedy was the order of the day at yesterday's Ampa meeting. Milton Berle, Eddie Lambert, Patsy Flick and Eddie Davis joined to keep the crowd in stitches. The honor guest of the occasion was Jeanette MacDonald, whose "Merry Widow" opened last night at the Astor.

Other guests included George Weltner, assistant manager of Paramount International; Gus Edwards; Millard Ellison, a former district attorney, who is a candidate for Supreme Court judge in the Bronx; and N. L. Manheim, Universal foreign manager.

Hal Horne was guest chairman. Bert Adler will preside at next week's meeting, while Police Commissioner Valentine will be guest chairman on Oct. 25.

President William R. Ferguson told the Ampa members yesterday that the Nov. 8 meeting will be a closed one and will be devoted wholly to consideration of the proposal to admit women to membership in the organization.

## *Depinet, Zohbel to Coast*

Ned E. Depinet, president, and Herman Zohbel, treasurer of RKO Radio, whose planned departures for the coast were delayed a day, left yesterday. Depinet will remain at the studio about a week for production conferences, while Zohbel will establish temporary headquarters there for an extended stay.

William Mallard, RKO Radio general counsel, may lease for the studio this week end, although definite arrangements for his departure had not been made up to late yesterday.

## *Sign Product Deal Today*

Contracts between Fox, RKO, Skouras, Universal and Randforce involving transfer of Universal and Fox product to RKO houses are scheduled to be signed today by all parties interested in the agreement. Randforce will take over the Utica, Brooklyn, when the deal is signed and may keep the house closed.

## *"Power" Gets $68,000*

"Power" garnered $68,000 at the Music Hall for the week ending Wednesday night.

## *Paramount to Show Eight French Films*

Paramount is readying eight French features, with native casts and dialogue, for release in America early next month. The pictures have been produced at the company's Joinville studios during the past 18 months.

A special department is planned at the home office to handle the films, which will not be released nationally, but only in French speaking localities such as those states bordering Canada and in Louisiana. Release will be general in Canada, however.

The eight pictures are as follows:

"Une Faible Femme," "Un Foir de Reveillon," "Cagnasse," "La Pouponniere," "Les Asuturs," "Topaze," "Chasseur de Chez Maxim" and "Etoile de Disparait."

## *Laemmle, Jr., Delays Trip*

HOLLYWOOD, Oct. 11. — Carl Laemmle, Jr., who was set to leave for the east via the Panama Canal on Oct. 20, is postponing his departure until a later date in order to have additional time for conferences with James Grainger, who is scheduled to arrive here late next week. From New York Laemmle will proceed to Europe about the end of November. Grainger will visit Universal's southern exchanges on his return trip to New York.

## *Velez Awarded $7,500*

HOLLYWOOD, Oct. 11.—The Academy adjustment committee last night awarded Lupe Velez a claim of $7,500 against William Rowland Prod. for alleged failure of the company to employ her after she had signed a contract with a minimum three-week guarantee. The case had been before the committee for the past month. The defendant can appeal the decision to the Academy's conciliation machinery or take it to the courts, which is held unlikely.

## *Hungarian Film Opens*

"Mindent a Noert" ("Everything for the Woman"), produced by Danubia Pictures in Hungary, opens at the Tobis Theatre today.

## *Joe Cooper in Town*

Joe Cooper, Publix affiliate in Denver, Arizona and other western points, is in town.

## *Big Board Stocks in Sharp Rise*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 39 | 37⅛ | 38¼ | +1¼ | 3,400 |
| Consolidated Film Industries | 3⅝ | 3¼ | 3⅝ | + ¼ | 1,000 |
| Consolidated Film Industries, pfd | 15 | 14½ | 14¾ | + ¼ | 1,900 |
| Eastman Kodak | 102¾ | 101¼ | 102¼ | +1¼ | 1,900 |
| Fox Film "A" | 13⅝ | 12½ | 13¼ | +1⅛ | 4,400 |
| Loew's, Inc. | 31 | 28⅞ | 30¼ | +1⅛ | 31,700 |
| Paramount Publix | 4½ | 4⅛ | 4⅛ | — ⅛ | 19,800 |
| Pathe Exchange | 1⅜ | 1¼ | 1⅜ | + ¼ | 5,600 |
| Pathe Exchange "A" | 14½ | 13¼ | 14 | +1 | 3,000 |
| RKO | 2⅝ | 2⅜ | 2½ | + ¼ | 5,300 |
| Warner Bros. | 5⅜ | 5 | 5⅛ | + ⅛ | 12,100 |

## *Technicolor Only Curb Stock*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13¼ | 12¾ | 13 | + ⅜ | 2,800 |

## *Para. F. L. Bonds Advance 1⅜ Points*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 7⅛ | 7 | 7⅛ | + ⅝ | 11 |
| General Theatre Equipment 6s '40, ctf | 7 | 6⅜ | 7 | + ⅝ | 12 |
| Loew's 6s '41, ww deb rights | 102½ | 102 | 102⅜ | — ⅛ | 17 |
| Paramount Broadway 5½s '51 | 40 | 39¾ | 40 | — ½ | 6 |
| Paramount F. L. 6s '47 | 59 | 57½ | 59 | +1⅜ | 20 |
| Paramount Publix 5½s '50 | 59 | 57½ | 59 | +1½ | 20 |
| Warner Bros. 6s '39, wd | 61¼ | 60 | 60 | + ¼ | 27 |

## Big Para. Claims Go Into New Setup

(*Continued from page* 1)

000,000. A reorganization plan for this property has been completed and is awaiting creditor and court approval. In the same category are Paramount Properties, a claim based on the bonds of which has been filed in the amount of $2,750,000; the Prudence Co., with claims of $786,255 on a Jacksonville, Fla., theatre property, and of $602,113 on a St. Petersburg theatre property, and the Samuel and Nathan Goldstein Chicopee Theatre mortgage of $127,500.

Among claims under investigation on their merits by Paramount Publix trustees are those of Sam Katz for $265,498, and of John Balaban for $8,263. The claims of Jesse Lasky for $282,000 will be heard by a special master, while those of Sidney Kent for $65,000 and of John D. Clark for $16,033 may be submitted to settlement negotiations.

## Quittner Suit Is Settled By Para.

(*Continued from page* 1)

court, it is understood that the settlement will not be for a large amount and is not considered by the plaintiff, Joseph Quittner, to be a satisfactory one. Quittner is approving the terms, however, as it is his desire to end the litigation. His father, the late Edward Quittner, was the original plaintiff.

Paramount is also negotiating settlements of two other anti-trust suits pending against it, one of which, that filed by E. M. Loew of Boston for triple damages of $5,099,000, may involve a large amount. A special master assigned to hear testimony in the case last year reported a recommendation in favor of Loew of more than $200,000 damages. Final judgments in anti-trust cases are trebled.

## *"Widow" Gets Start Before a Big Crowd*

M-G-M started "The Merry Widow" last night at the Astor with one of those Hollywood openings that required the aid of police to hold back the crowds. Flood lights were numerous. Mounted police had to ride on the sidewalk to keep the crowd from blocking traffic.

Major Edward Bowes greeted the celebrities as they arrived in the lobby in front of a WHN microphone and introduced Jeanette MacDonald, who co-stars in the picture with Maurice Chevalier; Ernst Lubitsch, the director; Douglas Fairbanks, Adolph Zukor, Harold B. Franklin, Helen Hayes and many others. The broadcasting started at 8:30 and continued for an hour.

"The Merry Widow" was reviewed in the MOTION PICTURE DAILY on Sept. 4.

## *Stern Finds N. Y. Pickup*

Returning from a short trip to Buffalo, Charles Stern, assistant to Al Lichtman, general sales manager and vice-president of United Artists, states business in upstate New York is picking up. All houses are open and theatres doing business, he said.

**365 LAUGHS . . .**
**365 THRILLS . . .**
**365 MORE LAUGHS . . .**

FROM the private notebook of a famous Coast columnist...comes this laughing lowdown on a couple of Hollywood upstarts . . . who start up the ladder to fame . . . and climb into a storm center of comic complications.

Date it in for preferred time —and give your crowds the time of their lives!

# 365 NIGHTS IN HOLLYWOOD

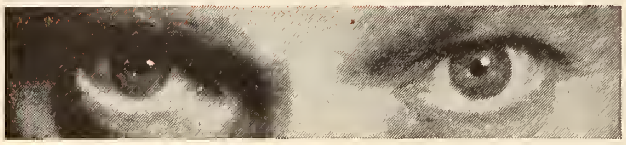
**JAMES DUNN**
**ALICE FAYE**
**Mitchell and Durant**
**John Bradford**
Produced by Sol M. Wurtzel
Directed by George Marshall

Based on a book of short stories by Jimmy Starr
Screen play by William Conselman and Henry Johnson

ALICE FAYE SINGS AGAIN ...*only* MORE SO!

FOX

# "WATCH MARIE GALANTE"



Secret councils of great nations dispatched this grim command . . . and hidden "eyes" saw danger in every move o this lonely girl . . . too innocent to know her own allure

# "WATCH KETTI GALLIAN"

Industry insiders privileged to witness the completely fascinating performance of this magnetic personality have tipped the word to fellow showmen. Soon the word will spread to all the world!

# Marie Galante

with

**SPENCER TRACY**

**KETTI GALLIAN**

**NED SPARKS**
**HELEN MORGAN**
**SIEGFRIED RUMANN**
**LESLIE FENTON**
**ARTHUR BYRON**
**JAY C. FLIPPEN**
**& STEPIN FETCHIT**

Produced by Winfield Sheehan
Directed by Henry King
Screen play by Reginald Berkeley
Based on a novel by Jacques Deval

FOX

# Ask Fox Met Operators to Change Pact

(*Continued from page* 1)

circuit by Skouras and Randforce. The Skouras brothers have been on the friendliest terms with John Dillon of the Hayden, Stone house for years.

It is well known that the Fox Met bondholders' committee has long been anxious to liquidate its claims and retire from the Fox Met picture at the earliest possible date. The stumbling block to a sale of the circuit's assets which would permit this has been the long-term operating contracts held by Skouras and Randforce. These contracts have discouraged other theatre operators from bidding for the circuit and the impossibility of settling the contracts on a profitable basis is understood to have been a major factor in the withdrawal of Loew's from the joint $4,500,000 bid made for the circuit in conjunction with Warners last summer.

### Objective of Committee

If Skouras and Randforce accept the committee's proposal and agree to new short-term contracts with cancellation provisions in place of those they now hold, the committee will have accomplished its sole objective, for, even though the Hayden, Stone deal is not consummated thereafter, the committee would be in a position to cancel the existing operating contracts and thereby clear the way for the submission of new bids by outside theatre operators. Moreover, observers agree, if Skouras and Randforce do accept the committee's proposal the acceptance would be a definite indication that the two would continue operations for Hayden, Stone in the event of a deal being consummated.

It is understood that the Hayden, Stone offer contemplates foreclosure on Fox Met assets and a reorganization of the company by the bondholders' committee, rather than a purchase of the Fox Met bonds by Hayden, Stone with the investment house proceeding with its own reorganization. After the bondholders committee has foreclosed and reorganized, an outright sale of Fox Met to Hayden, Stone for $4,500,000 would be negotiated, it is contemplated in the offer. Hence the committee's desire to protect itself by having the right to cancel the operators' contracts if the sale to Hayden, Stone is not consummated within 60 days after the reorganization.

## *Blumenthal to Be in Court, Says Burkan*

A. C. Blumenthal, who ignored a subpoena to appear at a Federal court hearing Tuesday on an action to dismiss a petition for reorganization of Fox Theatres on the grounds of bad faith, will be present at the next hearing, Oct. 18, before Judge Martin T. Manton, it was learned yesterday.

Nathan Burkan, attorney for Blumenthal, has agreed to produce his client on that date, the court has been advised. Judge Manton, on Tuesday, agreed to issue a bench warrant for Blumenthal on the request of Archibald Palmer, counsel for a Fox Met bondholders' group who is pressing the action for dismissal of the Fox Theatres' reorganization petition. The latter corporation owns all of the common stock of Fox Met. In his action, Palmer charges that Fox Theatres has no other assets of value and that the reorganization petition is brought in bad faith in an endeavor to realize on Fox Met assets.

## Fox Midwest Joins Pool with 2 Chains

(*Continued from page* 1)

with the management intact. The arrangement does not involve current leases held by Commonwealth, it is said.

The pool involves the Warwick and Vista, Fox neighborhoods, and the Madrid and Benton, the Commonwealth contribution, in Kansas City, Mo., and the Fox Granada and the Electric in the Kansas city. Main object of the pool was to control bookings, as for the last two years or so competitive neighborhoods have been playing the same pictures day-and-date, which has not proved the best course. The plan is to play a weak picture against the big attraction.

The Fox-Commonwealth pool also makes possible control of prices, and it was authoritatively said that "bargain nights" will be eliminated as unnecessary under the new arrangement. Double bills, however, will probably continue occasionally as in the past.

The pool gives Fox complete control of the first run situation in Kansas City, Kan. The present plan is to book the major attractions into the Electric, which is larger than the Granada.

## Pool By Circuits Irks Sales Heads

(*Continued from page* 1)

that the sales managers will consult attorneys of their companies before deciding whether or not to sell the three circuit pool.

Joseph Seider already has purchased Warners-First National, Fox and M-G-M for the Prudential-Casey & Wheeler circuits.

Individual territories are tied together, but there is no interlocking agreement. The Skouras theatre in Hempstead is joined together with Prudential's Freeport house in one deal; Prudential's Huntington Station unit is pooled with A. H. Schwartz's house in Huntington; Seider's Floral Park is tied in with the Schwartz theatre in Queens Village; Seider and Schwartz each have a house in Riverhead which are pooled; Skouras' Glen Cove, Lynbrook and Valley Stream houses are in with the Schwartz's Rockville Center units.

It is understood that the lawyers of the various distributing companies will meet today to further discuss the matter.

## *Jules Buffano Married*

Portland, Oct. 11.—Jules Buffano, orchestra leader, has been married to Sue Lancier, artist.

# *Legion of Decency Comes To Rescue in New Orleans*

(*Continued from page* 1)

Charles, appealed to Legion of Decency leaders for support of the Beacon Films' production, which, he pointed out, had been produced entirely under Catholic supervision, treated of Catholic church history and, seemingly, met all standards of the Legion of Decency.

Archbishop John M. Shaw, apprised of the situation, declared: "If we permit this film to fail the Legion of Decency might as well disband. It is the duty of every Catholic man, woman and child to see it."

The Legion immediately went into action, calling upon its members to support the film and making special appeals through Catholic churches and schools here. The response was immediate, McCloud reports. The picture has been playing to capacity all this week. Police have been required to handle overflow crowds and 20,000 admissions have been contracted for in advance, it is said. McCloud reports the picture will be held indefinitely.

## Allied Lines Up on Congress Campaign

(*Continued from page* 1)

administration of the motion picture code.

"To secure a modification of the copyright laws which will curb the monopolistic power of the American Society of Composers, Authors and Publishers.

"To secure the enactment of an anti-block booking law similar to the so-called Brookhart bill."

In the latest Allied bulletin Myers urges members to secure copies of the M. P. Research Council's booklet, "Questions and Answers Concerning Compulsory Block Booking and Blind Selling in the Distribution of Motion Pictures" and to use its contents in contacting congressmen and senators.

Views of members are being sought as to the desirability of holding a meeting of the board of directors of the national organization in New Orleans during December.

Drafts of a new constitution will be circulated soon, the bulletin states.

## *F. & M. May Lose 3 Houses in St. Louis*

(*Continued from page* 1)

on the theatre situation. Skouras is due back in New York today by plane while Arthur leaves St. Louis this afternoon for Los Angeles, where he will confer with Mike Marco on the F. & M. west coast situation. Arthur returns to New York in about 10 days.

## *Marion Davies to Leave*

Marion Davies leaves for the coast next week. She is now conferring with E. B. Hatrick on her two stories for the 1934-35 Cosmopolitan schedule.

## *May Attend Premiere*

Hollywood, Oct. 11.—Dolores Del Rio expects to leave for New York shortly to attend the opening of "Madame DuBarry" at the Strand there.

# Files General Suit on Color Film Patents

(*Continued from page* 1)

Charles E. Townsend and William A. Loftus.

Douglas claims that he began experimenting with color films in 1912 and made his first application for patents four years later. The processes now used by Fox, Paramount and Technicolor, he declares, are based on principles which he discovered. Douglas says he owns more than 50 patents, but these cover many things other than color films.

He was one of the organizers of the Victor Talking Machine Co. His inventions, he says, include one making submarine pictures possible.

In 1917, Douglas states, he made a color film at his own expense with Douglas Fairbanks, Mary Pickford and Charles Chaplin which was used in a Red Cross drive. His photographic principles, he says, are based on the use of two prisms, one filtering red light rays onto film and the other green rays. From the two negatives thus obtained, he explains, a positive print is made on film treated with emulsion on both sides, one for the red and the other for the green tones.

## *Reels Anxious Over Pictures of Slaying*

(*Continued from page* 1)

vanced for the government's action was its fear that the film might create the impression the authorities were lax in safeguarding the monarch. The order came out of a clear sky and the pictures were seized summarily, it was said.

Pathe stole a march on the other reels, it was learned from an official of the reel, when the film taken by its cameraman was permitted to be shipped out of the country just before the censorship order was issued. It is expected to reach here next week. Some of the newsreel officials expressed fear that none of the film would ever be released.

## *Campi Passes New Assessment Plans*

(*Continued from page* 1)

adopted the finance levies and today will send them to the Department of Research in Washington.

George G. Hunter has joined Campi's legal staff, assisting Tyree Dillard, Jr., at appeal hearings and in drafting of decisions.

Division Administrator Sol A. Rosenblatt did not discuss the Hollywood situation, as he was expected to do.

Attending the session were Walter Vincent, chairman; Charles L. O'Reilly, Nathan Yamins, Gordon Youngman, Felix Jenkins, Neil Agnew, Jr., J. Robert Rubin, Harold S. Bareford, Willard McKay and Edward Golden.

## *Herron Back at Desk*

Frederick L. Herron, treasurer and in charge of the foreign department of the Hays office, has returned from a combination vacation and business trip that took him to the coast and to Mexico City.

# "CONGRATULATIONS on the first issue. The President saw it and was greatly interested!"

—STEPHEN EARLY
ASSISTANT SECRETARY TO THE PRESIDENT

---

## "I feel sure that great public approval will attend this effort."

—MAYOR ANGELO J. ROSSI, SAN FRANCISCO

---

"Heartiest congratulations. A distinct achievement in unusual and entertaining presentation of the news and a great step forward in the newsreel field."

*—Darryl Zanuck, Los Angeles*

---

"It is one hundred percent better as to news value and entertainment. After watching audience reaction I feel justified in saying you have delivered to exhibitors all and more than you promised. It is a step forward in newsreel presentation." *—Robert T. Smith, West Coast Theatres*

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"I congratulate Hearst Metrotone on its first issue. Excellent choice of subjects and vivid manner in which they are pictured and the splendid comments of Edwin C. Hill combine to make this newsreel of exceptional value. This is real drama." *—Mayor Frank L. Shaw, Los Angeles*

---

"I have seen your first news release with Edwin C. Hill and desire to congratulate the people of this country in having so able and fearless a presentation of world events. Your service has every evidence of being a careful and complete summary of matters of real public interest."

*—James M. Curly, three times Mayor of Boston*

From every corner of the nation comes the acclaim of great public figures for

# HEARST METROTONE NEWS

starring **EDWIN C. HILL** The Globe Trotter

*(An Editorial Reprinted by Kind Permission of* BOX-OFFICE*)*

# Blazing New Trails

IN ADVERTISEMENTS we've seen the M-G-M trademark lion, Leo, portraying the roles of Trader Horn, Santa Claus, Mr. John K. Exhibitor and others. But now he has assumed, literally, the role of a trail blazer, designed to benefit on a large scale the motion picture industry.

Along the ribbon-stretched highways of the nation, going East, West, North and South, you'll see 24-sheet boards drawing public attention to M-G-M pictures. On city streets in the most strategic locations these M-G-M 24-sheets are also in evidence. In leading fiction, style and other magazines M-G-M brings forceful sales messages in full-page displays into the homes of the American people; and through the local newspapers it ties its messages directly to the local showings of its productions.

Coupled with billboard, newspaper and magazine advertising M-G-M is continuing the tours of its already extensively-traveled Traveling Studio, creating interest, building good will, not alone for M-G-M, but for all motion pictures.

During the depression years M-G-M has maintained a force of able exploitation men. They have worked hand in hand with exhibitors, planting publicity stories with newspapers, effecting co-operative tie-ups with merchants, securing free time on radio broadcasts, making and placing window displays and other picture merchandising helps.

The screen has been given new life through great improvement in product. That's one essential to success in theatre operation. Selling—advertising, exploitation, merchandising—is another highly important essential. Even the best pictures don't sell themselves. And, too, many an average picture can be turned into a winner if it is properly sold.

When public interest lags, it has to be revived. When people stop buying theatre tickets, showmen go out and bring them to the ticket windows. Exhibitors have done the job in a limited way. But, as it is necessary in all big and successful merchandising campaigns, the manufacturer of a product must blaze the trail, charting it through courses that the individual retailer cannot take alone, yet which are beneficial to him.

Already the public is reacting to the initial blasts in the M-G-M campaign. Witness the success of the first three pictures to receive this extensive exploitation, namely, "Chained," "Treasure Island" and "The Barretts of Wimpole St." New trails are being blazed to the ticket windows of the nation.

*(Signed)* **BEN SHLYEN, Editor of Associated Publications**

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 88 NEW YORK, SATURDAY, OCTOBER 13, 1934 TEN CENTS

# Warner Sees Patent Ruling Theatre Peril

## *Declares Fox Victory Creates Big Problem*

PHILADELPHIA, Oct. 12.—Harry M. Warner, head of Warners, struck a serious note at the sixth annual golf tournament and dinner-dance sponsored by the *Philadelphia Exhibitor* today when he stated that the U. S. Supreme Court's refusal this week to grant a rehearing in the American Tri-Ergon patent case had created one of the most serious situations that exhibitors have ever faced. He prophesied that vital changes in the sound picture might be expected in the future as a result of the court's action in upholding William Fox's contention that double prints and flywheel patents controlled by him had been infringed upon.

There were 70 entered in the tournament, while the attendance at the dinner-dance in the evening was 200.

The top golfer was Johnny Bachman. Thirty prizes were awarded.

(*Continued on page 3*)

## *Warners Cut Scales In Milwaukee Spots*

MILWAUKEE, Oct. 12.—Warners have announced new low prices for the Venetian, Egyptian and State, local neighborhood houses, with adults admitted for 15 cents every Saturday until 6 P. M. and every Sunday until 5 P. M. The circuit is now playing twin bills at both its Egyptian and State.

A number of state cities have also gone in for dual features on a big scale and in Green Bay the Bay Theatre is offering five acts of vaudeville with two first run flickers every Friday, Saturday and Sunday.

After several postponements the Strand will be opened Saturday by Warners on a 25c-35c scale with dual bills.

## *Tussle Over Duals Continues to Rage*

CLEVELAND, O., Oct. 12.—An application to intervene in the case of the Center Woodland Amusement Co. against the Family Theatre in which Common Pleas Judge Alva Corlott last week granted a permanent injunction restraining the Family from showing duals, was filed by Lawrence Rich, attorney, representing Morris

(*Continued on page 3*)

## *Hays Tells Catholic Meeting Films Purged by Church Drive*

**The belief that the church drive against objectionable pictures has "wiped sin and shame from the screen" was expressed by Will Hays, M. P. P. D. A. head, in a letter read yesterday at the 11th biennial convention of the International Federation of Catholic Alumnae at the Waldorf-Astoria.**

**"Current motion pictures," added the letter, "are meeting with an encouraging public response.**

**"You have been, perhaps, the most severe of all the groups in your appraisal of pictures, but always your criticism has been specific and you have brought the weight of your opinion directly to the makers of pictures."**

# *Competition to Determine Protection, Campi Holds*

Theatres not in competitive zones cannot have protection over one another, Campi has decided after a heated discussion on this topic at Thursday's meeting.

Some members of Campi held that theatres in zone "A" could have clearance on houses in zone "B" provided the proximity warranted. However, this idea was vetoed and the original plan stands as is.

The Chicago clearance and zoning schedule was turned back to the local board on the ground that it violates all the principles for setting up schedules. This was the only general schedule discussed by Campi and now it goes back to the Windy City for an airing.

Joe Levinson won his protest when Code Authority held that Brookline,

(*Continued on page 3*)

## *Plan Protest Over Dubinsky's Tenure*

KANSAS CITY, Oct. 12.—Exhibitors in St. Joseph, Mo., are preparing to demand that Irwin Dubinsky be disqualified from serving on the local clearance and zoning board when their clearance schedule comes up for revision next Monday.

The protest, it is said, will be on the ground Dubinsky Bros.' houses in St. Joseph are involved. While the setup originally drafted for St. Joseph is satisfactory to the opposition, Dubinsky has objected, claiming it does not allow his first runs adequate pro-

(*Continued on page 3*)

## *Code Regulations on Extras Take Effect*

WASHINGTON, Oct. 12.—No protests having been lodged, the regulations on extras were made effective today by the National Recovery Administration. These regulations were submitted by the extra committee last month and

(*Continued on page 3*)

## *All Hands Deny*

**St. Louis, Oct. 12.—Harry C. Arthur of F. & M. and Thomas Dysart of the bondholders' committee today vehemently denied reports that the F. & M. circuit would lose the Missouri, Ambassador and St. Louis.**

**The report had it that the houses may revert to Skouras, who recently was forced to vacate from the trio. F. & M. has 10-year leases on the three houses with $105,000 up as security.**

**Jack Partington of the local F. & M. office yesterday added his to the St. Louis denials, declaring the reports "just a pack of lies."**

**Spyros Skouras, who has been in St. Louis, returned yesterday by plane.**

## *Milwaukee Operator Scales Are Boosted*

MILWAUKEE, Oct. 12.—After weeks of dickering, exhibitors and the Motion Picture Projectionists' Union, Local 164, have arrived at an agreement for new wage scales retroactive to Sept. 1, when the old contract expired. The new scale provides for an increase ranging from 10 to 14 per cent, depending upon classification of the theatres.

The increase in Class 1 houses is about 10 per cent with booth cost set at $341.88 per week, while the percentage of ante for Class 5 is similar with booth costs at $57.75 per week. Houses in Class 1(a) are subject to the largest boost, with booth cost at $285,

(*Continued on page 3*)

# Assessments Again Turned Down by NRA

## *Revisions Suggested — May Be Set Monday*

WASHINGTON, Oct. 12. — Despite the fact that the code finance committee, consisting of S. R. Kent, Harold S. Bareford and Edward Golden, approved the revised producer-distributor assessment schedule, the NRA Division of Research and Planning has turned it down for a second time.

The NRA has made certain recommendations for revision in a letter to Campi and it is understood that the changes will be made by Monday.

All major companies had approved the plan and practically all of the independents agreed to it, but the NRA committee here would not accept it on the grounds that the formula for basic rates, based on gross business, is unfair to the small producer and distributor.

It is apparent to Washington forces that the plan is wrong in the abstract and theory. It has been sent back for a third time.

With the NRA turning the schedule down, the move is considered

(*Continued on page 3*)

## Local Pool Aired In Second Meeting

Local exchange managers yesterday met with Louis Nizer, executive secretary of the New York Film Board of Trade, and discussed the three-cornered pooling arrangements on Long Island between A. H. Schwartz, George Skouras and Joseph Seider.

Reports were current that Springer & Cocalis may enter the pool with the booking-buying plan being extended to Brooklyn.

No action was taken and another meeting will be called shortly.

## *"Barretts" in 2nd Week Does $46,000*

"The Barretts of Wimpole Street" continues to hold to good patronage at the Capitol, garnering $46,000 in the second week. The Paramount fell off considerably on the third and last week of "Belle of the Nineties," grossing $28,000. "Peck's Bad Boy" didn't hit the $33,000 expected at the Roxy, but came close to it with a $29,000 take. Both the Roxy and the Capitol hold over.

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## Temporary Film Shift

PHILADELPHIA, Oct. 12.—For the first time since United Artists and Warners started joint operation of the Aldine, a non-United Artist film is booked. "Madame Du Barry" went into the house Thursday, replacing "Our Daily Bread." Booking, however, marks no drastic change of policy. The house returns to U. A. with its next film, "Today We Live."

## Feist to Honolulu

Felix F. Feist, general sales manager of M-G-M, sails on the *Santa Elena* today for Los Angeles, en route to a vacation in Honolulu. He will return to San Francisco about mid-November and resume duties from that point, visiting the studio and exchange points on the way east.

## Zapp Joins Trendle

DETROIT, Oct. 12.—Henry Zapp, one of the partners in Monarch Films here for the past three years, has accepted a post as buyer for the United Detroit Booking Service, formed by George W. Trendle. Zapp fills the berth formerly occupied by Arthur M. Elliott, recently resigned.

## Chaplin Starts Picture

HOLLYWOOD, Oct. 12.—Charlie Chaplin started shooting his latest production today and the first scene was made with Chaplin directing himself and Paulette Goddard, who has the feminine lead.

# What N. Y. Critics Think

## "Power"

(*Gaumont British*)

*American*—Another marvelous motion picture has come across the sea to complete with its tragedy the trinity begun with the comedy of "Henry the Eighth" and the romance of "Catherine the Great." Under its new name, "Power," the drama of "Jew Suss" stands shoulder to shoulder with this company as one of the mightiest movies ever filmed. In conception, in production, in portrayal and direction it ranks with the most memorable creations in the new medium.

*Daily Mirror*—***a distinguished and impressive picture in "Power" which matches any of Hollywood's "epics" in magnitude, force and drama. It is brilliantly played by a great cast, headed by Conrad Veidt, who gives the performance of his career. Gripping and harrowing, "Power" is a film for adults***.

*Daily News*—***an impressive picture***. But it is a heavy picture weighted with the burdens and injustices of a people who strive in humility and sorrow for a place of equality among their fellow men. Conrad Veidt's performance is finer than anything he has heretofore done on the screen***.

*Evening Journal*—The film is interesting in its depiction of the pomp and pageantry of the eighteenth century. It is lavish in costumes, opulent in period decoration and stunning in backgrounds. Pictorially, it is a succession of unusually handsome tableaux.

In the way of story, the film is a serious and stately series of episodes***.

Conrad Veidt, one of the screen's ablest actors, plays the principal role with force and dignity.

*Herald Tribune*—It does not, I think, take full advantage of its rich and impressive dramatic opportunities. Nevertheless this latest English photoplay importation is dignified, striking and ambitious, and, although its narrative often falters, it never fails to be intelligent and arresting.

*Post*—***has the fatal earmark of an unrestricted budget; certainly in this Gaumont-British production no expense has been spared, and the result is lavish enough to squeeze much of the life from the acting and the sense from the continuity***.

Indeed, the stately quality of the film and its lack of a centralized story work a particular hardship on Conrad Veidt, whose assumption of the role of the power-ridden Jew Suss is virtually negated by the profuse pageantry which surrounds him.

*Sun*—It is a shrewd and penetrating character study, the story of a man driven by ambition to destroy everything he loved and, in the last, himself.***

This is a strong and moving drama, produced lavishly both as to cast and settings. The gallant and terrible ending might have been heightened by a more vicious portrait of Suss in his days of power. "Power" is still a compelling production.

*Times*—Since "Power," under the unwieldy direction of Lothar Mendes, divides itself rather neatly into historical tableaux, it is no less than justice to isolate this lovingly photographed episode as the most striking part of a film which is always a little less than brilliantly convincing.

What effectiveness there is in this pageant of Reb Joseph Suss Oppenheim and the eighteenth-century court of the Duke of Wuerttemberg must be credited to Conrad Veidt.*** Thus Mr. Veidt stands out as almost the sole merit of a photoplay which is muddy in its development and ornately uninspired in its general arrangement.

*World-Telegram*—Although "Power"***is a dignified and lavish production, I find myself unable to rise and cheer for it with any honest enthusiasm.

I am willing to respect the compelling things it tries to say and honor the earnestly picturesque job of staging that has gone into it. But don't ask me to say I have liked it, or to say anything more than that it is theatrically lavish but dull.

## Charles H. Burkey Buried

About 200 persons, mostly from the industry, attended funeral services for Charles H. Burkey, veteran exhibitor, who died of heart disease.

Active pallbearers were Jay Means, who succeeded Burkey as president of the I.T.O.; Arthur Cole of Paramount; William Warner, Warner branch manager; Harry Taylor, Columbia branch manager; R. R. Biechele, secretary of the K.M.T.A., and C. A. Schultz, president of Commonwealth Theatres.

## Ward Robertson Dead

KANSAS CITY, Oct. 12.—Ward C. Robertson, in the theatre business in this territory 27 years and former manager for Fox Midwest in Kansas, is dead. He managed theatres in Hutchinson, Kan., Springfield, Mo., Pueblo, Colo., Pittsburg, Kan., and other cities and was 60 years old.

## Gets New Dickens Yarn

HOLLYWOOD, Oct. 12. — Favorable preview notices on "Great Expectations" have prompted Universal to assign direction of "The Mystery of Edwin Drood" to Stuart Walker. Edmund C. Grainger is the supervisor.

## Epstein in from West

Dave Epstein, coast agent, arrived from Hollywood by air yesterday to confer with Michael Balcon of Gaumont British on talent deals. He will be here only a few days and then return west.

## Pete Smith Back

HOLLYWOOD, Oct. 12. — Pete Smith returned today by plane from the east where he has been vacationing. He is sick with what he calls a "New York stomach."

## Dinner for Sophie Tucker

The American Federation of Actors will give Sophie Tucker a banquet at Mecca Temple Casino, Nov. 3, at 11 P. M. The "red hot mama" is sailing from Southampton on the *Manhattan*, Oct. 25, and will be in New York Nov. 1.

Twelve toastmasters will officiate at the banquet. Eddie Cantor and George Jessel have already signified their intention of being present.

## Reopens Detroit House

DETROIT, Oct. 12.—Joseph Portell, operator of the Greenwood, opened his recondition, revamped Virginia in the northern section of the city today The house has been closed three months and Portell has installed new projection and sound equipment, new seats and a new front. The house now seats 600 and is now deluxe.

## Ellison Is Candidate

Millard H. Ellison, a brother-in-law of Felix Feist, M-G-M sales manager, is now a candidate for Justice of the Supreme Court on the Republican, City Fusion and Recovery Party tickets. Ellison is a well known attorney and was assistant district attorney, New York County, from 1910 to 1916.

## Fox to Make "Inferno"

HOLLYWOOD, Oct. 12.—Fox plans to film Dante's "Inferno" in Technicolor with production to start Nov. 5, under the direction of Harry Lachman.

## Binkov Expanding

Jimmy Binkov, operating the Temple, Union City, N. J., has taken over the Pastime, same city.

# ◂ Purely Personal ▸

GENE LOCKHART, stage comedian who appeared in the Theatre Guild production of "Ah, Wilderness," has been signed to a long term contract by Radio.

MRS. SAM LIGGETT, wife of the Columbia executive, is recovering from an operation at the Presbyterian Hospital in Medical Center.

CROSS AND DUNN, night club singers and radio entertainers, start work next week on a Vitaphone short at the Brooklyn plant.

BOB O'DONNELL has returned to Dallas after a few days here conferring with Publix home office executives.

R. M. HATFIELD, Erpi's managing director in England, will be here for another month on his annual home visit.

DOROTHY DOLAN, former stage ingenue recently signed to a long term contract by Fox, is off for Hollywood.

JEANETTE MACDONALD returned to the coast yesterday after the opening of "Merry Widow" at the Astor.

MORRIS SEGAL of Majestic, Cleveland, arrives Monday for conferences with E. H. GOLDSTEIN.

JOHN BOLES leaves Monday for a motor tour of New England, accompanied by his wife.

HARRY ASHER of the Majestic exchange in Boston is due in town next Wednesday.

ONA MUNSON gave a cocktail party for ERNST LUBITSCH at the Lombardy yesterday.

E. BORETH of Masterpiece Attractions, Philadelphia, arrived in town yesterday.

JOHN MEYERS of London Films will return to these shores in six months.

JOE PLUNKETT is now in London in the course of an extended trip.

KETTI GALLIAN sailed for France on the *Berengaria* the other day.

KAY FRANCIS expects to leave for the coast late next week.

MOE STREIMER is back from a trek upstate on U. A. business.

LEON SCHLESINGER returns to the coast on Tuesday.

DAVE CHATKIN is in town from Cleveland.

J. WALTER RUBIN, M-G-M director, is in town.

JULES MICHAELS has returned to Buffalo.

## Baily's Swing Ends

HOLLYWOOD, Oct. 12.—Tom Baily is back from a tour to key cities where he visited editors for the purpose of lining up new angles on publicity copy and art.

## Para. Re-Signs Three

HOLLYWOOD, Oct. 12. — Paramount has renewed contracts on Randolph Scott, Lou Sheridan and Colin Tatley.

## Sten Title Changed

HOLLYWOOD, Oct. 12.—The title of Anna Sten's next picture for Samuel Goldwyn has been changed from "Broken Soil" to "The Wedding Night."

# Assessments Again Turned Down by NRA

(*Continued from page* 1)

rather surprising in that Golden, representing independents, had approved the plan. He was added to the finance committee after a group of independent forces attacked the original schedule.

Some NRA officials, while not outspoken, are reported beginning to suspect some code interests as "stalling," since it is held that they can submit as many plans as they wish and have them rejected. In time, it is stated, they will get together on a plan that is equitable to all interests.

The exhibitor second half assessment plan was accepted by Campi and is being sent to the Division of Research and Planning.

Division Administrator Sol A. Rosenblatt returned today after a gruelling code session in New York yesterday. It is reported here he will get a high post in the new three-division setup to replace the NRA. From accounts here, it is rumored he has been offered any job he wants in the new scheme of things and his intention is to see the theatrical codes through to the end.

## *Plan Protest Over Dubinsky's Tenure*

(*Continued from page* 1)

tection. Dubinsky's protest was the only one sent to Campi, which returned the original schedule for revamping.

Zoning board members are speculating on whom to ask to serve as unaffiliated first run representative in case the exhibitors carry out their intention to protest Dubinsky. There is no other exhibitor in Kansas City eligible, and a substitute will have to be brought in from out of town, if a willing exhibitor can be found.

Dubinsky became a member of the board when A. F. Baker, manager of the Electric, Kansas City, Kan., resigned as unaffiliated first run member following completion of the pool involving his house and the Fox Granada.

## *Pittsburgh Ad Case Certified to Campi*

Pittsburgh, Oct. 12.—Acting as an Industrial Adjustment Agency in the complaint filed by H. B. Siegel of the Princess, Erie, against the Palace, Erie, the local grievance board failed to arrive at a decision in a premature advertising case and certified the complaint to Campi for hearing.

A. Bellette of the Grand, Frederickstown, Pa., won a decision over the American, Vestaburg, Pa., when the local clearance board reduced the clearance of the American over the Grand from 21 to 10 days.

## *Denver Theatre Men Hit at Code Rulings*

Denver, Oct. 12.—Denver Theatre Managers, Inc., has been organized here and one of the first acts has been to send a demand to Campi that autonomy be extended in the settlement of local problems in spite of the code requirements that a 75 per cent vote should govern giveaways and other controversial subjects. A majority rule should be sufficient, they contend.

At the first meeting it was voted that theatres should be allowed two giveaways a month.

The City Council has withdrawn its ban on theatre drawings. The new ordinance became a law when the mayor failed to act upon it after its passage.

Officers of the new organization are: President, Rick Ricketson; vice-president, H. A. Goodridge; treasurer, Frank Culp; secretary and counsel, Emmett Thurmon; directors, Ricketson, Goodridge, B. J. Hynes, B. D. Cockrill, A. P. Archer, Buzz Briggs and E. W. Kerr.

## *"Perfect" Short*

**Dallas, Oct. 12.—"La Cucuracha" has been booked after its fourth private screening by the Majestic as the "perfect short subject" for the theatre's perfectly balanced program Oct. 20. Booking was held up because of the price. "La Cucuracha" will share the program with "Mrs. Wiggs of the Cabbage Patch."**

## *New Code Group Named*

Hollywood, Oct. 12.—A standing committee for freelance players making less than $150 weekly has been appointed by Campi here. Its personnel consists of C. H. Vanderlip, vice-president of Bank of America, who will represent the public; Charles Hubbard, personnel manager at Universal, representing producers, and George Hays, representing players.

## *Finish Radio Series*

Winding up a series of four national broadcasts explaining the current attitude of the Legion of Decency, Rev. Hugh C. Boyle, bishop of the Pittsburgh diocese of the Catholic Church, spoke last night. The New York outlet was Station WJZ.

## *Crackup Hurts Whitney*

Upperville, Va., Oct. 12.—John Hay Whitney was hurt today when his plane cracked up as it was being landed at his Llangollen estate after a trip from New York. His injuries are not serious.

## *Brandt Adds 3, Making 30*

Harry Brandt has added three more theatres to his circuit, bringing the total to 30. Latest additions are the New, Rivoli and Boardwalk at Rockaway Beach, L. I.

## *Warnerites Plan Party*

Hollywood, Oct. 12.—The Warner Club will stage a Hallowe'en party at the Ambassador Hotel on Oct. 27.

# *Competition to Determine Protection, Campi Holds*

(*Continued from page* 1)

Boston suburb, goes into an independent zone. The case was heard by the Boston clearance and zoning board and later heard by an appeal committee here. In actuality, the decision is a loss for Paramount which fought to have Brookline included in the Boston zoning area.

The Fleetwood-Forum-Victory clearance case in New York was deferred again. Loew's expects to work out a schedule with Trio-Consolidated that will relieve the Code Authority from deciding the issue. This complaint is a sticker that has Campi worried. Division Administrator Sol A. Rosenblatt insisted that a decision be handed down, once and for all, but Loew's stated that another survey of the territory will be made Monday and a plan worked out whereby the Trio houses will not be held up on dates.

The Los Angeles schedule did not even come up for discussion. It is believed it will be shipped back to the coast board for revision for a second time. This plan has as its highlight the schism of zones dividing the F.W.C. Uptown and Warners' Forum and setting the two houses on a day-and-date basis, first run. Previously the F.W.C. unit had protection on the Forum when both were classified in the same zone.

## *Code Regulations on Extras Take Effect*

(*Continued from page* 1)

were approved during the period of turmoil surrounding the resignation of General Hugh S. Johnson, it being found later that the formal period for protest had been overlooked, necessitating postponement of the effective date until today.

## *Quits New Britain*

New Britain, Oct. 12.—Arthur J. Menard, manager of the Rialto, has resigned to accept a similar position at the Colonial, Utica. Menard was formerly assistant manager of the Allyn in Hartford.

## *Censors to Rate Films*

Portland, Oct. 12. — Classification of pictures for information of parents has been decided upon by the censor board. There has been an improvement in recent releases, it was made known.

## *Code Men Back in L. A.*

Los Angeles, Oct. 12.—The members of the local grievance and zoning boards are back from New York, where they attended Campi hearings. They will resume board hearings here Tuesday.

## *Shiskmareff to M-G-M*

Hollywood, Oct. 12.—M-G-M has signed Kyrill de Shiskmareff, better known as Alain Chandor, to write an original.

## *Mayo to Do "Casino"*

Hollywood, Oct. 12.—Archie Mayo has been assigned by Warners to direct "Casino de Paree," which will star Al Jolson.

# Warner Sees Patent Ruling Theatre Peril

(*Continued from page* 1)

New Yorkers who won prizes included Jules Levy, Ed McEvoy, Mitchell May, S. Charles Einfeld, Harvey Day and Warner.

Speakers at the affair were Walter Vincent, Sam Saxe, Levy, Joseph Bernhard, McEvoy, Day and Warner. Louis Nizer was toastmaster.

Many of those present went on to Pittsburgh tonight for the Variety Club banquet there.

## *Milwaukee Operator Scales Are Boosted*

(*Continued from page* 1)

or an increase of about 14 per cent. Class 1(b) house operators received a 13 per cent increase with booth costs at $240 per week. Class 2 and 3 house operators received hikes of 10 per cent each with booth costs at $126.50 and $108.90 per week, respectively, while Class 4 houses are paying $70 per week for booth costs, representing a 11 per cent hike.

## *Tussle Over Duals Continues to Rage*

(*Continued from page* 1)

Israel, of the Erie. Date set for the rehearing is Oct. 20.

Israel, through his attorney, contends that fraud and misrepresentation were used in securing some of the signatures to the agreement that had to be unanimous to become effective.

## *"Wiggs" Held Year's Best*

Hollywood, Oct. 12. — Adolph Zukor has been awarded the *Parent's Magazine* annual gold medal for Paramount's production of "Mrs. Wiggs of the Cabbage Patch," adjudged the best film of the year. Walt Disney was awarded the medal last year for "The Three Little Pigs."

## *Indiana Convention Set*

Indianapolis, Oct. 12.—Plans are complete for the state convention of the Associated Theatre Owners of Indiana at the Claypool Hotel next Monday.

## *Puerto Rican Film Opens*

The Latin Artists Picture Corp. opened "Romance Tropical," said to be the first picture made in Puerto Rico, at the Campoamor, the former Mount Morris, 5th Ave. and 116th St., yesterday, for a week's run.

## *Seek Portland Closing*

Portland, Oct. 12.—Because of a ban on Sunday beer selling license holders have dug up the 25-year-old closing law and have started suit to close all theatres on Sunday.

## *Lubitsch on Sick List*

Ernst Lubitsch is confined to bed with a grippe. He was ill Thursday, but left his bed to attend the opening of "The Merry Widow" at the Astor.

# Gaynor Film, Vallee Huge Hit on Loop

Chicago, Oct. 12.—The Chicago put together a winning bill last week and grabbed a surprising $62,000. It was one of those grosses that remind exhibitors of "the good old days," being $27,400 over current average. "Servants' Entrance" was on the screen and Rudy Vallee and his band on the stage.

Despite the dwindling World's Fair patronage grosses are holding up. "Belle of the Nineties." at the Apollo, took $10,000 in its third Loop week; "Dames," in its fourth Loop week, grabbed $4,000 at the Garrick, and "Bulldog Drummond Strikes Back," also in its fourth Loop week, garnered $13,000.

Total first run business was $158,000. Average is $121,600.

Estimated takings:

*Week Ending Oct. 1:*

**"CHAINED" (M-G-M)**

ROOSEVELT — (1,591), 25c-35c-50c, 7 days. **Gross:** $17,000. (Average, $11,000)

*Week Ending Oct. 4:*

**"SERVANTS' ENTRANCE" (Fox)**

CHICAGO—(4,000), 25c-35c-68c, 7 days. Rudy Vallee & Connecticut Yankees and Alice Faye on stage. **Gross:** $62,000. (Average, $34,600)

**"THE AGE OF INNOCENCE" (Radio)**

PALACE—(2,509), 25c-35c-50c, 7 days. Stage: Paul Ash, Tom Gentry & Co., Lydia & Joresco. **Gross:** $22,000. (Average, $22,000)

*Week Ending Oct. 5:*

**"BELLE OF THE NINETIES" (Para.)**
**(Third Loop Week)**

APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $10,000. Average, $12,000)

**"DAMES" (Warners)**
**(Fourth Loop Week)**

GARRICK—(900), 25c-35c-40c, 7 days. **Gross:** $4,000. (Average, $5,000)

**"BULLDOG DRUMMOND STRIKES BACK" (U.A.)**
**(Fourth Loop Week)**

ORIENTAL—(3,940), 25c-40c, 7 days. Stage: Arthur Tracy, Martha Raye, Lewis & Moore, Nord & Jeane. **Gross:** $13,000. (Average, $15.000)

**"THE LAST GENTLEMAN" (U.A.)**

UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days. **Gross:** $16,000. (Average, $17,000)

*Week Ending Oct. 6:*

**"ROMANCE IN THE RAIN" (Univ.)**

STATE-LAKE — (2,776), 20c-25c-35c, 7 days. Stage: Faith Bacon and other acts. **Gross:** $14,000. (Average, $15,000)

## Educators to Study Wider Use of Films

A special committee has been created by the National Education Ass'n, according to Ernest D. Lewis, of Evander Childs High School, president, to study the use of films in secondary education.

Other purposes, according to Lewis, are to "offer constructive suggestions to the moving picture industry for improving the character of films shown to youth of high school age."

## Emanuel Cohen Feted

Hollywood, Oct. 12.—Emanuel Cohen was feted tonight at a dinner at the Ambassador marking his third year as head of Paramount production. More than 400 studio executives, contract players, writers, directors and cameramen attended. Mae West was the after-dinner speaker.

Cecil B. DeMille left the Cedars of Lebanon Hospital, where he is recuperating, long enough to attend.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Gentlemen Are Born"*

*(First National)*

Hollywood, Oct. 12.—Depicting with biting irony the front page idea of college graduates embarking on life only to find an unwelcome reception, a fine, faithful drama has been produced and spun with emotional romance.

While the subject matter is one that faint hearts may turn from, so human is the picture, so aglow with sympathy that its message becomes vividly convincing.

Four college boys graduate amid song. Franchot Tone will be a reporter and an editor. Football Player Nick Foran will be an athletic coach. Ross Alexander will be an architect and Robert Light a broker.

Business treats them coldly and jobs are hard to find. Tragedy, heartbreak, unemployment and all the economic vicissitudes assail the quartet. Through it all the sustaining power of romance and love keeps them going.

The entire production is suffused with an aura of metallic harshness blended with tender warmth. In every department, the film excels.

Tone gives exciting interpretation to his role. Margaret Lindsay seems definitely headed for stardom here. Alexander should go places and Foran reveals hidden ability. Jean Muir and Ann Dvorak give understanding insights as the girls who inspire their sweethearts.

Al Green's direction is penetrating and worldly, yet mooded to sock the heart. It is a fine achievement. As an indictment of economic life that inflates youth with collegiate ideas only to deflate it by unplanned conditions, this picture will have a direct appeal to all classes. It merits intelligent exploitation and given that, with word-of-mouth should result in real business and comeback patronage. Production code seal, No. 253. Running time, 76 minutes.

# *Looking 'Em Over*

## *"Deserter"*

*(Garrison Film Distributors)*

Never has a more fiery cry against capitalism come out of the Soviet studios than this Mezhrabpomfilm production. As a plea for a square deal for the laboring classes it should bring cheers from those who live by the sweat of their brows, but as entertainment pure and simple it can hardly hope to succeed. While its propaganda brands it immediately in the eyes of pleasure seekers, the film is further handicapped by harsh photography and choppy continuity, while in its eagerness to put over its message it becomes at times slightly incoherent.

The film employs a dock strike in Hamburg to illustrate its theme that the salvation of the workingman lies in communism. The authorities resort to steel and guns in their attempt to break the strike. The dock workers, convinced that only to the Soviet union can they look for help, send a delegation to Russia to absorb the teachings of Lenin so that they may be taught in the ways of communism.

The cast names mean nothing to an American audience, though the name of V. Pudovkin, who directed, may.

English titles make it easy to follow the course of the story. Running time, 90 minutes.

## Back to Stage Policy

Akron, O., Oct. 12.—The Palace has switched from straight films to a stage policy, opening with Mills Brothers. The change is tentative and dependent upon public response. This is the only stage policy in town at present.

## Its First on "Legit"

Cleveland, Oct. 12.—"Green Pastures" with Richard B. Harrison as "De Lawd" comes to the Ohio, local legitimate house, for three performances on Oct. 23-24. This will be the first local legitimate show this season.

## Centennial Group Named

Dallas, Oct. 12. — The motion picture committee for Texas' statewide centennial celebration to be held in 1936 was today appointed: John Rosenfeld, *Dallas News* theatre critic, chairman; P. B. (Jack) Garrett; Karl Hoblitzelle, president, Interstate Circuit; T. E. Jackson, former president of Texas State Fair; and Herbert Marcus.

Dallas is to be the principal hostess city for the centennial, which will commemorate Texas' hundred years of freedom from Mexican rule. Several historical films based on the struggle and other romantic phases of Texas history are contemplated.

# "Wimpole" Is $65,860 Hit; Gets Holdover

"Barretts of Wimpole Street" came pretty close to being a sellout at the Capitol last week on a take of $65,860. It was the big Broadway noise of the week and was held over.

"Caravan" got off to a slow start at the Music Hall, but built up to $75,000 on the week. "The Count of Monte Cristo" had a good week at the Rivoli with $36,000, and "Belle of the Nineties" held up to $36,000 in its second week at the Paramount.

"Chu Chin Chow" was good for $25,500 in its second week at the Roxy. "British Agent" took $23,109 in its second stanza at the Strand.

Estimated takings:

*Week Ending Oct. 2:*

**"COUNT OF MONTE CRISTO" (U. A.)**

RIVOLI—(2,300), 40c-99c, 7 days. **Gross:** $36,000.

*Week Ending Oct. 3:*

**"SERVANTS' ENTRANCE" (Fox)**

MAFYAIR—(2,300), 35c-65c, 2nd week, 2 days. **Gross:** $2,000.

**"CARAVAN" (Fox)**

RADIO CITY MUSIC HALL—(5,945), 35c-$1.65, 7 days. Stage show. **Gross:** $75,000.

*Week Ending Oct. 4:*

**"BARRETTS OF WIMPOLE STREET"**
**(M-G-M)**

CAPITOL—(4,700), 35c-$1.65, 7 days. Stage show. **Gross:** $65,860.

**"SHE LOVES ME NOT" (Para.)**

PALACE—(2,500), 25c-75c, 7 days. Vaudeville. **Gross:** $14,000.

**"BELLE OF THE NINETIES" (Para.)**

PARAMOUNT—(3,700), 35c-99c, 2nd week, 7 days. **Gross:** $36,000.

**"CHU CHIN CHOW" (Gaumont British)**

ROXY—(6,200), 25c-55c, 2nd week, 7 days. Stage show. **Gross:** $25.500.

**"BRITISH AGENT" (F. N.)**

STRAND—(2,000), 25c-55c, 2nd week, 7 days. **Gross:** $23,109.

*Week Ending Oct. 9:*

**"OUR DAILY BREAD" (U. A.)**

RIALTO—(2,300), 25c-65c, 7 days. **Gross:** $18,000.

## Lloyd in Personal Checkup in South

Charlotte, N. C., Oct. 12. — Because "The Cat's Paw" is not living up to his expectations in the south, Harold Lloyd is preparing for a visit here and to other key cities of the south.

Leslie F. Whelan, Lloyd's personal representative who spent a day here conferring at the Fox exchange, said the comedian cannot understand it, so he has decided to make a personal trip through the south and find out for himself just why his latest film has not appealed.

When he comes south, Lloyd will make no appearances at theatres but will confer with newspaper men, theatre and exchange managers.

## Double Wedding Nears

Omaha, Oct. 12. — A double wedding of interest to the local industry will take place here Oct. 16. Louis Wintroub, son of Max Wintroub, owner of the Majestic exchange, will marry Eve Katzman, formerly secretary to the Universal branch manager here, while the groom's twin sister, Gerry, will be married to Adolph S. Wilhelm of New York.

This will mark the first serious separation of the Wintroub twins since cradle days.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 89 NEW YORK, MONDAY, OCTOBER 15, 1934 TEN CENTS

# Tips Plan for A Gov't Check On Production

## *Mrs. Gilman Also for Distribution Brake*

COLUMBUS, Oct. 14.—Plans are under way to ask that a Federal commissioner represent the consumer at the point of production and to seek government supervision of distribution, according to Mrs. Gilman, chairman of the National Congress of Parents-Teachers Ass'n. She made this statement as she urged delegates to the Ohio convention of the association to follow the mandate of the national body and discontinue cooperating with the industry. Mrs. Gilman maintains the organization should conduct its own fight to make films more wholesome for children.

"We have organized in the past and

*(Continued on page 4)*

# Coast Men Assert Dual Issue Alive

LOS ANGELES, Oct. 14.—Coast exhibitors returning from New York and the appeal hearing before Campi on the local clearance and zoning schedule assert that the question of duals is not altogether a dead issue, although discussions on this topic have been dropped for the time being.

Local theatre owners are anxious to get a schedule working for California and for this reason agreed to a recent decision by Code Authority not to mention duals in the plan. However, it is stated, that after a schedule is working, an appeal will be made to Code Authority to amend the schedule to provide for duals.

# *300 Houses Groomed To Run New Shorts*

Approximately 300 theatres throughout the country have agreed to use the experimental educational and moral films to be compiled from standard releases for exhibition to juvenile audiences at special matinees, such as Saturday mornings.

The series of 24 shorts to be released under the title "Secrets of Success," although cut from standard releases, will be furnished with a prologue and epilogue to give them finished continuity. Sequences from "Sooky," "Sign of the Cross" and other features will be employed to point moral and educational lessons in

*(Continued on page 4)*

## *Blondes Lose*

**Hollywood, Oct. 14.—Winners of the "Hollywood National Cross-Section Contest," conducted by Agfa in conjunction with Monogram, are Harriett Allan De Bussman, Kansas City; Nell Rhoades, Amarillo, Texas; Madelyn Earle, Sally, S. C.; Ann Casper, Easton, Conn., and Ann Johnston, Jackson Heights, New York City.**

**Not a blonde in the batch.**

# NRA Draws Up Own Schedule Of Code Dues

WASHINGTON, Oct. 14.—After having rejected two schedules of assessments for producers and distributors drawn by Campi's own finance committee, the NRA Division of Research and Planning has drafted and dispatched to Campi a schedule of its own which Washington officials believe will be more equitable than any yet suggested, it was learned Saturday.

Under the division's schedule, companies in the higher brackets would

*(Continued on page 4)*

# *Oklahoma Exhibitors To Fight Music Tax*

OKLAHOMA CITY, Oct. 14.—Plans for pressing the national exhibitor legislative campaign against music taxing agencies were discussed by representatives of 250 theatres at the annual

*(Continued on page 4)*

# MAY MEET PATENT ISSUE VIA DISCS

# Pathe's Plan Seen Set; No New Changes

No changes will be made in the plan of reorganization for Pathe Exchange, Inc., it was decided following a study of suggested changes presented by a single group of stockholders of the company. The plan will be resubmitted to the shareholders in its original form in the event the extraordinary meeting of stockholders which Pathe is seeking leave to call is authorized by the court, it was learned Saturday.

Pathe officers, after several weeks of consideration, came to the conclusion that the changes proposed would contribute nothing to the plan in the way of advantages to the stockholders or the company. Pathe has several

*(Continued on page 4)*

# *Warners Dropping 4 In Milwaukee Soon*

MILWAUKEE, Oct. 14.—Warners are relinquishing four of their eight neighborhood houses here, effective Oct. 15. The future of the four houses, the Venetian, State, Riviera and Kosciuszko, has not yet been determined, although it is rumored they may be taken over by Fox.

# *Allied Holds '28 By-Laws Old; Plans to Revamp Them*

**Because it is felt the by-laws of 1928 are antiquated, Allied will revise its constitution to conform to present-day conditions. Proposals are now being made for certain changes and a vote by mail will be made before the new amendments are officially recorded.**

**Annual meeting of the national board of directors will be held sometime in January. The place and date have not yet been decided. Today the eastern Allied group will hold a regional session at the Copley Plaza in Boston with Walter B. Littlefield as chairman. Business and organization relations will be discussed.**

**Sidney Samuelson, president, states four new units will be added to the national roster shortly. He would not say when the next exhibitor association would annex itself to Allied, but that when the time is ripe he will announce it.**

## *Rumored Majors See This Way Around Tri-Ergon Case*

Major producers are considering a plan to return to sound-on-disc recording and reproduction in order to step around or over the legal point won by American Tri-Ergon, which is William Fox-controlled, in the U. S. Supreme Court at Washington last week. Basic patents reputedly covering the film method of recording and reproduction only are involved.

This is the report.

Several lawyers for major producers late last week denied they will resort to turntables and discs as their way around or out of an issue as yet to be finally determined.

This is one answer to the report.

Significant, however, was the possibility sounded by Harry M. Warner at the dinner which concluded the annual golf tournament of the *The Exhibitor* of Philadelphia, a Jay Emanuel

*(Continued on page 4)*

# Hayden, Stone Deal Livens Met. Bonds

Renewed activity in the bonds of Fox Metropolitan Playhouses being traded on the Produce Exchange during the past few days has reflected new interest in the issue as a result of the pending Hayden, Stone & Co. bid of $4,500,000 for the assets of the circuit.

The Fox Met bonds have been dormant since the withdrawal of the Loew-Warner bid for the circuit two months ago when the issue sold off from $46 to $30. Renewed buying

*(Continued on page 4)*

# *Talent Accumulation Attacked by Zanuck*

HOLLYWOOD, Oct. 14.—The accumulation of large numbers of contract players by studios yesterday was likened to the development of stock companies and frowned upon as a policy by Darryl Zanuck, 20th Century production head, who said that it leads to too frequent teaming of the same players with the public soon tiring of them.

"Although it is a more costly production procedure," Zanuck said, "we believe that audiences are entitled to see new casts and new combinations of players in each picture and that the policy justifies itself."

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

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## Warner Plant Zooms Under a Peak Load

HOLLYWOOD, Oct. 14.—Production at the Warner studio is being carried on at maximum speed with 11 of the company's sound stages in use. "Sweet Adeline," "Gold Diggers of 1935," "White Cockatoo," "The Right to Live" and "Sweet Music," all set for early future release, are now in work.

## "Eaglet," Franklin's 2nd

"The Eaglet," a historical play to be staged here this season by Harold B. Franklin and Arch Selwyn, will be adapted for the screen and produced here as the second of a two-picture deal for Fox release. The first is "Gambling," with George M. Cohan. Eva LeGallienne and Ethel Barrymore, who head the cast in the stage production of "The Eaglet," will fill the same roles in the film version.

## Seattle House Reopens

SEATTLE, Oct. 14.—John Hamrick has reopened the Orpheum. He spent $10,000 on remodeling which was handled by the Shearer equipment organization. Pictures and vaudeville will be the policy.

## Para. to Star D. Holt

David Holt, seven-year-old prodigy of "You Belong to Me," will be starred by Paramount in a film to be made from "Born with Wings," a story purchased for him.

# Insiders' Outlook

BILL FOX is either one up in the patent fight via American Tri-Ergon or a lot of important film men are needlessly worried. Already factually established is the story that several attorneys have had little sleep since the Supreme Court ruled it would not grant a review of the lower Federal courts on the issue at issue, so great has been the poring over legal tomes. Eddies and currents in the situation prevail over lack of authentic information as to Fox's next step. Reported over the week-end was a yarn he had already indicated to Erpi, RCA and their licensed producers and distributors that his annual royalty had been fixed at $30,000,000, a sizeable sum even in the picture business. Not clear is why the licensees should be worried. Their contracts with the electrics contain a clause furnishing protection against patent onslaughts. . . .

▼

Hollywood's idea of something exciting: The arrival there of Ned Depinet and Herman Zohbel is followed immediately by a revived slant on the old fantasy that RKO will move distribution headquarters to the West Coast. Admittedly tentative as to decision, those who credit the yarn say there appears to be no doubt that a new office building now being rushed on that lot is to house fellows like Levy and Smith, not to slight Depinet. Don't let it throw you. . . .

▼

The downtowners behind the picture business consider it bad enough that production is 3,000 miles removed from the executives that are supposed to fashion the shots which Hollywood fires. The present system, at least, keeps the financiers in touch with what's going on even if the ways of the celluloid mighty are so often mysterious to banking eyes. It seems a pretty safe conclusion to draw that administration, which includes distribution which embraces much and frequent contact with national circuit heads, will remain snuggling close to the money-bags since the money-bags want it that way. . . .

▼

Truman Talley, Laurence Stallings and Pedro de Cordoba combine their respective producing, writing and declamatory abilities in what Fox is about to release as "The First World War." Its title tells its grim and authentic story. True to its intent, the picture, touching too lightly on the causes of the World War, but heavily on the conflict itself, is powerful because of its very truth, unrelenting and terrible as it is. Not pleasant entertainment, if entertainment at all, but a document of historic value aimed at sober heads and thinking minds. "The First World War" deserves to be played widely. It rates. . . .

▼

Breaths, belonging to bodies identified definitely with M-G-M officials, suspended their normal operations at the "The Merry Widow" opening Thursday night. The jitters also came near having an inning of their own when, at 10 o'clock, Andre Sennwald, film critic of the *New York Times* who is rapidly making a name for himself so good are his analyses and his scrivening, walked out on the picture. It looked as if the Lubitsch film which sent Metro into six figures would get a panning Friday morning. Home-office bigwigs, therefore, were surprised, pleasantly of course, when Sennwald handed it plenty. The lowdown is he had a bulldog edition to catch. And did. . . .

KANN

## Eastman New Year's High on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc. | 38¼ | 38¼ | 38¼ | ..... | 100 |
| Consolidated Film Industries | 3½ | 3½ | 3½ | — ⅛ | 100 |
| Consolidated Film Industries, pfd. | 14⅞ | 14⅝ | 14⅝ | — ⅛ | 200 |
| Eastman Kodak | 103 | 102¼ | 103 | + ¾ | 900 |
| Fox Film "A" | 13 | 13 | 13 | — ¼ | 300 |
| Loew's Inc. | 30⅜ | 30 | 30¼ | ..... | 3,600 |
| Loew's Inc., pfd. | 93½ | 93½ | 93½ | +1¾ | 100 |
| Paramount Publix, cts. | 4⅛ | 3⅞ | 4 | — ⅛ | 5,200 |
| Pathe Exchange | 1⅜ | 1¼ | 1¼ | — ⅛ | 600 |
| RKO | 2½ | 2⅜ | 2½ | ..... | 400 |
| Warner Bros. | 5⅛ | 5 | 5 | — ⅛ | 1,700 |

## Technicolor Lone Curb Issue

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13 | 13 | 13 | ..... | 200 |

## Paramount Publix Bonds Off Half

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 6½ | 6½ | 6½ | — ⅝ | 1 |
| Keith, B. F., 6s '46 | 61⅛ | 61⅛ | 61⅛ | + ⅛ | 1 |
| Loew's 6s '41, ww deb rights | 102½ | 102½ | 102½ | + ⅛ | 8 |
| Paramount Broadway 5½s '51 | 40 | 40 | 40 | ..... | 5 |
| Paramount Publix 5½s '50 | 58½ | 58½ | 58½ | — ½ | 9 |
| Warner Bros. 6s '39, wd | 60¼ | 60 | 60¼ | + ¼ | 9 |

# Purely Personal

FELIX FEIST, who sailed for Honolulu on Saturday, with a stopover at Los Angeles planned, is looking forward to a couple of days there with FELIX, JR., and the latter's family.

GEORGE J. SCHAEFER'S health hasn't been of the best lately. In and out of bed with a cold, he's back to his almost dawn-to-midnight working schedule down Paramount way.

ARTHUR W. STEBBINS has abandoned any plans he may have had for a European trip and plans to stay in New York indefinitely.

CHARLES S. BELDEN and FREDERICK STEPHANI collaborated on "All His Geese Are Swans." Columbia has just purchased it.

LEO BIRINSKI'S yarn, "Tornado," has been purchased by Fox. It is an original.

## Film Leaders Flock To Variety Banquet

PITTSBURGH, Oct. 14.—Leading members of the industry from all over the country were among those who attended the annual Variety Club banquet at the William Penn Hotel tonight. The affair, one of the big events of the year, drew a crowd of more than 1,000.

A large number of home-office executives journeyed from New York for the function.

Bill Rodgers of M-G-M was one of the New York sales executives who made the hop to Pittsburgh.

## G-B Renews with Waxman

Gaumont British has closed a term contract with A. P. Waxman under terms of which he continues as advertising counsel in charge of publicity, advertising and exploitation of the company and its product in this country. Waxman's original contract was for a five-week deal. As a result, he is closing his publicity office and will confine all activities to Gaumont British. He will, however, continue to serve as advertising consultant to Harold B. Franklin.

## G-B Appoints Two More

George W. Weeks, general sales manager of Gaumont British, has appointed W. G. Carmichael, formerly of Paramount and Warners, to his sales staff in Atlanta. J. S. Carsacallen, formerly of M-G-M and Fox, has been appointed to the Charlotte staff.

## G-B Luncheon Today

A luncheon in honor of Nova Pilbeam, Jack Hulbert, Robert Flaherty and Berthold Viertel will be given by Gaumont British at the Waldorf-Astoria this noon. "Little Friend," starring Miss Pilbeam, will be screened later.

## J. M. Schenck Sails

Joseph M. Schenck left for London on the *Majestic* early Saturday morning. The trip will be a short one.

## Plunkett in London

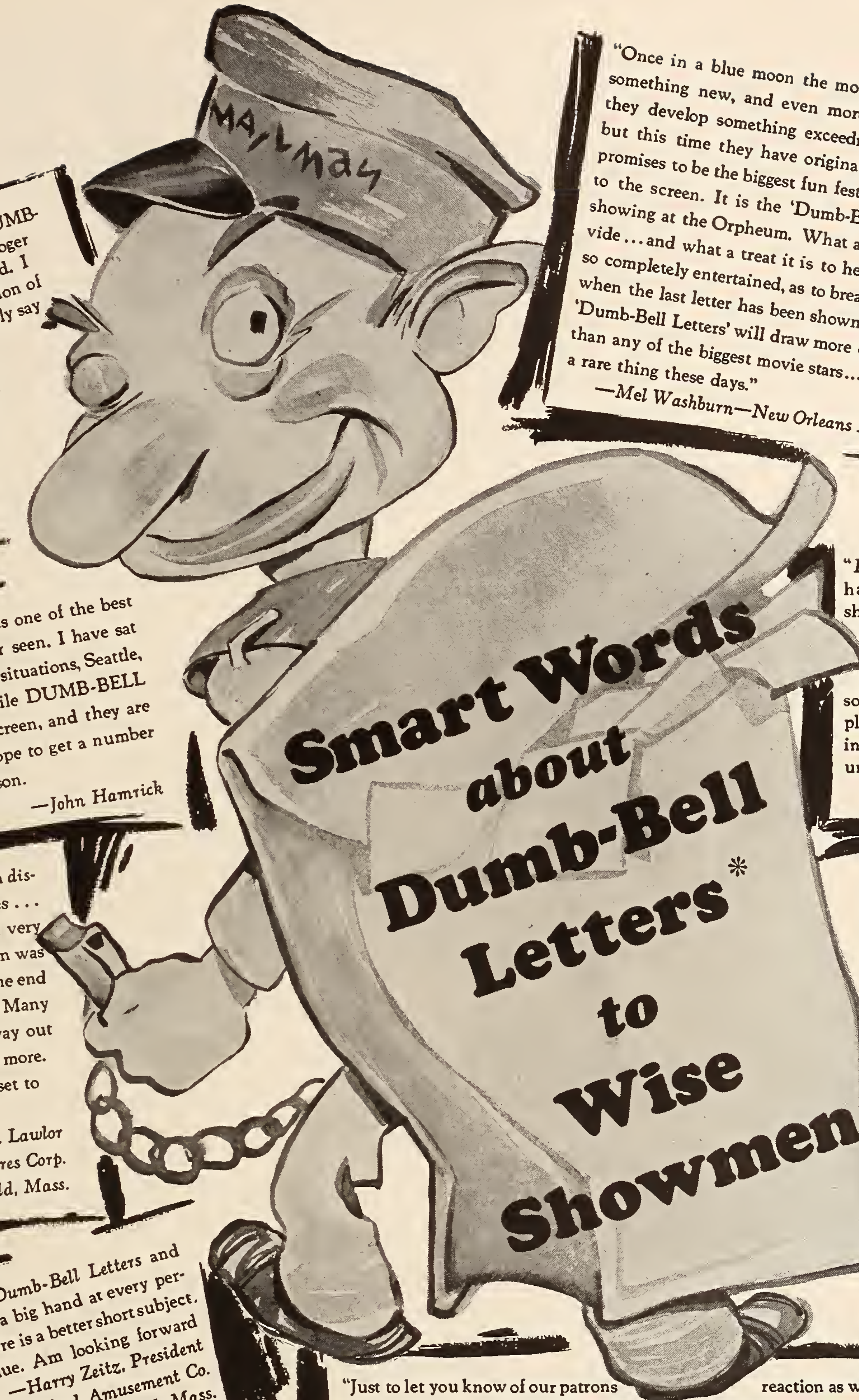
LONDON, Oct. 14.—Joe Plunkett is here from the States, via Canada.

This week we are playing DUMB-BELL LETTERS at the Roger Sherman and Strand, Hartford. I personally watched the reaction of the audience and I can frankly say that there is no short subject that I have seen in recent months that seemed to give such patron satisfaction.

—*B. E. Hoffman*
*Warner Bros. Circuit*
*New Haven*

"Once in a blue moon the movies really produce something new, and even more rarely than that they develop something exceedingly entertaining, but this time they have originated a feature that promises to be the biggest fun festival ever brought to the screen. It is the 'Dumb-Bell Letters' now showing at the Orpheum. What a laugh they provide... and what a treat it is to hear an audience, so completely entertained, as to break into applause when the last letter has been shown. I predict that 'Dumb-Bell Letters' will draw more cash customers than any of the biggest movie stars... a real laugh is a rare thing these days."

—*Mel Washburn—New Orleans Item-Tribune*


MAILMAN
Smart Words about Dumb-Bell Letters* to Wise Showmen

DUMB-BELL LETTERS is one of the best comedy subjects I have ever seen. I have sat with audiences in my three situations, Seattle, Portland and Tacoma, while DUMB-BELL LETTERS were on the screen, and they are positively a riot. I sure hope to get a number of these subjects this season.

—*John Hamrick*

"*Dumb-Bell Letters* had their premiere showing our Boston Theatre were not only exceptionally pleasing but received solid and genuine applause after each showing, which is greatly unusual."

—*C. W. Koerner*
*Boston*

**RKO**
**RADIO**
**PICTURE**

"DUMB-BELL LETTERS" was a distinct hit with our audiences... the subject outstanding on a very strong bill. Audience reaction was marvelous, the applause at the end was genuinely spontaneous. Many patrons stopped on their way out to inquire if there are to be more. A great subject and an asset to any kind of a bill.

—*Carroll J. Lawlor*
*Lawlor Theatres Corp.*
*Greenfield, Mass.*

"Have played the first two *Dumb-Bell Letters* and they sure are a riot. They get a big hand at every performance. I do not believe there is a better short subject made for entertainment value. Am looking forward to your next one."

—*Harry Zeitz, President*
*New Bedford Amusement Co.*
*New Bedford, Mass.*

"Just to let you know of our patrons reaction as well as my own to 'DUMB-BELL LETTERS.' These letters actually evoked uproarious laughter and at the finish of the subject brought a round of applause, something very unusual for any shorts. This series is destined to be very popular and it is my earnest belief laughs will emanate from the most solemn faces. Congratulations!"

—*Orpheum Theatre, Minneapolis*

"Congratulations, *Dumb-Bell Letters*, the smartest, brightest, short that has hit the screen in years. We have never played any subject that has received such howls and laughs. It has taken Los Angeles and Hollywood by storm and is destined to become a box-office attraction.

—*Cliff Work—Los Angeles*

***DUMB-BELL LETTERS, the reel of lallapaloozas from the morning mail that's got the whole land s-c-r-e-w-y... collected by Juliet Lowell, produced by VAN BEUREN CORPORATION**

# NRA Draws Up Own Schedule Of Code Dues

(Continued from page 1)

pay the lowest percentages, but nevertheless, because of their greater grosses, would contribute more in dollars and cents. The plan, based largely upon the income tax tables. but with percentages reversed so that those for the smaller companies are larger, provides for the following schedule:

For each $10,000 or fraction thereof of receipts up to $100,000, the assessment is $25: for each $25,000 between $100,000 and $250,000, $62.50; for each $50,000 between $250,000 and $500,000, $100; for each $100,000 between $500,000 and $1,000,000, $200; for each $500,000 between $1,000,000 and $5,000,000, $800; for each $1,000,000 between $5,000,000 and $10,000,000, $1,200; for each $2,500,000 between $10,000,000 and $20,000,000, $2,000, and for each $5,000,000 over $20,000,000, $2,300.

It is said that the top rate total assessment would be approximately $20,000, as under the original plan drafted by Campi, but that the top bracket would embrace only three or four companies instead of seven, as heretofore, and that the charges upon those in the lower brackets would be more in accordance with their economic importance in the industry.

The NRA Research and Planning Division is understood to have felt that the rejected schedules drafted by Campi were too cumbersome and disproportionate, as the companies in the higher brackets were taxed at a higher percentage than less important concerns, it being pointed out that those in the higher brackets are also the ones with theatre affiliates, which are assessed under the exhibitor schedule.

# Hayden, Stone Deal Livens Met. Bonds

(Continued from page 1)

following reports of the Hayden, Stone offer last week was in good volume and sent the issue up to $36.50 for Saturday's close.

The bondholders' committee is scheduled to present to Skouras and Randforce, operators of Fox Met, at a meeting today a proposal to cancel the long-term operating contracts held by the two in favor of short term contracts which could be cancelled if the Hayden, Stone deal is not consummated within 60 days after reorganization of Fox Met. It is understood that Skouras and Randforce will continue as operators in the event a deal is closed with Hayden, Stone.

# *Oklahoma Exhibitors To Fight Music Tax*

(Continued from page 1)

convention of M. P. T. O. of Oklahoma which closed at the Biltmore here yesterday.

The convention voted endorsement of and continued support for M. P. T. O. A. Morris Lowenstein of the Majestic, this city, was elected president for the coming year; L. A. White of Weatherford was elected vice-president, and R. M. Clark of this city, secretary-treasurer.

Plans were formulated for bringing the music tax situation before every representative in Congress from Oklahoma in the campaign to obtain legislative relief from music taxes. Other subjects discussed at the convention were non-theatrical competition, new product, theatre boycotts, overbuying, double features, code matters and the cancellation privilege.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"The Captain Hates the Sea"*

*(Columbia)*

Hollywood, Oct. 14.—Here's a comedy drama which hits the bull's-eye of the entertainment target with human elements pointing to a potential box-office winner. Expert direction and portrayals force the characterizations into strong relief remembered after the fadeout. It is suitable entertainment for all classes, providing laughs galore.

The story locale is a passenger steamer. Walter Connolly is a captain who hates the sea and whose whole, main ambition is to dip bewhiskered gents' foliage into soup. John Gilbert, the romantic lead, is a disillusioned writer trying to stay on the wagon by leaving Hollywood. The story takes form when Victor McLaglen, a supposedly dumb flatfoot, comes aboard looking for a bond thief, Fred Keating. The latter passes the bond to Helen Vinson, posing as a demure librarian to whom McLaglen takes a shine.

Humor and pathos blend evenly in a series of situations leading up to the climax with the marital trial of Wynne Gibson and John Wray supplying the anti-climax. At the fadeout McLaglen had a rogue's gallery photograph of the girl all the time; the married duo makeup; Gilbert doesn't quit drinking and the captain pushes the beaver in the soup.

Lewis Milestone directed with keen insight and a sense of comedy values. The cast performances are excellent throughout with Leon Errol entertaining as a bartender. It is a first rate adaptation by Wallace Smith and Arnold Belgard from Smith's novel. Production code seal, No. 329. Running time, 90 minutes.

## *Just "Romantic Mystery"*

Hollywood, Oct. 14.—Walter Wanger yesterday denied "The Vanishing President," his first for Paramount, contains propaganda. Such reports have been circulating persistently here, although the nature of the alleged propaganda seems to be in some doubt. The producer describes his story as a "romantic mystery."

## *M-G-M Doubles 'Em*

Hollywood, Oct. 14.—M-G-M has launched what some here regard as a new idea in designating two associate producers to one picture. The producers are Charles Reisner and Jack Cummings and the picture is "The Winning Ticket" with Louise Fazenda and Leo Carrillo. Reisner will also direct.

## *"Cleopatra," Cincy Draw*

Cincinnati, Oct. 14.—"Cleopatra" was one of the outstanding performers here last week with an estimated take of $13,000, one of the best at this house in quite some time. It moves to the RKO Grand for the second downtown stanza.

## *In the Sick Bay*

Hollywood, Oct. 14. — Maureen O'Sullivan is at the Cedars of Lebanon Hospital for correction of a stomach disorder.

Betty Furness replaces her in the cast of M-G-M's "Backfield."

# *300 Houses Groomed To Run New Shorts*

(Continued from page 1)

dramatic form. The releases will be handled through the M. P. P. D. A., with the first to be screened Wednesday before the general convention of the Episcopal Church at Atlantic City.

## *Relight Dark Orpheum*

Cincinnati, Oct. 14. — The Orpheum, 2,100-seat subsequent run suburban opposite the RKO Paramount, reopened Friday after being dark for more than a year. Operation is two shows an evening on a grind policy from 2 to 11 P. M. on Sundays and holidays. Scale is 20 and 30 cents for balcony and lower floor. The house was an RKO operation until the title was recently relinquished. It is the property of the Martin estate and now in charge of M. Chester Martin, one of the heirs.

## *"U" Has 3-Star Cast*

Hollywood, Oct. 14.—Universal has lined up a three-star combine for "Straight From the Heart" in Roger Pryor, Baby Jane and Mary Astor. The story is an original by Doris Anderson and will go into work under supervision of B. F. Zeidman.

Polly Walters has arrived from New York to play the chief role in Damon Runyon's "Princess O'Hara."

## *Grainger Reaches Studio*

Hollywood, Oct. 14.—James R. Grainger will check into Universal Monday. The executive has been in San Francisco for the past week.

## *Landi in Counter Suit*

Hollywood, Oct. 14.—Elissa Landi has filed suit here for $1,932.80 against Joyce Payne for damages allegedly incurred when the latter sued her in August. The suit against Miss Landi was dismissed.

# Pathe's Plan Seen Set; No New Changes

(Continued from page 1)

additional days in which to file affidavit in reply to those opposing the holding of an extraordinary meeting at which the plan could be adopted by two-thirds of the stockholders present. If the court approves the holding of the extraordinary meeting, 90 days' notice is given to stockholders. Thus the meeting, if authorized, could not be held before January, 1935.

The reorganization plan provides for an exchange of one share of convertible preferred and five shares of common of the new company for each share of present preferred stock; two shares of new common for each share of the present Class A stock, and one-twentieth of a share of new common for each share of old common.

# May Meet Patent Issue Via Discs

(Continued from page 1)

regional publication, at the Lulu Country Club on Friday evening. The Warner president spoke of the possibility of the major companies returning to discs, but of a new type. This was the dinner at which Warner also presaged vital changes in the sound picture situation may be expected to follow the Supreme Court's denial of a review of the case. He also stated the situation was one of the most serious exhibitors had ever faced.

### Danish Company Wins Suit

Copenhagen, Oct. 14.—With the Petersen and Poulsen sound patents involved, Nordisk Tonefilm is victor in a suit against Paramount and other major American film companies.

Some quarters construe the decision as vesting in Carl Bauder of Nordisk the right to bar out American pictures. If this is true, it is probable he will negotiate for their entry on a licensed basis.

# *Tips Plan for Gov't Check on Production*

(Continued from page 1)

helped the movies while they have exploited our children, and the time has come to quit," she declared.

In a subsequent interview, she voiced strong criticism of Better Films Councils which have been organized by parents, with cooperation of exhibitors. "The councils have been made tools of the exhibitors, helping promote attendance, and have been kept busy previewing pictures over which they had no control," she said.

"The councils have kept us busy picking up chips when we should have been sawing wood," which she explained as meaning that the council members have been kept from doing more effective work "cleaning up the movies."

## *N. O. Tax Returns Light*

New Orleans, Oct. 14. — The amusement tax, one cent on each admission under 50 cents, or two per cent, has brought the city only $12,539 from Aug. 30 to Oct. 8, less than $10,000 a month.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 90 NEW YORK, TUESDAY, OCTOBER 16, 1934 TEN CENTS

## Eastern Code Approvals Up To 150 Total

### 7 Features and 19 Shorts Latest to Be O.K.'d

One hundred and fifty pictures, catalogued in all divisions, have been approved under the reinforced Production Code Administration in the east since the new system went into effect on July 15. This is the official tally at the close of business on Oct. 10.

In the latest batch are embraced seven features and 19 shorts. Of the seven features, five were made abroad, while one, "A Tango in Broadway," is a Spanish-language feature made here by Paramount for distribution principally overseas. The seventh is "Woman in the Dark," produced by Select and acquired for domestic distribution by RKO. Vincent G. Hart,

(Continued on page 7)

## Schlesinger to Make "Melodies" in Color

Leon Schlesinger will make the entire lineup of 13 Merrie Melodies shorts in Technicolor, he stated yesterday. Warner home office executives viewed the first subject and were so well satisfied that Schlesinger has decided to add color to the remaining dozen.

The Looney Tunes series of 13 will be made in black and white, the short subject producer said. Schlesinger leaves by plane for Hollywood either Thursday or Friday.

## Episcopal Clergyman Wants Legion Drive

ATLANTIC CITY, Oct. 15.—A Legion of Decency for the Episcopal church was proposed here today by Rev. Arthur Lee Kinsolving of Boston at the 51st triennial convention.

Dr. Kinsolving introduced a resolution calling for the formation of such a league and praised the Roman Catholic offensive against the "debauching effects" of films. He urged the church to get behind a similar campaign.

## Allied Men to Hold Special Meet Here

A special meeting of a number of Allied directors will be held at the Warwick tomorrow and Thursday, by way of a follow up of a meeting of eastern unit heads in Boston yesterday and in advance of a full meeting of the directors in December. Expected are

(Continued on page 8)

## Court Allows $40,000 of Fox Met Receivers' Fees

An application for interim allowances for services rendered during the receivership of Fox Metropolitan Playhouses aggregating $285,000 was allowed in the amount of $40,000 by Federal Judge Julian W. Mack in U. S. District Court here yesterday.

Fees applied for included $75,000 for Irving Trust Co., receiver; $70,000 for Walter Littlefield, receiver's counsel; $80,000 for Beekman, Bogue & Clark, counsel for Fox Met. bondholders' committee, and an aggregate of $60,000 for Hanover Bank & Trust Co., trustee under the Fox Met. indenture.

Following objections made by Archibald Palmer, attorney for an independent group of Fox Met. bondholders, Judge Mack disallowed the petitions of Beekman, Bogue & Clark

(Continued on page 7)

## Quittner Suit Deal Calls for $10,000

The $5,100,000 Quittner anti-trust suit against Paramount was settled for $10,000, it was learned yesterday. The settlement negotiations were concluded last Friday, with contracts being exchanged on Saturday.

Counsel for the Paramount Publix trustees are now preparing a petition embodying the settlement which will be presented to the Federal district court here for approval when completed. Paramount is also negotiating settlements of two other anti-trust suits pending against it; those of A. B. Momand, Oklahoma, and E. M. Loew, Boston, asking aggregate damages of approximately $10,000,000.

## Blumenthal Working On Producing Plans

A. C. Blumenthal is still working on his plans to produce about five pictures a year, he asserted yesterday. He is being held here because of the Fox Theatre situation. Blumenthal says he is working with the receivers of the circuit on reorganization plans and will know where he stands in about a week.

He plans to leave for Hollywood sometime next week to complete arrangements on production and distribution of the features he intends to make on both coasts.

## Oklahoma Exhibitors Vote to Join MPTOA

OKLAHOMA CITY, Oct. 15.—Following an address by Ed Kuykendall, president of the M. P. T. O. A., more

(Continued on page 8)

### 6,000 a Day

**New Orleans, Oct. 15.—The St. Charles played to over 6,000 persons in one day, setting a record, and just showing what can be done when the church sets out to support a film. It was the first example of organized boosting by the Catholic church in this country.**

## Agency Hearing Is Delayed to Oct. 31

WASHINGTON, Oct. 15.—Postponement of the agency hearing from Oct. 17 to Oct. 31 was announced today by the NRA, but no reason was given. Protests from California may have been the cause.

A strong effort is being made by the Academy and the Writers' Guild to have the hearings transferred there, but NRA officials have declared that this could be done only if the California interests would agree to pay for the cost of having a transcript of the testimony made.

## Production Shows A Sharp Decline

HOLLYWOOD, Oct. 15.—Production activity for the week ending Sunday showed a sharp decline over the preceding week with a total of 38 features and six shorts before the cameras as compared to 43 and six for the previous week.

In addition, there are 15 features and 16 shorts in preparation ready to start work within the fortnight with

(Continued on page 7)

## Mexican Tax Put Up To the Legislature

By JAMES LOCKHART

MEXICO CITY, Oct. 15.—Acting upon instructions of President Abelardo Rodriguez, the National Legislature is considering ways and means of amending the Federal constitution in order to define definite regulations concerning imports of film materials.

Rules for production in Mexico will also be considered, the idea being to give governmental aid to struggling producers.

Action is expected by the end of the month.

## Campi Vote on Lease Clause Stands at 6-4

### Opponents Will Carry Battle to NRA

Although Charles L. O'Reilly, Nathan Yamins, Walter Vincent and Edward Golden objected to the resolution, Campi at its last meeting adopted the plan to remove the leasing clause from the code. Vincent represented Ed Kuykendall, president of the M.P.T.O.A.

In favor of dropping the clause were Felix Jenkins of Fox, Robert Youngman of RKO, Neil Agnew of Paramount, J. Robert Rubin of M-G-M, Harold S. Bareford of Warners and Willard McKay of Universal. The resolution was sent to Division Administrator Sol A. Rosenblatt for approval, following which the code will be amended in accordance with its terms.

Major distributors in the past few weeks have held that the clause had no teeth in it and decisions on leases

(Continued on page 7)

## Bareford and Kent Talk on Code Costs

Long distance telephone conferences are on between S. R. Kent, who is vacationing in White Sulphur Springs, and Harold S. Bareford, to revise the recently rejected producer-distributor assessment schedule. Code officials hope that the redrafted plan will be ready by the end of the week and sent back to the NRA Division of Research and Planning, which last week turned it down for a second time.

Recommendations have been made by the Division of Research and Planning to guide the code finance committee in revising the assessment allocation. All major forces approved the second plan as well as a majority of independents.

## Chicago Selling on Old Clearance Plan

With Campi turning back the Chicago clearance and zoning schedule, selling in the Windy City will continue under the present clearance plan. Code Authority members do not anticipate a new revised schedule, but Chicago exhibitors assert they may go into sesion in about three weeks and draft a new schedule.

Campi has refused to pass on an appeal by the Premier Theatre Corp., operating the Empire, against the

(Continued on page 7)

MOTION PICTURE
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## *Brient Joins Thalheimer*

RICHMOND, Oct. 15.—Elmer H. Brient has resigned as manager of Loew's to take charge of Morton G. Thalheimer's circuit of five houses here.

George Arthur Jones, formerly of Loew's Wilmington, succeeds him, and Roscoe Drissel goes from Loew's Columbia, Washington, to Wilmington.

## *Capitol, Roxy Try Names*

Name opposition between the Capitol and Roxy is slated for Broadway for the week starting Oct. 26. The Capitol has Eddie Cantor and Dave Rubinoff in for a personal appearance, while the Roxy has signed Dizzy and Daffy Dean for the same week.

## *L. & M. Take Two Nov. 1*

Leff & Meyers, Bronx circuit operators, will take over the Harris and Selwyn on West 42nd St., from Max Cohen on Nov. 1. Acquisition of the duo will make 10 for them.

## *Mallard at RKO Studio*

HOLLYWOOD, Oct. 15.—William Mallard, RKO general counsel, arrived today for conferences with studio and home office executives who are here.

## *Chodorov on "Adverse"*

HOLLYWOOD, Oct. 15. — Edward Chodorov will supervise Warners' "Anthony Adverse."

## *Jersey 1933 Takes Reach $19,179,000*

WASHINGTON, Oct. 15.—Box-office receipts of New Jersey's 238 theatres last year totaled $19,179,000, while $3,797,000 was paid to employes, according to the U. S. Census Bureau.

Reports of the bureau on business in the leading communities showed 13 theatres in Atlantic City with a box-office of $1,159,000 and payrolls of $199,000; seven in Camden with receipts of $599,000 and payrolls of $119,000; four in Irvington with receipts of $323,000 and payrolls of $65,000; 30 in Newark with receipts of $4,056,000 and payrolls of $953,000; four in Hoboken with receipts of $420,000 and payrolls of $74,000; 16 in Jersey City with receipts of $2,698,000 and payrolls of $570,000; 11 in Trenton with receipts of $1,026,000 and payrolls of $214,000; three in Passaic with receipts of $575,000 and payrolls of $73,000; eight in Paterson with receipts of $1,186,000 and payrolls of $222,000; and four in Elizabeth with receipts of $668,000 and payrolls of $141,000.

## *Hatrick Goes West Soon*

E. B. Hatrick, general manager of Hearst's film interests, leaves for the coast in a month for production conferences. Marion Davies, who recently returned from Europe, leaves either today or tomorrow. Hatrick will be gone for about two months.

## *"Crocus" to Carnegie*

"Autumn Crocus," an English picture, opens at the Carnegie tomorrow, establishing a long run policy for the house. Henry Seigel recently bought a half interest in the house. Leo Brecher owns the other 50 per cent.

## *Seeks Richmond House*

RICHMOND, Oct. 15.—Samuel Craver of Norfolk, operator of houses in Norfolk, Danville and Lynchburg, is dickering for the Lyric, former Keith-Albee house here. He intends to operate it on a 15-cent basis, if the deal goes through.

## *"Gentleman" to Rivoli*

George Arliss in "The Last Gentleman," 20th Century-U. A. release, opens tomorrow at the Rivoli.

## *Costain, Fox Story Head, Former Editor*

Thomas B. Costain was appointed yesterday as chief of the new Fox bureau of literary material. For the past seven years Costain has been chief associate editor of *The Saturday Evening Post* and assistant to George Horace Lorimer, editor of the magazine.

Headquarters of the new bureau will be located in the Fox home office until the first of next month and then will move to Radio City.

Costain was born in Canada and worked there as a newspaper reporter until he joined the McLean Publishing Co. where he served as managing editor of *McLean's Magazine*. He then joined the Curtis Publishing Co. where he has been a member of the editorial board for the past 14 years.

## *Charles Klein Married*

DEADWOOD, S. D., Oct. 15.—Charles Klein, president of the Black Hills Amusement Co., has married Miss Hilda Wendt, also of Deadwood, at Hot Springs, S. D. They are spending their honeymoon in Denver and Kansas City. His son, Richard Klein, was recently married in New York to Miss Jeanette Waugh, also of Deadwood. Richard is booking for Paramount in New York.

## *Harold Jones Marries*

SIDNEY, Neb., Oct. 15. — Harold Jones, manager of the Fox, has been married to Miss Imogene Mary Kastarek of Beatrice, Neb. They will reside in Sidney.

## *Partington West Oct. 23*

Jack Partington of F. & M. leaves for the coast Oct. 23. Harry C. Arthur returns from Los Angeles after conferences with Mike Marco on Oct. 27.

## *Yates in California*

HOLLYWOOD, Oct. 15.—Herbert J. Yates, president of Consolidated, is here from New York and will remain about a month.

## *Solomon Gets "Bengal"*

Louis A. Solomon is now sole distributor on "Beyond Bengal," he states. The feature was produced by Harry Schenck.

## *Eastman Equals Previous High on Big Board*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 38½ | 38 | 38 | — ¼ | 400 |
| Consolidated Film Industries | 3¼ | 3¼ | 3¼ | — ¼ | 100 |
| Consolidated Film Industries, pfd | 15 | 14⅞ | 15 | + ⅜ | 800 |
| Eastman Kodak | 104¼ | 103 | 103 | ..... | 900 |
| Fox Film "A" | 13 | 12⅞ | 13 | ..... | 200 |
| Keith-Albee-Orpheum, pfd. | 35 | 35 | 35 | — ⅛ | 100 |
| Loew's, Inc. | 30¾ | 29¾ | 29¾ | — ½ | 2,200 |
| Paramount Publix | 4⅛ | 3⅞ | 3⅞ | — ⅛ | 11,500 |
| Pathe Exchange | 1⅜ | 1¼ | 1¼ | ..... | 1,500 |
| Pathe Exchange "A" | 13¼ | 13¼ | 13¼ | — ¾ | 100 |
| RKO | 2½ | 2⅜ | 2½ | ..... | 400 |
| Warner Bros. | 5⅛ | 4⅞ | 4⅞ | — ⅛ | 3,200 |

## *Trans Lux Up ⅛ on Curb*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13 | 12⅞ | 13 | ..... | 500 |
| Trans Lux | 1⅞ | 1⅞ | 1⅞ | + ⅛ | 100 |

## *Loew Bonds Hit New High*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Keith B. F. 6s '46 | 62 | 62 | 62 | + ⅞ | 400 |
| Loew's 6s '41, ww deb rights | 103 | 102¾ | 103 | + ½ | 4 |
| Paramount Broadway 5½s '51 | 40 | 40 | 40 | ..... | 5 |
| Paramount F. L. 6s '47 | 56½ | 56¼ | 56¼ | —2¾ | 1 |
| Paramount Publix 5½s '50 | 57¾ | 56¾ | 56¾ | —1¾ | 5 |
| RKO 6s '41, pp | 32 | 32 | 32 | +1 | 1 |
| Warner Bros. 6s '39, wd | 60¼ | 59 | 59 | —1¼ | 4 |

## ◀ *Purely Personal* ▶

WILLIAM FOX, JACK G. LEO, JACK MILLER, EDWARD SILVERMAN, HERMAN ROBBINS, SAM DEMBOW, JR., TOBY GRUEN, DAVID LOEW, MORT SPRING, GUS SCHLESINGER and LOU METZGER were M. P. Club lunchers yesterday.

MICHAEL BALCON, who sails on Friday for England, plans to return in February when he will visit the coast on a talent hunt. He returned yesterday from Toronto with ARTHUR LEE and JACK HULBERT.

ERNEST TRUEX has returned to town from a brief Bermuda vacation. He starts work next week at the Eastern Service plant in Astoria on his next Educational comedy, "Sue, Dear."

CHARLES FARRELL, YVONNE PRINTEMPS and PIERRE FRESNEY, French stage stars, and FLORENCE WALTON, dancer, are among the passengers on the *Ile de France* which arrives today.

JEANETTE REX, publicity representative for SOL LESSER, leaves for Chicago by plane today. She will visit her brother in the Windy City for a few days and then go on to the coast.

ARTHUR LANDAU of the Small-Landau agency has postponed his trip to Hollywood. He has been delayed on several deals. He plans to get away about Thursday.

ARTHUR SANCHEZ will return today on the *Ile de France* after a six-week business trip through the continent for the Trans-Oceanic Export Co., Inc.

T. HAYES HUNTER, former American director who is now in the agency business in England, is here on a visit. He represents Film Rights, Ltd.

ART JARRETT is recovering from minor injuries sustained in an automobile accident.

## *Warners to Produce Philadelphia Reel*

PHILADELPHIA, Oct. 15.—Warners will produce their own newsreel for distribution to the 75 theatres they now operate in this zone. To be known as the Warner Theatres News Reporter, the reel will cover social, political and human interest stories transpiring in and around Philadelphia. Leonard Schlesinger, zone manager, and Harry Goldberg, advertising and publicity chief, will be in charge. Mort Blumenstock will supervise from New York.

The proposed newsreel will be confined to Philadelphia, the Warner home office stated yesterday. Asked if this was to be construed as an opening or a trial step in the organization of the company's own reel along national lines, a company representative said it was not.

## *Trio Will Fly Here*

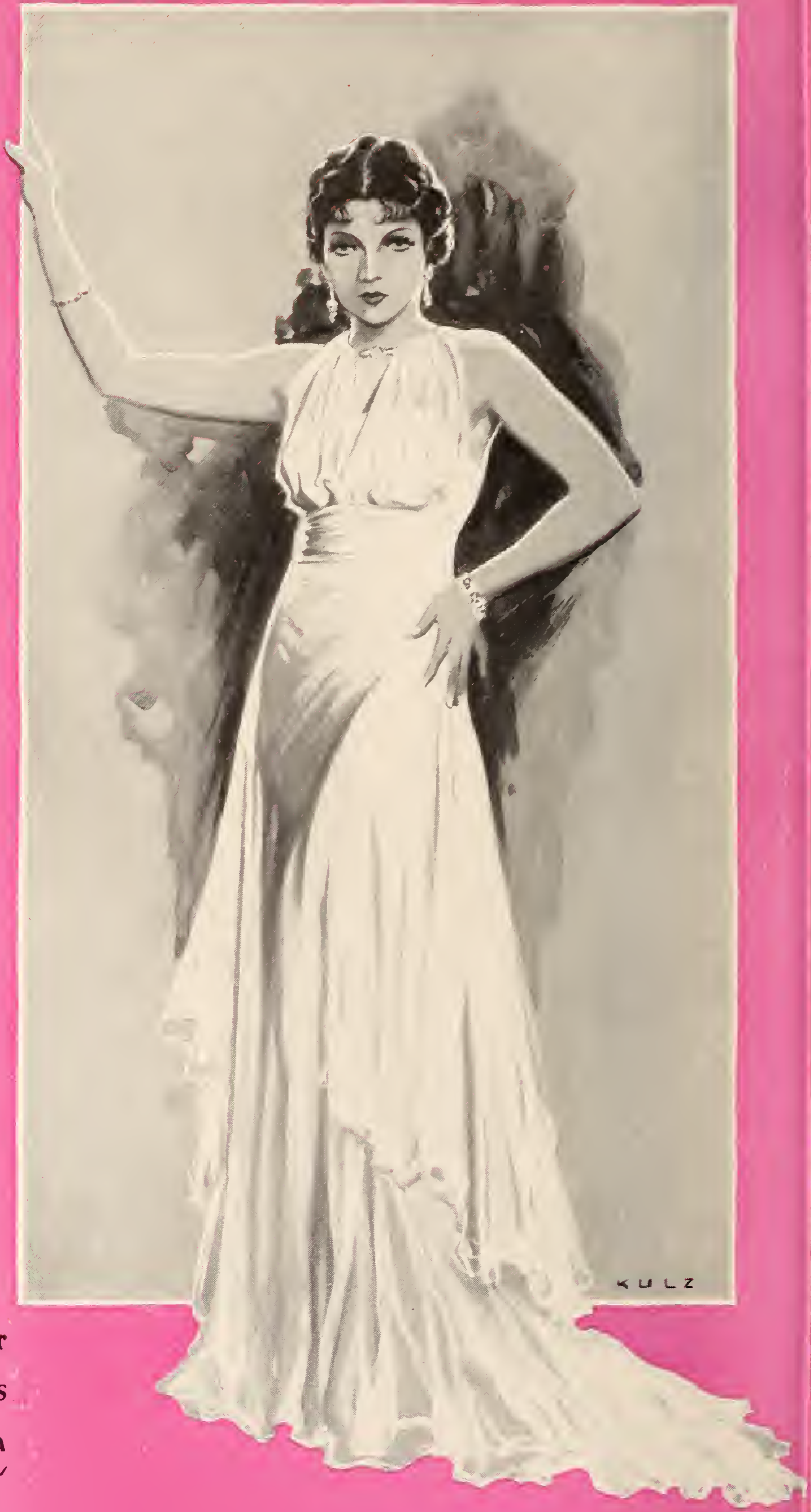
HOLLYWOOD, Oct. 15.—Hal Roach, accompanied by Bebe Daniels and her husband, Ben Lyon, will fly to New York tomorrow. Roach has some business to handle and Miss Daniels and Lyon will do some broadcasting.

# the biggest attraction in years

# —and that's plenty big!

CARL LAEMMLE
presents
Claudette
# Colbert
in **FANNIE HURST'S** Great Novel
# IMITATION OF LIFE
*with* **WARREN**
**WILLIAM**
**ROCHELLE HUDSON**
**NED SPARKS HENRY ARMETTA ALAN HALE**
*and many others*

A JOHN M. STAHL Production
*for*
**UNIVERSAL**



# Claudette Colbert

has added tremendously to her popularity in the past few months ...Now Universal offers her in a picture bigger than "Back Street" ...bigger than "Only Yesterday"... yes, in the biggest attraction in years —"IMITATION OF LIFE"

# Campi Vote on Lease Clause Stands at 6-4

(*Continued from page* 1)

by Campi could not be enforced by the NRA. This being the case, they held that the clause should come out.

Independent forces are of the opinion that the clause was put into the code to protect the small exhibitor from having his theatre taken away during the last few months of a lease.

Whether or not Rosenblatt will accede to the 6-4 vote has not yet been determined, but it is understood independent members of Code Authority will fight the resolution in Washington. No date has been set for a public hearing.

## *Chicago Selling on Old Clearance Plan*

(*Continued from page* 1)

schedule on the ground the plan submitted is void.

Jack Miller and Edward Silverman of the Essaness circuit return today to Chicago after a week here conferring with distributors and Code Authority members.

Individual protests against clearance and zoning schedules will be heard by an appeal code committee today with a Texas case highlighting the session. Tomorrow the San Francisco schedule comes up and on Thursday the Detroit plan will be argued.

## *Disney Loses Writ Plea in High Court*

Washington, Oct. 15.—Walt Disney was refused a writ of mandamus today by the U. S. Supreme Court. He had sought the writ to require Judge Harry A. Holzer to vacate an order referring to a special master for hearing the infringement suit brought by RCA Photophone, Inc., against the Disney Film Recording Co., Ltd., Walter Disney Productions, Ltd., and Walter Disney charging the use of machines infringing on Photophone patents.

Disney had opposed having the case heard before a special master because of an overcrowded calendar, on the ground that it imposed an unusual burden of expense upon him and would result in his companies being fined as well as assessed damages if they should lose.

## *Three Held in Hartford*

Hartford, Oct. 15.—"One Night of Love" has been held over for a fourth week at Loew's here. "Barretts of Wimpole Street," which played to capacity at Poli's, has been moved to the Palace, the Poli B house here, for a second week. Mae West's "Belle of the Nineties" was held over for a second week at the Allyn.

Poli's, incidentally, inaugurated festival week with a big lobby display, including a bar for free cider, etc. Mayor J. Watson Beach issued a proclamation expressing his commendation of the type of picture the managers are trying to show.

# *Court Allows $40,000 of Fox Met Receivers' Fees*

### *On Humor*

**Jack Hulbert, G-B comedian, neatly disposed of the legend that the English have no sense of humor at the luncheon to Nova Pilbeam yesterday when he said:**

**"You have to have a sense of humor to live in England today."**

**Walter Huston told the story of a team playing London. One vaudevillian sent his partner down to see the turn ahead of them and get a slant on what the Britishers like in their comedy. He came back and said:**

**"The fellow wore three foot shoes, a hat four feet high and a six-inch nose. But that wasn't the worst of it. He was only the straight man for his partner."**

## *G-B Officials Give Lunch for Pilbeam*

Gaumont British officials, as well as newspaper and trade paper critics and representatives, turned out en masse yesterday for a luncheon given by the company at which Nova Pilbeam, child player, was introduced and her picture, "Little Friend," previewed.

With Mark Ostrer as toastmaster, several hundred attended, among them Jeffrey Bernerd, general manager of G-B; Michael Balcon, in charge of production; Arthur A. Lee, vice-president; Sam Smith, and A. P. Waxman, advertising counsel. At the dais were Walter Huston and his wife, Berthold Viertel, director of the picture, which was screened; Mrs. Arnold Pilbeam, Jack Hulbert, a G-B star; Robert Flaherty, producer of "The Man of Aran,'" which opens at the Criterion Thursday; Howard S. Cullman of the Roxy; Louis Wiley, business manager of the *New York Times;* Edgar B. Hatrick, general manager of Hearst Metrotone News, Jack Alicoate and Martin Quigley.

Speakers included Nova, Hulbert, Viertel, and Huston. Flaherty, Balcon and Bernerd satisfied themselves with bows.

## *Starr with G-B, Detroit*

Detroit, Oct. 15.—George W. Weeks, general sales manager of Gaumont British, has appointed Harlan Starr local manager here for his company. Starr was formerly manager of the Educational exchange here.

Weeks left Sunday night for Chicago.

Cincinnati, Oct. 15.—George W. Weeks, sales manager of Gaumont British, has appointed Rudolph Knoepfle Cincinnati manager of the company. The territory covers southern Ohio, Kentucky, West Virginia and Indiana.

## *Lowenberg in Hospital*

Milwaukee, Oct. 15.—Charles Lowenberg, state supervisor of Fox theatres, is at Mount Sinai with a heart ailment.

(*Continued from page* 1)

and Central Hanover and reduced the Irving Trust allowance from $75,000 to $25,000 and the Littlefield allowance from $70,000 to $15,000. The fees cover the 10-month period preceding the Fox Met. petition for reorganization last August.

Skouras and Randforce, operators of Fox Met., are understood to have had presented to them yesterday by the bondholders' committee a proposal involving sale of the circuit to Hayden, Stone & Co. for $4,500,000, contingent upon the acceptance by Skouras and Randforce of new short term operating contracts with cancellation clauses which could be exercised by the bondholders' committee in the event the Hayden, Stone deal is not consummated within 60 days after reorganization of the circuit. Skouras and Randforce are reported to have the proposal under consideration and are expected to give the committee their answer within the next few days.

## Production Shows A Sharp Decline

(*Continued from page* 1)

the cutting rooms continuing to be congested with a total of 46 features and 17 shorts in the final editing stages.

Warners continue to lead with seven features in work, one preparing and nine cutting; M-G-M has six, one and ten; Paramount six, three and three; Radio five, three and six; Fox four, four and four; Universal three, two and one; Roach one, zero and zero; 20th Century one, zero and zero; Columbia one, one and seven while the smaller independent group aggregates four, two and six.

In the short subject division, Columbia reports one working, one preparing and none in the cutting rooms. M-G-M reports zero, four and four; Universal zero, one and one; Radio zero, three and six, while the independent group shows five, six and four.

## *Cunningham Elected By Group in Indiana*

Indianapolis, Oct. 15.—Earl Cunningham, manager of the local Fountain Square, was named head of Associated Theatre Owners at its state convention at the Claypool here today. Other officers are: Maurice Ruben, Michigan City, vice-president; Harry Markun, Indianapolis, treasurer; Helen B. Keller, Indianapolis, secretary; Charles R. Metzger, counsel.

The following were elected directors:

A. E. Bennett and Leonard Sowar, Muncie; Roy Harrold, Rushville; Alex Manta, Indiana Harbor; V. U. Young, Gary; Walter Easley, Greensburg; Ross Earber, Terre Haute; Oscar Fine, Evansville; James Fushaneas, South Bend; Robert Scherer, Linton; Frank Carey, Lebanon; Robert Hudson, Richmond; H. P. Vonderschmitt, Bloomington; R. R. Bair, A. C. Varing and John Servaas, Indianapolis.

The Legion of Decency was pledged the association's support. Other topics discussed were the music license taxes and the National Housing Act.

Cunningham discussed exploitation and Harry Martin reported on his recent trip to New York, where he represented the small theatres before Code Authority. Metzger presided.

# Eastern Code Approvals Up To 150 Total

(*Continued from page* 1)

assistant to the code director, Joseph I. Breen, is in charge of the work on this coast.

The latest list follows:

***Columbia***

(*Shorts*)

"Life's Last Laughs," No. 2.

***Educational***

(*Shorts*)

"Domestic Bliss," "Black Sheep."

***Fox***

(*Shorts*)

"On Foreign Service."

***Gaumont British***

(*Features*)

"Jack Ahoy," "Power," "Little Friend."

***Mundus***

(*Features*)

"That's a Good Boy."

***Paramount***

(*Features*)

"A Tango in Broadway" (Spanish).

(*Shorts*)

"Keeping Time," "Betty Boop's Prize Show," "Saddle Champs."

***RKO***

(*Features*)

"Woman in the Dark."

(*Shorts*)

"Parrotville Fire Department," "Dumb Bell Letters" Nos. 5 and 6, "Pathe Topics" No. 1, "A Little Bird Told Me."

***United Artists***

(*Features*)

"Private Life of Don Juan."

***Universal***

(Shorts)

"At the Mike," "Well, by George."

***Vitaphone***

(*Shorts*)

"Man of a Thousand Hits," Don Redmond and His Orchestra.

## *Roasted and Toasted, But Cohen Liked It*

Hollywood, Oct. 15.—For what was probably the first time in Hollywood's history, studio workers, as paying guests, banqueted their chief when Emanuel Cohen was toasted and roasted at a dinner the other night to celebrate his three years of service as production head of Paramount.

The keynote speech was made by Cecil B. De Mille who said:

"Cohen has accomplished in three years what it usually takes 25 in other industries."

Cohen, in his response, paid tribute to his co-workers. A. M. Botsford revealed to those in attendance what New York has long known: that he is one of the wittiest after dinner speakers in the industry. Mae West extolled Cohen "as a great man" while other speakers included Al Hall for the directors, Victor Milner for the back lots, Arthur Hornblow for the producers. A scroll presentation was made by the president of the Paramount Studio Club. The stage show concluded with a pictureless newsreel.

## Oklahoma Exhibitors Vote to Join MPTOA

(Continued from page 1)

than 200 members of the Theatre Owners of Oklahoma, in annual convention here voted affiliation with the national organization.

With this almost unanimous action, the unit subscribed to the policies of the national group.

The state association reelected all its officers and directors. They are Morris Lowenstein, Oklahoma City, president; L. A. White, Weatherford, vice-president; R. M. Clark, Oklahoma City, secretary-treasurer; directors, Fred Pickrel, Ponca City; Pat McGee, Oklahoma City; Edward Kadane, Fredrick; and L. A. White, Weatherford.

Outstanding on the convention program was the address of Kuykendall, who said: "We accept 100 per cent the challenge of the Legion of Decency. The proof of that acceptance is the product which today we are showing on the screen. Now, it is up to the Legion of Decency and allied organizations to prove their sincerity by patronizing these new and approved pictures."

Kuykendall pointed out that the Chicago Legion, which has been most active in the approval and disapproval of pictures, had placed its stamp of disapproval on only two per cent of the new product.

The association voted to meet again here in January or February.

## Mother of Budd and Charles Rogers Dead

Mrs. Ida Rogers, widow of the late Simon Rogers and mother of Charles R. and Budd Rogers, passed away early Sunday morning at New Bedford, Mass. Funeral services were held yesterday at 2 o'clock at Kehileth Israel Temple, Brookline, Mass. Mrs. Rogers was 77 years old.

Charles R. Rogers, Paramount producer, flew in from the coast for the services, and Budd Rogers, vice-president and general manager of Liberty, was at her bedside when she died. Other surviving children are Walter and Abe Rogers, and Mrs. Anne Mendelsohn, Mrs. Julia Eschner and Mrs. Rita Robinson.

## Dascomb Burial Here

PARIS, Oct. 15.—Arrangements are being completed to ship the body of Edmond Brooks Dascomb, one of the heads of the Paramount News here, back to America for burial. He died here Saturday from a general cerebral hemorrhage.

Dascomb joined the Paramount staff in 1927 in New York and was transferred to their office here in 1930. He was born in Texas 33 years ago and was a graduate of the Naval Academy at Annapolis. He is survived by his wife, Anne Glavin Dascomb and his mother, Mrs. Nellie Dascomb. Burial will be at Mercer, Pa.

## Ed Berry Dead on Coast

HOLLYWOOD, Oct. 15.—Ed Berry, 43, unit business manager at Fox and a half-brother of Al and Ray Rockett, died at the Cedars of Lebanon Hospital this morning from injuries suffered in an automobile accident at Bridgeport, Cal., on Saturday night. He is survived by his widow and the Rocketts.

## Allied Men to Hold Special Meet Here

(Continued from page 1)

Abram F. Myers, Sidney Samuelson, Aaron Saperstein, Walter B. Littlefield and H. M. Richey.

Col. H. A. Cole arrived from Texas yesterday to be present. He was accompanied by Jack Lilly, his theatre partner in Greenville, Tex., and while here expects to sit on an appeal filed against them by the East Coast Amusement Co. of Texas. The appeal covers product availabilities in Greenville, where East Coast operates two theatres.

## Darmour to Lose Tonsils

HOLLYWOOD, Oct. 15.—Larry Darmour is confined to the Wesley Hommel Hospital for a tonsil operation.

## Cohn a Colonel

**It became known yesterday that Jack Cohn, vice-president of Columbia, was named a Kentucky colonel several months ago by Gov. Ruby Laffoon of Kentucky.**

## Flash Previews

*Anne of Green Gables*— . . . fine entertainment for general appeal . . . rich in romance, with humor balancing pathos. . . .

*Without Children*— . . . when properly edited, it should make fair program entertainment for youths and adults in any community.

*These films will be reviewed in full in a later issue of* MOTION PICTURE DAILY.

# Looking 'Em Over

## "Little Friend"

*(Gaumont-British)*

Simplicity and heart-warming qualities are the outstanding attributes of this Gaumont British production, strongly reminiscent of "Wednesday's Child," stage play which excited much comment when it strode the boards here in New York not too far back.

This is the unaffected story of a poor little rich girl who proves herself to be of stronger and more sterling fibre than the parents that bore her. It tells how, despite her 14 years, she evidences an understanding, born of childish desperation, which outdistances that shown by her paternal and maternal elders, and how, through her own somewhat bewildered decision, she makes them and her happiness join hands once again.

Nova Pilbeam, very British, very much made of staunch stuff and far more competent as an actress than might be reasonably expected of the youngster she is, does an excellent job and gives the picture its prime motivation. She is not known here, but not remote by any means is the guess that a demand for her will grow when "Little Friend" makes the theatre rounds. Matheson Lang and Lydia Sherwood are very good and the direction by Berthold Viertel sympathetic. It is Nova, however, who makes the picture the humanly warm and worth while attraction which it is.

Production Code Seal, No. 0159. Running time, 75 minutes.

KANN

## "The Man Who Changed His Name"

*(DuWorld)*

This British production from the Twickenham studios is an engrossing mystery drama from the pen of Edgar Wallace. Well directed, finely acted and provided with rich and tasteful settings, it ought to click with American audiences.

The story strikes an original note. It tells of a wealthy Englishman (Lyn Harding) who changed his name to escape being mistaken for a man of similar cognomen who murdered his wife and her lover. His own wife (Betty Stockfield) has been having an affair with a polished scoundrel (Leslie Perrins). The pair's amazement at discovering the change in name turns into terror when they learn the story of the murderer. They immediately conclude that Harding and the latter are one and the same.

From that moment to almost the end of the film the woman and her lover live in mortal fear of meeting the same fate that befell the other couple. Then the husband explains, causing the wife to breathe easier and the lover to stand exposed for what he is. Of course, Harding knew of the attachment between Miss Stockfield and Perrins. He had deliberately made the two believe him the murderer so that he might be able to carry out a scheme to show his wife just the sort of fellow she was carrying on with.

It is a tribute to the film that it fools the audience completely until the last few moments. All along it is led to believe that Miss Stockfield and Perrins will get "the works" at the hands of Harding.

The cast also includes Ben Welden, Aubrey Mather, Richard Dolman and Stanley Vine. Miss Stockfield possesses as exquisite a voice as has been heard on stage or screen. It should make a tremendous hit. Henry Edwards directed. Running time, 67 minutes.

## Pittsburgh Buzzes Over Variety Part

PITTSBURGH, Oct. 15.—They wer up late, but the town today continue to buzz about the Variety Club din ner at the William Penn Sunda night. More than 900 attended th sixth annual function. This was th largest attendance in the club's history.

Special cars from the east, wes and midwest poured celebrities int Pittsburgh over the week-end, a larg number coming in a day ahead c schedule to attend the Pitt-Souther California football game on Saturda

Seated in the banquet hall, in addition to a number of other visitor were:

Joe E. Brown, Regis Toomey, Be Wheeler, Sol A. Rosenblatt, Jules Lev John B. Kennedy, "Rip" Collins, Josep Bernhard, Louis Nizer, W. F. Rodger Senator James J. Davis, Ted Husing, Jac Levy, Mike Kaufmann, Joe Cantor, Mo Shea, Jack Flynn, A. Julian Brylawsk Frank Damis, Clayton Bond, Harvey Da Moe Silver, George Skouras, Max Cohe Frank McCarthy, Sig Wittman, Earl Swe gert, Ed Corcoran, Roy Haines, Louis Sidney, Marvin Schenck, Harold Kem Bill McCaffrey, John Royal, Edgar Mos Eddie McEvoy, Joe Berrier, Sam Schwart Mort Blumenstock, Joe McConville, Osc Morgan, M. A. Lightman, Charles Fre man, O. L. Oz, Ed Harvey, Jack Schlaife Bill Scully, Ike Libson, J. Schwartz, Har Ross, Frank Miske, E. C. Grainger, I. Hoffman, Steve Trilling, Pat Garyn, Ja Skirboll and M. Van Praag.

Rosey Rowswell acted as toas master and Johnny Perkins served ringmaster for a show that includ more than 45 acts and lasted un early Monday morning.

John H. Harris was general chai man of the banquet committee. T affair was in honor of the club's tv outgoing presidents, Harry Goldste and Harry Kalmine, and the incor ing Chief Barker, Mike Cullen.

## Ohio Parents' Group Hits Block Bookin

COLUMBUS, Oct. 15.—A resoluti demanding better types of picture protesting block and blind bookin and taking a stand to work for Fe eral legislation to secure more car ful treatment of subject material, w adopted by the Ohio Congress Parents and Teachers at the final se sion of its convention here.

A resolution also was adopted ur ing high cultural standards in t further development of radio pr grams.

BOSTON, Oct. 15.—Under the au pices of the Massachusetts Ci League, the Twentieth Century Cl and the Massachusetts Parent-Teac er Ass'n., a better films institute w be held tomorrow and the followi day. Mrs. Robbins Gilman of Minr apolis, chairman of the film comm tee of the National Congress of Pa ent-Teacher Ass'ns., will be in char Mrs. Frederick P. Bagley, chairm of the film committee of the Ci League, Mrs. Helen I. D. McGil cuddy, chairman of the League of D cency of the Catholic Order of F esters; Mrs. Martha Sprague M son, editor of *Child Welfare*, and M John W. Myers will be among speakers.

## Marxes Celebrate Signir

HOLLYWOOD, Oct. 15.—The Ma brothers, minus Zeppo, give a stu tea for press and friends tomorrow celebrate their signing a new contr with M-G-M.

The Leading
Daily
Newspaper
of the
Motion
Picture
Industry

# MOTION PICTURE DAILY

Alert,
Intelligent
and
Faithful
Service to
the Industry
in All
Branches

VOL. 36. NO. 91 NEW YORK, WEDNESDAY, OCTOBER 17, 1934 TEN CENTS

## Erpi Assures Theatres Defense in Patent Suit

## Approval for New Code Cost Plan Foreseen

### *Bareford, Rosenblatt to Hold Conference*

Approval of the producer-distributor assessment schedule is expected oday following conferences in Washngton between Harold S. Bareford, a member of the code finance commitee; Division Administrator Sol A. Rosenblatt and members of the Division of Research and Planning.

Bareford has been in touch with S. R. Kent, second code finance committee member vacationing in the South, on recommendations made by the Division of Research and Planning last week when it turned down

(*Continued on page 7*)

## Hayden, Stone Fox Met Bid Rejected

The Hayden, Stone & Co. bid for Fox Metropolitan Playhouses assets was rejected yesterday by the bondholders' committee of the circuit. It is understood that the bondholders were dissatisfied with the terms.

Under the proposal submitted by the investment house, it was learned, the bondholders' committee was to proceed with reorganization of Fox

(*Continued on page 6*)

## Probe Is Started On Para. Workings

An examination of present and former executives and department heads of Paramount Publix concerning the conduct of the company's business prior to bankruptcy, the causes of its financial difficulties and its dealings with creditors and others was begun yesterday before John E. Joyce as

(*Continued on page 6*)

## *Pope Hopes to See Film Crusade Widen*

VATICAN CITY, Oct. 16.—Pope Pius praised the American drive for clean films today and expressed the hope it would spread to every corner of the world where pictures are shown. The pontiff's statement was made during an audience granted Bishop Ralph L. Hayes of Helena, Mont., who said the Holy Father had bestowed his blessing on the campaign to purify the screen and expressed a wish that the crusade go on.

## Censorship Is Called Futile By Rosenblatt

HARRISBURG, Oct. 16.—Strong opposition to any move for government censorship of films was expressed here today by Division Administrator Sol A. Rosenblatt, speaking before the M. P. Division of the State Federation of Pennsylvania Women.

Self regulation in the industry is the answer to clean pictures, he declared.

After outlining the formulation of the code and the drive for clean pictures started some months ago, Rosenblatt described the industry efforts to correct the situation.

"On July 15 of this year a forward looking move of tremendous social responsibility was made by the producers of motion pictures themselves," he said. "I believe it will reach farther than the screen itself; it starts

(*Continued on page 6*)

## Price Hike Seen Behind Texas Move

Behind insistence of the Interstate circuit of Texas that product it plays first run at 40 cents top or better cannot play subsequent runs under 25 cents is a distributor plan to hike admissions nationally next season, Col. H. A. Cole, Allied exhibitor leader in that state, told MOTION PICTURE DAILY yesterday.

Karl Hoblitzelle, head of Interstate, has bought from 150 to 200 of the cream of the picture crop on the above basis for his theatres in Dallas, Fort Worth, Houston and San Antonio. Cole, declaring the issue is the most burning one in his territory, stated there were only a handful of neighborhood houses in those cities which can get the 25-cent level and that the situation, as now constituted, means most of the subsequent run houses will

(*Continued on page 6*)

## *Distributors Put Curb on Long Island Buying Pool*

In an effort to break up the Skouras-Seider-Schwartz buying pool on Long Island, local distributors have ordered a halt in spot bookings for theatres involved in the pooling arrangement. Branch managers and general sales managers of all companies have been meeting for the last two weeks on the Long Island buying setup and have finally come to the decision that, unless the individual cir-

(*Continued on page 7*)

## *Independents Marshal Fight On Lease Withdrawal Clause*

**Independents plan to take their fight against withdrawal of the leasing clause from the code to Washington at a public hearing to be set by Division Administrator Sol A. Rosenblatt.**

**All independents on Campi in addition to Walter Vincent, alternate for Ed Kuykendall, voted in favor of retaining the clause on the ground it was inserted in the code for protection of the small theatre owner.**

**Because of the close vote, 6-4, a heated protest against dropping the provision will be launched by unaffiliated exhibitors at the capital open sesame.**

### *Those Not in Default To Get Aid Against Tri-Ergon Moves*

Theatres equipped with Western Electric sound reproducers will be fully protected against patent infringement suits, Erpi is informing its customers. This will be done, Erpi is advising the theatre industry, "in strict compliance with the provisions of our contractual agreement with you," but provided theatres are "not in default under your agreement with us."

Erpi declares the flywheel and double printing patents claimed to be owned by American Tri-Ergon and on which the U. S. Supreme Court has refused to review the findings of the lower Federal courts do not relate to reproducers and assumes the position that "no action is called for at the present time relative to this equipment."

The electric's communication, addressed "To All Users of Western

(*Continued on page 6*)

## *Para. Experimenting With Wire Recording*

HOLLYWOOD, Oct. 16.—Sound recording experiments which, Paramount claims, may revolutionize the present practice are being made this week. The sound is recorded on a wire. It makes use of the principle of arrested magnetism.

Both light waves and sound waves can be recorded, it is said, but at present Paramount is using only sound and Gary Cooper and Sir Guy Standing are doing dialogue from "Lives of a Bengal Lancer."

## *Deal on to Buy Out Marcus for Famous*

SALT LAKE CITY, Oct. 16.—Negotiations for the purchase of the stock held by Mayor Louis Marcus in L. Marcus Theatres, Inc., by Louis L. Dent are reported here to be nearing completion. Dent is said to be acting on behalf of Famous Theatres Corp. and is a widely known western and southwestern operator himself.

## *Marx Brothers Sign Pact With M-G-M*

HOLLYWOOD, Oct. 16.—The Marx brothers today signed a contract with M-G-M calling for one picture with an option for more.

MOTION PICTURE
DAILY

(Registered U. S. Patent Office)

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MAURICE KANN
*Editor*
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*Advertising Manager*

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## Sells Western Series

Harry Thomas of First Division Exchanges, Inc., has just closed deals for the 12 "Rough Rider" and "Range Rider" series of Superior Talking Pictures and the "Tarzan, the Police Dog" and "Northwest Mounted" of Stage and Screen Prod. for eastern Pennsylvania, southern New Jersey, Delaware and the District of Columbia.

## New One for Cohen

Max Cohen has taken over the Prospect, Bronx, making a total of eight for the circuit. After telling MOTION PICTURE DAILY he was giving up the Harris and Selwyn to Leff & Meyers, Bronx circuit operators, Cohen yesterday reneged on the story and stated he was "only kidding at the time."

## Reade to Open Ditmars

Walter Reade plans to reopen the Ditmars, Perth Amboy, within 60 days. The house has been closed for six years and is now being redecorated. Reade also operates the Strand, Majestic and Crescent in the same town. The Ditmars will be second run.

## FWC Drops Its Radio

LOS ANGELES, Oct. 16.—Discovering the circuit can get along without it, Charles Skouras has discontinued the F.W.C. radio department. Harold Hodge, in charge of programs, and two assistants, have been laid off.

# Insiders' Outlook

THE code front appears to be turning more hectic than ever. A general rewriting of this offspring of the Blue Eagle is looked for by more industry observers than you can shake a stick at not later than the spring. Congress will convene in January and, among the first pieces of business to occupy the gentlemen of the broad-rimmed black hats and the flowing black ties, is new NRA legislation which probably will be enacted before the session gets too old. The nature of the spring foray into new law-making regions is expected to be such as will require basic changes in all existing codes, particularly in their provisions on labor. . . .

▼

A reopening of the film code, along with the others, therefore may be expected to pivot around labor and what is to be further done for it. But interesting as well is the persistent report, based on many markers floating in the breeze, that there will be a demand for the rewriting of much of the trade practice provisions as well. There is on record, for what it may mean, a notice of the M.P.T.O.A. to its members that the organization will be ready to work for an increase in the cancellation privilege from 10 to 15 percent and for restrictions on double features, an old and persistent M.P.T.O.A. bugaboo. Exhibitor association rivalry being what it is, it becomes evident quickly enough that Allied will refuse to sit back on its haunches but instead will strike for adoption of its many and well-known platforms. Good old code! . . .

Dramatic is the story behind the newsreel clips of the assassination of King Alexander in Marseilles last week. All of the reels rushed their shots to Paris for lab work. The first prints were seized by the local gendarmerie, censored and slashed to the bone, the reason for that being a fear the assassin might have been a Frenchman. The negatives, however, were smuggled to England by plane and by chartered speed boats, developed there for London theatres and prints placed on steamers due in New York today. Pathe, however, flew its clips to Cherbourg and caught the *Bremen*, by luck or vision avoiding what proved to be plenty of trouble along the Seine. Local sidelight amusing is the story many of the dailies fell for late last week. In it, Hearst Metrotone laid credit for scenes of the murder in its then current issue. In other words, less than 96 hours after the deed had been done. Even Hearst can't do that. . . .

▼

The star rating system, employed by the *Daily News* and the cause of much discussion and some consternation among major company publicity and advertising men, has undergone a change. The stars are now buried in the reviews and that makes them less easy to spot. Now the p. and a. men say they eventually will see the day when the entire system will be relegated to the limbo of the forgotten. The trouble has not been with four star pictures; every company has been touting them on theatre marquees and in newspaper copy. Pictures rating less—that's been the rub. The feeling has been that this hurts at the box-office. The trouble over lack of unanimity in the companies' attitude has been the natural and consequently the understandable temptation to capitalize four star winners whenever the *News* critics hand them out. Which is too often. . . .

▼

Herman Robbins' party at Schroon Lake this year was a peach, the invited guests declare. The National Screen president every per annum takes his customers into the Adirondacks for hunting and fishing. Imbibing, in a nice way, of course, played a pretty substantial part in the festivities this year, too. The gang went up and back in a special bus carrying its own bar and bartender. Or maybe it was bartenders. . . . Wally Beery's new deal with Metro is about set. That stymies another Hollywood crisis of some sort or another. . . .

▼

Lawrence Langner, important man in the Theatre Guild's scheme of things, foresees the day when his organization, champion of the better things in the American theatre, will produce its own pictures. It might be better for the Guild to concentrate a trifle more diligently on its first born first. . . . Between the Tri-Ergon situation which is crowding the board room of the Hays association these days and fear in high film ranks over what Upton Sinclair will do if he wins the gubernatorial race this fall in California, the celluloid market on huddles is bullish once again. . . .

KANN

## Columbia Hits Old High on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 39⅝ | 38¼ | 39 | +1 | 2,100 |
| Consolidated Film Industries | 3⅝ | 3½ | 3⅝ | + ⅜ | 1,100 |
| Consolidated Film Industries, pfd | 15⅞ | 15 | 15⅞ | + ⅞ | 3,500 |
| Eastman Kodak | 104 | 102½ | 104 | +1 | 600 |
| Eastman Kodak, pfd | 140 | 140⅛ | 140⅛ | ..... | 1,000 |
| Fox Film "A" | 13⅞ | 13 | 13⅜ | + ⅜ | 2,800 |
| Keith-Albee-Orpheum, pfd. | 35 | 35 | 35 | ..... | 100 |
| Loew's, Inc. | 31½ | 30 | 31¼ | +1½ | 13,900 |
| Paramount Publix, cts | 4⅝ | 3⅞ | 4⅝ | + ¾ | 51,900 |
| Pathe Exchange | 1⅜ | 1⅛ | 1⅜ | + ⅛ | 3,100 |
| Pathe Exchange "A" | 14¼ | 14 | 14 | + ¾ | 500 |
| RKO | 2½ | 2½ | 2½ | ..... | 2,000 |
| Warner Bros. | 5¼ | 5 | 5⅛ | + ¼ | 7,400 |

## Sentry Rises Eighth on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Sentry Safety Control | ¼ | ¼ | ¼ | + ⅛ | 200 |
| Technicolor | 13⅜ | 13 | 13⅜ | + ⅜ | 800 |
| Trans Lux | 1⅞ | 1¾ | 1⅞ | ..... | 600 |

## Paramount F. L. Bonds Gain 3¼

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 7¼ | 7 | 7¼ | + ¾ | 11 |
| General Theatre Equipment 6s '40, ctf | 7¼ | 6¾ | 7¼ | + ¼ | 14 |
| Keith B. F. 6s '46 | 62 | 62 | 62 | ..... | 5 |
| Loew's 6s '41, ww deb rights | 103 | 102¾ | 102¾ | — ¼ | 4 |
| Paramount Broadway 5½s '51 | 40 | 40 | 40 | ..... | 5 |
| Paramount F. L. 6s '47 | 59½ | 56½ | 59½ | +3¼ | 30 |
| Paramount Publix 5½s '50 | 59¾ | 57 | 59¾ | +3 | 66 |
| Pathe 7s '37, ww | 98½ | 98½ | 98½ | ..... | 1 |
| Warner Bros. 6s '39, wd | 61 | 59½ | 61 | +2 | 30 |

## "Tower Day" Lunch Arranged by Ampa

The Ampa tomorrow will observe "Tower Day" by way of celebrating the fifth anniversary of *Tower Publications* and its editorial head, Catherine McNelis.

Louis Nizer will be toastmaster and Elsie Janis, toastmistress. Eddie Cantor, Ernst Lubitsch, Claire Trevor and Ginger Rogers will be among those at the dais. Entertainment will be supplied by Irving Kaufman, who is "Lazy Dan" of the air, and the Duncan Sisters.

## "Barretts" Held Again

"The Barretts of Wimpole Street" will be held for a fourth and final week at the Capitol. This is the only picture to be held for that length of time in the history of the house with the exception of "Flesh and the Devil."

## Skouras, Buckley East

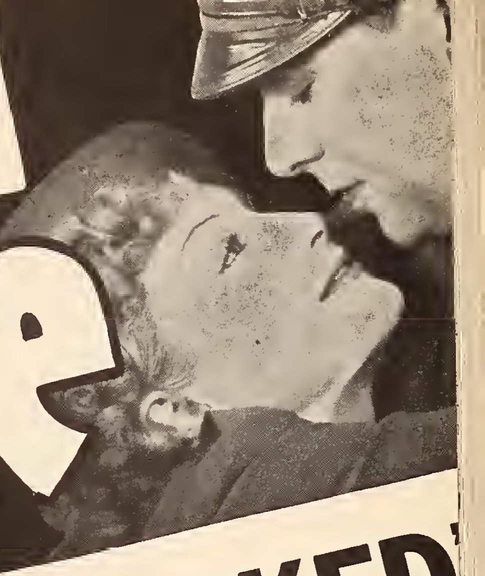
HOLLYWOOD, Oct. 16.—Charles Skouras, Charles A. Buckley and Ed Zabel leave for New York tomorrow night to discuss F. W. C. reorganization plans and dispose of other accumulated business.

## H. W. Kahn Forms Kameo

Henry W. Kahn, formerly managing director for Fox Film in central Europe, has formed Kameo Pictures Corp. as a world wide distributor for American and foreign product.

NAT LEVINE *Presents*

# Crimson Romance



## "NO BETS OVERLOOKED"

Says DAILY VARIETY

### E HARRISON
### Says:

mson Romance" is an excit-
r melodrama. The story is a
off the beaten track; because
is, and of the fact that the
acters arouse one's sympathy,
interest is held pretty tense.
action is fast and the romance
asant. The friendship between
n Lyon and James Bush is inspir-
, for each one is ready to sacrifice
mself for the other. The closing
enes, in which Bush, in order to
ave Lyon's life, purposely crashes
is plane into his German com-
mander's plane and is killed, is
pitiful; at the same time it is thrill-
ing, because the crashing of the
planes has been done realistically.
The combats in the air should prove
interesting to men.

The plot was adapted from a story by Al Martin and Sherman Lowe. It was directed by David Howard. In the cast are William Bakewell, Hardie Albright, Herman Bing, Vince Barnett, and others.

Suitable for children, adolescents, and Sundays. Class A.

### FILM DAILY
### Says:

"The direction is very commendable, the story is intelligently developed with some good dialogue and a grown-up philosophy about life and things in general. The cast is exceptionally good, with strong names spotted throughout. The work of Ben Lyon and Hardie Albright as the air ace buddies carries a very natural and human note. Sari Maritza does admirably and Erich von Stroheim is perfectly cast. Believable action, thrills and strong love story hold wide appeal."

### M. P. DAILY
### Says:

"This film is packed with action, drama, comedy and other essentials necessary to deliver entertainment for all classes. It is a composite of the outstanding air thrillers, treated intelligently throughout and carrying the new twist of an American loyal to his German pal joining up with the German air forces prior to America's entry in the World War.

"Moving into Germany, the film reveals the workings of the German aircraft, and a girl ambulance driver comes into the picture, splitting the lifelong friendship of the two buddies. The conflict of the two pals loving the same girl furnishes romantic and dramatic situations.

"Milton Krim's treatment and Ernest Miller's excellent photography, along with the expert direction of David Howard, contribute in mounting well a picture of romance and war skillfully treated and flavored with box-office bouquet."

ST RUN
•
ITERION
NEW YORK
RPHEUM
LOS ANGELES
•
MORE BOOKED

## in CAST . . .

"No bets were overlooked when it came to lining up a cast." —Daily Variety

## STORY . . .

"Packed with action, drama, comedy and other essentials." —M. P. Daily

## BOX-OFFICE APPEAL . . .

"Cannot help but prove beneficial at the box-office." —Daily Variety

"Flavored with Box-Office bouquet." —M. P. Daily

BEN LYON

SARI MARITZA

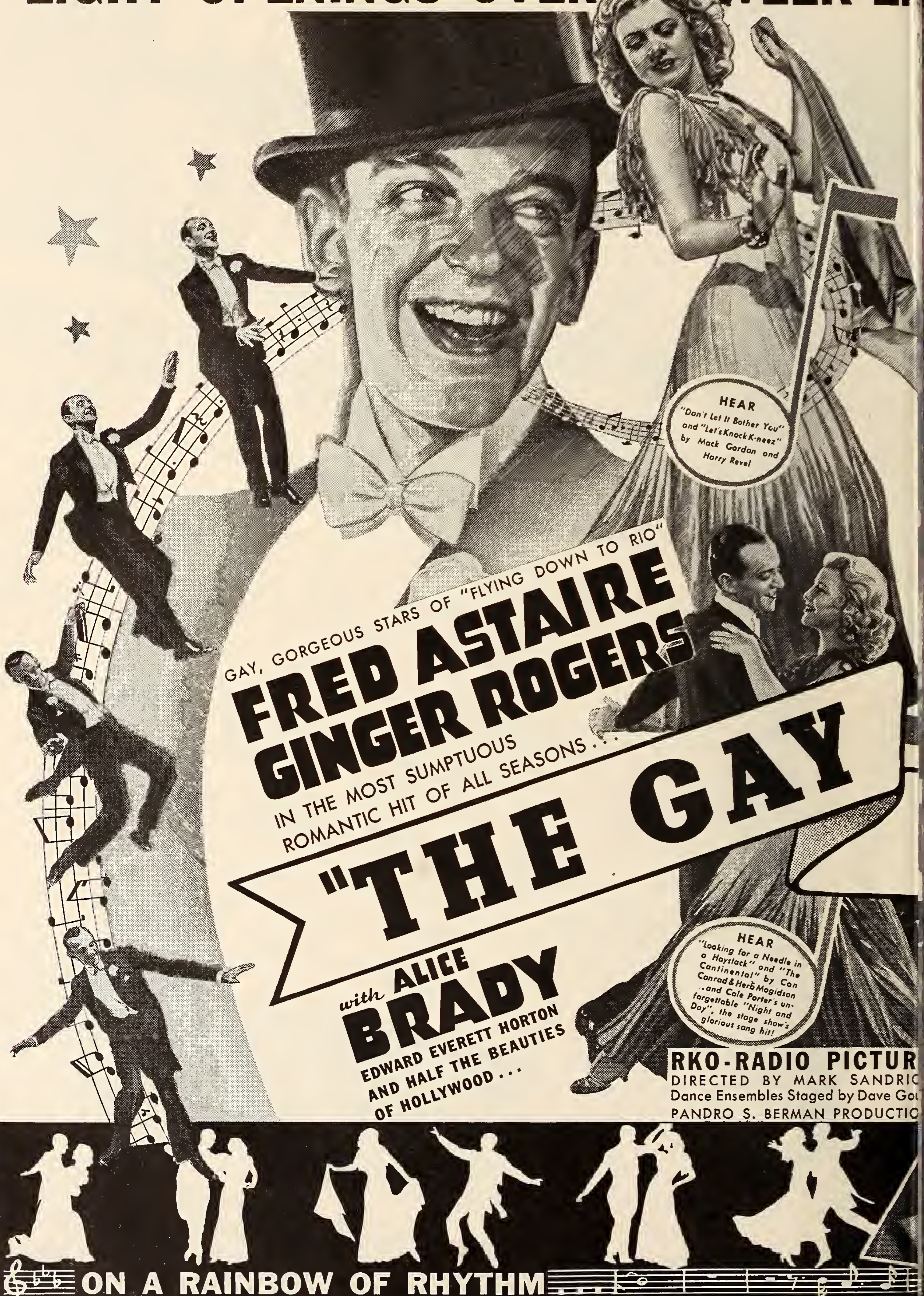
ERICH VON STROHEIM

HARDIE ALBRIGHT

DISTRIBUTED BY LEADING EXCHANGES EVERYWHERE FOR
**MASCOT PICTURES CORP.**
1776 BROADWAY, NEW YORK
CABLE ADDRESS: "LEVPIC" NEW YORK

MASCOT FEATURE

# EIGHT OPENINGS OVER WEEK-EN



GAY, GORGEOUS STARS OF "FLYING DOWN TO RIO"

**FRED ASTAIRE**
**GINGER ROGERS**

IN THE MOST SUMPTUOUS
ROMANTIC HIT OF ALL SEASONS . . .

# "THE GAY

*with* **ALICE BRADY**

EDWARD EVERETT HORTON
AND HALF THE BEAUTIES
OF HOLLYWOOD . . .

HEAR
"Don't Let It Bother You"
and "Let's Knock K-neez"
by Mack Gordan and
Harry Revel

HEAR
"Looking for a Needle in
a Haystack" and "The
Continental" by Con
Conrad & Herb Magidson
..and Cole Porter's unforgettable "Night and
Day", the stage show's
glorious song hit!

**RKO-RADIO PICTUR**
DIRECTED BY MARK SANDRIC
Dance Ensembles Staged by Dave Go
PANDRO S. BERMAN PRODUCTIO

**ON A RAINBOW OF RHYTHM**

**RKO-RADIO BRINGS ANOTHER BOX-OFFICE BONANZA TO T**

# ND EACH ONE A RECORD BREAKER!

## NEW RECORDS DANCING TO THE MERRIEST TUNE IN MONTHS!

# IVORCEE"

**BOSTON**—First 3 days equals first 7 days business of "Flying down to Rio" which included New Year's Eve and Day (and you know what business "Rio" did.)

**HELD OVER FOR SECOND WEEK!**

**KANSAS CITY**—First 3 days equals "Little Women" record which played Thanksgiving Day and holds all time house record.

**HELD OVER FOR SECOND WEEK!**

**MINNEAPOLIS**—First 3 days within $700 of full week's business for "Rio" (and "Rio" was in top money class.)

**HELD OVER FOR SECOND WEEK!**

**MEMPHIS**—Doubles the best business since January and in for new house record.

**OMAHA**—First 3 days indicate week will do $1500 better than any show in past six months.

**FORT WORTH . . GALVESTON, MILWAUKEE** . . . they're still counting the money . . . we'll give you the figures later.

## OWMEN OF THE WORLD!

# Censorship Is Called Futile By Rosenblatt

(*Continued from page 1*)

a movement that undoubtedly will soon extend to plays and books."

In emphasizing his contention that the industry can regulate the moral phases of its production, Rosenblatt said: "Unacceptable motion pictures to which the public is not attracted cannot be successfully distributed or exhibited.

"The consuming public of this country knows what it wants—particularly so far as the amusement world is concerned. It will no more attend and thereby make a financial success of an unworthy motion picture production than it will listen to an undignified and unacceptable radio broadcast.

"It was evident in March, 1934, that the place to do any cleaning up was at the source of the trouble—where the pictures were made and at the time they were made. It is interesting to note in this connection that, even at this time of emphasized interest in pictures, every proponent of some corrective step is quick to declare against government censorship. I myself do not believe in such a remedy, because I know that you cannot legislate morality. Self-regulation and education, under powerful and virile leadership, are the only effective medicines.

"The cure must come from within. Any outside corrective is futile."

In support of his contention that leaders of the cleanup movement themselves were opposed to governmental censorship Rosenblatt quoted from speeches and statements by Cardinal Mundelein, Archbishop McNicholas of Cincinnati, the Federal Council of Churches of Christ in America, Most Rev. James H. Ryan, rector of Catholic University of Washington, and Bishop Francis J. McConnel of the Methodist Episcopal Church.

## *Envoy Says Pictures Are Harmful Abroad*

Kansas City, Oct. 16.—The charge that American films create a false impression of the United States abroad was made by Ruth Bryan Owen, Minister to Denmark, in an address before the Women's City Club here.

Mrs. Owen said that her job was made difficult by the type of films exported, adding that it would please her to see pictures made showing the better side of Main Street, the typical American homes and the quiet villages where people work by day and go to bed at night instead of sending to other countries films that do injustice to our nation.

"Public esteem is far too serious a thing to sacrifice to box-office profits," she commented.

## *Says Phila. Off 40%*

Philadelphia, Oct. 16.—Movie attendance here has dropped 40 per cent as a result of the Legion of Decency drive, Lutheran ministers were told here at their weekly meeting by Rev. Thomas J. F. O'Ryan, rector of the Catholic Church of the Resurrection.

# Price Hike Seen Behind Texas Move

(*Continued from page 1*)

be compelled to boost admission tariffs with the knowledge that the public will not respond.

He added a number of neighborhoods in Dallas had organized a committee to handle the situation with the possibility that recourse to courts of law may result. "While these operators are not members of Allied, they have nevertheless appointed me to the committee. Some action may crystallize next week," he said.

Business in the smaller Texas towns is good, Cole said. "Many theatres are playing to 125-150 per cent of their population every week. I doubt if there is another section of the country which can report so satisfactory a condition," he concluded.

## Clemmons Calls Business In Texas "Satisfactory"

Business conditions in Texas are very satisfactory, J. C. Clemmons, president of the Jefferson Amusement Co., operating 45 theatres in 20 Texas towns, stated yesterday. Theatre receipts have picked up in the last year, but at the present time things are stationary, he said.

The Jefferson circuit is rebuilding the Liberty, Beaumont, which recently burned down. The house, which will seat 900, will be opened on Nov. 14.

Clemmons, who came in to attend a code hearing involving clearance on the Texan, Greenville, Texas, will be here for about a week lining up product. Otis U. Sullivan, partner in the Jefferson circuit, and operator of the Texan in addition to the Rita in Greenville, is also in town. J. M. Gordon, attorney for Jefferson, after attending yesterday's code session leaves for Beaumont today.

Clemmons stated the circuit plans no new acquisitions or building at this time.

## *Expect Allied Meet Will Be in Chicago*

Annual election of Allied officers will probably be held in Chicago in January, when a meeting of the board of directors is slated. Sidney Samuelson, president, will in all likelihood be re-elected.

Reports are current that the newly formed I. T. O. of Mississippi will be the next unit to join the organization. Allied is reported anxious for representation in this territory, which is the stamping grounds of Ed Kuykendall and the Tri-States Exhibitors' Ass'n.

## *Buy Two Features*

Samuel Cummins and Jacques A. Koerpel, heads of Eureka Prod., have purchased two English pictures, "Song at Eventide" and "Danny Boy," for release in America shortly.

## *O'Donnell Leaves Today*

Robert O'Donnell of the Hoblitzelle-O'Donnell circuit in Texas leaves for Dallas today after conferences with Publix officials.

## *RCA Silent*

**While Erpi is now assuring its theatre customers that it will protect them in the patent situation brought closer to a climax by the U. S. Supreme Court refusal to review the findings of the lower court in the fly-wheel and double printing case, RCA Photophone apparently has done nothing by way of a move in the open.**

**A company official yesterday declared no statements of any description had been made to date.**

# Probe Is Started On Para. Workings

(*Continued from page 1*)

special commissioner for the Federal district court.

The inquiry has listed for examination, as and when subpoenaed, Ralph A. Kohn, Jesse L. Lasky, Sam Dembow, Jr., Neil F. Agnew, William S. Paley, George W. Trendle, John H. Kunsky, Elek J. Ludvigh, A. John Michel, Norman Collyer, Edward A. Brown, Joseph E. McDermott, Fred E. Mohrhardt, Marion Coles, Charles E. Hawthorne, Henry Anderson and Fred L. Metzler. The latter are present and former members of the Paramount accounting, auditing and legal departments.

The examination is being conducted by the Paramount Publix trustees, through counsel, and will make particular inquiry into matters pertaining to the acquisition by Paramount Publix of shares of its own stock in 1930, '31 and '32. All books, papers and records relating to such transactions are to be produced for inspection during the examination, which will also inquire into the amount, kind and whereabouts of Paramount property and other matters which may affect the administration and settlement of the debtor's estate.

## *Farfan Starts Own Producing Company*

Hollywood, Oct. 16.—Robert Farfan, former production manager for Mack Sennett, has formed his own company to produce a series of eight Spanish features with all Mexican casts. Release will be aimed at Latin American countries, principally Mexico. Farfan is also planning to construct his own studio between Agua Caliente and Tia Juana. He leaves for New York shortly to arrange distribution.

## *Bob Dunnick in Hospital*

Grand Island, Neb., Oct. 16.—Bob Dunnick, manager of the Capitol, an A. H. Blank house, was stricken with appendicitis last week and taken to a local hospital for an operation. John Krier, assistant manager of the Paramount, Omaha, was rushed in to handle the theatre temporarily.

## *M. H. Hoffman Is Here*

M. H. Hoffman, president of Liberty Pictures, is in town for story conferences with Budd Rogers on the additional four pictures planned this season.

# Erpi Assures Protection in Patent Battle

(*Continued from page 1*)

Electric Sound Reproducing Equipment," reads:

"Under dates of Nov. 29, 1933, and Jan. 25, 1934, we wrote you with respect to the matter of the suit brought by the American Tri-Ergon Corp. against Altoona Publix Theatres and Wilmer and Vincent Corp. involving the so-called fly-wheel patent. The recent action of the U. S. Supreme Court relating to this suit has been followed by many inaccurate and misleading statements.

"We wish, therefore, again to advise you that the suits in question do not relate to our equipment installed in your theatre. No action is called for at the present time relative to this equipment. We shall advise you if there should be any court decision affecting our equipment installed in your theatre.

"If however, you should be interfered with in the use of our equipment, or should be threatened with any such interference, it is important that you communicate with us immediately by telegraph and give us at the earliest possible opportunity full written details by mail. Any such communications should be addressed to our New York office.

### Will Stick to Agreement

"As you have been previously advised, we will protect you in strict compliance with the provisions of our contractual agreement with you in the event of a patent infringement suit based upon our reproducing equipment being brought against you and provided, of course, that you are not in default under your agreement with us."

In the meantime, the American Tri-Ergon situation has been the subject of several meetings to date of major company heads with John E. Otterson, president of Erpi, the latest having been held at the Hays office on Monday behind closed doors.

Opinion looked upon as entirely reliable holds the situation is one that is best described "as serious but not critical."

Erpi and its licensed companies are expected to proceed along an identical line of action. What form such action will take, it is reported, has not been developed as yet. Approach to the situation is said to be possible along several lines, but the decision reputedly rests largely on the majority opinion reached by Erpi and major company attorneys.

## *Hayden, Stone Fox Met Bid Rejected*

(*Continued from page 1*)

Met with Hayden, Stone issuing to the holders $4,500,000 in stock in the new company in exchange for the bonds of Fox Met. Hayden, Stone agreed to repurchase a part of the issue within a certain period.

## *Giannini Reaches Coast*

Hollywood, Oct. 16.—Dr. A. H. Giannini returned today from his extended European trip.

# Approval for New Code Cost Plan Foreseen

(*Continued from page* 1)

the assessment allocation for a second time.

All major companies had approved the plan and practically all of the smaller producers and distributors agreed to it. It was a surprise that the NRA turned it down. With Bareford consulting NRA heads on the setup, he has the power to accept for Campi.

Most of the major companies already have contributed to the maintenance of Campi and when bills are sent out they will be on an annual basis, checked off against payments on file.

Bareford is due back tomorrow.

## *Illinois and Texas Protests Are Heard*

Two individual protests were heard yesterday by an appeal committee consisting of Edward Golden, chairman; E. L. McEvoy and Henry Sussman. The first case was that of B. & K., operating the LaGrange, LaGrange, Ill., against George W. Kruger, Hinsdale, Hinsdale, Ill., on premature advertising. Jack Miller of the Essaness circuit appeared for the defendant.

In the second case, the Greenville Amusement Co., operating the Rialto and Colonial, Greenville, Texas, complained against the Jefferson Amusement Co. and East Texas Theatres, Inc., Beaumont, on overbuying.

A. W. Lilly, complainant; J. C. Clemmons, president of Jefferson; J. M. Gordon, attorney for Jefferson; and Otis U. Sullivan of East Texas were on hand for the hearing.

## *U. A. Wins Contract Complaint in Omaha*

OMAHA, Oct. 16.—Jack Gelfand, manager of the Garden, Sioux City, Ia., defendant in a "validity of contract" complaint brought by United Artists, lost the decision before the grievance board, acting for the first time as an industrial adjustment agency.

At the same time the grievance board refused to allow distributors to sell or give a film to the local Veterans of Foreign Wars post for a benefit show on the grounds of unfair competition from a non-theatrical source.

## *Loeb Here to Study Data Upon Agencies*

Edwin J. Loeb, legal representative for producers in Hollywood, is in New York conferring with executives in connection with the agency public hearing scheduled in Washington on Oct. 31.

Because he wanted more time to get additional data on agency matters, Loeb telephoned Division Administrator Sol A. Rosenblatt in Washington on Monday and got a two-week postponement. The meeting was originally scheduled for today.

# *Distributors Put Curb on Long Island Buying Pool*

(*Continued from page* 1)

cuits sign contracts for product, they will not be able to spot book.

Local exchange executives hold that each branch will sell circuits individually and will not recognize a combine. The order is now in effect.

Notwithstanding this edict, Maurice Brown yesterday held a session with a number of local independent exhibitors, representing about 50 theatres, to band together on new buying. The session was held in the Gold Room at the Lincoln, but no action was taken.

The independents feel that by grouping 50 theatres into one pot they can get better terms and playdates from exchanges. Whether distributors, in face of the "ban" on the Skouras-Seider-Schwartz arrangement, will consider a cooperative buying tieup of the independents, is not yet apparent, but indications are the setup will meet with opposition.

# Grievance Board's Delays Stir Anger

Action of the New York grievance board constituency is becoming annoying to some of the members, particularly at yesterday's session, which did not get under way until an hour after the scheduled time.

Many of the members and their alternates could not be reached to sit. In face of the two overbuying complaints by Aaron Shusterman against Walter Reade, a recommendation was made to postpone the hearing. Shusterman objected on the grounds that he had no pictures for his Red Bank house and needed relief.

At the request of John C. Flinn, Al Friedlander of First Division came over and sat. After the meeting had been under way for about 15 minutes, Friedlander got up and started to walk out, claiming that such was the agreement with Flinn before he came over.

Louis Geller, chairman, called Flinn on the phone and after a short conversation, Friedlander talked to the Campi executive secretary and stayed for the rest of the hearing.

### Thompson Gets Perturbed

At one point in the hearing, George F. Thompson, impartial member, perturbed at the fuss, declared: "I'm not getting paid for being here. I'm doing this for the government. My only compensation is to come here and see Louis Nizer jump up and make a speech."

Leo Justin of the Reade circuit defended his case while M. Albert of Weisman, Quinn, Allan & Spett acted for Shusterman.

Shusterman operates the Strand, Red Bank, N. J., in opposition to Reade's Carlton, same city, and the Roky, Perth Amboy, against Reade's Majestic, Strand and Crescent, same city. Shusterman claimed that he had been unable to get major product for either of his houses because his opposition had purchased 240 pictures in Red Bank in addition to a deal pending with RKO for 50 for Perth Amboy.

Nizer asked Shusterman if he would pay the same terms Reade is paying, if he were awarded relief, and the answer was yes.

The board decided that Reade was guilty in both instances, but, instead of allocating product, it left this part of the decision to Campi. The members did not want to tell distributors what product they must give up. Responsibility for phrasing the verdict legally was left to Thompson, who is regarded as exceptionally fair.

# K. C. Bank Nights Lose After Appeals

Bank nights received a further blow yesterday when Campi made public three appeals decisions upholding the Kansas grievance board in cases involving the practice. The complainant in each instance was Mrs. A. Baier of the Lindbergh Theatre, Kansas City. The respondents were Edwin S. Young, the Roanoke; J. F. Rigney, the Westport, and W. D. Fulton, the Colonial and Southtown, all in Kansas City.

Four other decisions in appeals cases were revealed yesterday by Campi. The Atlanta grievance board was upheld in ruling against Independent Theatres, operating seven houses in Chattanooga, Tenn., which complained the Rivoli, State and Rialto, in the same city, were obtaining more second runs than required.

### Lease Decision Upheld

Harry E. Haff, operating the Photoplay, Adams, Mass., lost an appeal involving an extension of lease, with the Atlas Amusement Co., operating the Atlas in the same town, as the respondent. The authority threw out an appeal brought by the Astor Theatre, Chicago, which complained that the zoning schedule for that city fails to provide for the release of pictures to theatres charging 10-cent admission.

While Campi upheld the Boston grievance board in dismissing the overbuying complaint brought by the Harvard Amusement Co., operating the Coolidge Corner Theatre, Brookline, Mass., against the Capitol and Allston, Allston, Mass., it reversed a ruling of the Boston clearance board and granted the complainant's request that it be placed in a separate zone from the defendants.

## *Campi Gets Latest Milwaukee Schedule*

MILWAUKEE, Oct. 16.—Following a meeting of the clearance and zoning board, a revised schedule for Milwaukee county has been submitted to Campi in accordance with suggestions outlined by that body. Publication of the schedule will be withheld until approved by Campi, following which, a hearing will be held on it.

## *St. Louis Protests Fail*

ST. LOUIS, Oct. 16.—In spite of the protests of theatre managers the City Council has approved the contract for presentation of "Ziegfeld Follies of 1934" in the Municipal Auditorium on Nov. 4. The city will receive a flat rental of $3,000 a week.

# ◂ *Purely Personal* ▸

MARY ELLIS, stage star, will be seen on the American screen for the first time in "Bella Donna," a Twickenham picture to be distributed in this country by M. J. Kandel, head of Olympia Pictures.

Charles Rosenzweig and Jules Chapman, sales manager and secretary of First Division, have left on an eight-week trip through the company's exchanges.

Maxine Doyle is on her way to Washington for a week of personal appearances at the Earle. She was mistress of ceremonies there before going to the coast.

Bernie Shapris has resumed the management of the City Hall Theatre and will do the buying for the Republic and Werbers, in Brooklyn.

Al Selig got back from Boston yesterday and was shipped off again to the bean town to work on "Transatlantic Merry-Go-Round."

Abe Lehr, here for several weeks on business for Samuel Goldwyn, expects to be around three weeks more. Then back to Hollywood.

Lee Ochs will be tendered a dinner by the Monday Nighters next Tuesday evening at the M. P. Club.

Ginger Rogers arrived in town today on the 20th Century for her first vacation here in two years.

Abe Waxman is knee deep in work. Most of evenings are spent around the Gaumont British offices.

Dorothy Lee has been signed to do a Vitaphone short in Brooklyn with Hal LeRoy.

Mitzi Green will be interviewed over WMCA tonight at 6:30 by Sam Taylor.

Junior Coghlan is en route to New York for a vacation with his mother.

Lou Goldberg returned from Philadelphia yesterday.

## *Casting Bureau on Air*

HOLLYWOOD, Oct. 16.—At the request of the Columbia network, the Central Casting Bureau is furnishing a 15-minute broadcast at noon tomorrow for the purpose of explaining the working of the organization over a national network.

## *Hugh O'Connell Triples*

HOLLYWOOD, Oct. 16.—Hugh O'Connell is tripling at Universal City. He has been assigned to work in "The Good Fairy," "The Man Who Reclaimed His Head" and "Strange Wives," all in work at the present time.

## *Normanly to New York*

HOLLYWOOD, Oct. 16.—James P. Normanly left for New York tonight to attend the American Bankers' Ass'n. convention in behalf of the Bank of America.

## *Jack Cohn Sailing*

Jack Cohn, Columbia vice-president, sails for Europe on the *Aquitania* Friday night. The Gaumont British party will be on the same boat.

# “One Night,” Show, Capital Hit, $24,400

Washington, Oct. 16.—“One Night of Love” was an outstanding hit here last week. It piled up $24,400, over par by $6,800. Don Bestor and his orchestra and a vaudeville bill helped out.

“Cleopatra” also showed strength, getting $16,500, up by $2,000, at Loew's Palace. “Belle of the Nineties” was in the hit class again on an extended run at the Metropolitan with a take of $7,200. This is a new house record on the present scale.

Total first run business was $82,200. Average is $74,900.

Estimated takings, exclusive of tax, for the week ending Oct. 11:

**“ONE NIGHT OF LOVE” (Col.)**
EARLE—(2,218), 25c-77c, 7 days. Stage: Don Bestor & Orchestra; Cookie Bowers; Rogers & Wynne; Paul & Nina Ghezzi. **Gross:** $24,400. (Average, $17,600.)

**“THE NOTORIOUS SOPHIE LANG” (Para.)**
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days. **Gross:** $2,800. (Average, $3,100.)

**“OUTCAST LADY” (M-G-M)**
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Vaudeville premiere of Fokine Ballet. **Gross:** $19,000. (Average, $20,500.)

**“CLEOPATRA” (Para.)**
LOEW'S PALACE—(2,370), 35c-77c, 7 days. **Gross:** $16,500. (Average, $14,500.)

**“BELLE OF THE NINETIES” (Para.)**
METROPOLITAN — (1,591), 25c-40c, 7 days, extension of run. **Gross:** $7,200. (Average, $4,100.)

**“WAKE UP AND DREAM” (Univ.)**
RIALTO—(1,864), 25c-75c, 9 days. **Gross:** $2,300. (Average, $3,700.)

**“THE RICHEST GIRL IN THE WORLD” (Radio)**
RKO-KEITH'S—(1,836), 25c-55c, 7 days. **Gross:** $10,000. (Average, $11,400.)

# “Beautiful,” Show $6,000, Portland

Portland, Oct. 16.—Helped by football crowds, a stage show and a ballyhoo for the opening of the house, “Young and Beautiful” piled up $6,000 at the Orpheum. This is $3,000 over normal for the house.

“Barretts of Wimpole Street” stood up in the face of the competition and went $1,000 over normal for a take of $6,000 at United Artists. “A Lost Lady” and “Million Dollar Ransom” succeeded in getting $5,200 at the Broadway.

Total first run business was $26,000. Average is $23,000.

Estimated takings for the week ending Oct. 12:

**“A LOST LADY” (F. N.)**
**“MILLION DOLLAR RANSOM” (Univ.)**
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $5,200. (Average, $5,000)

**“DOWN TO THEIR LAST YACHT” (Radio)**
HAMRICK'S MUSIC BOX—(2,000), 25c-35c, 7 days. **Gross:** $2,000. (Average, $3,000)

**“THEIR BIG MOMENT” (Radio)**
**“TAKE THE STAND”**
HAMRICK'S ORIENTAL—(2,040), 25c, 7 days. **Gross:** $1,800. (Average, $2,000)

**“YOUNG AND BEAUTIFUL” (Mascot)**
HAMRICK'S NEW ORPHEUM—(1,700), 25c-35c-40c, 7 days. Stage show. **Gross:** $6,000. (Average, $3,000)

**“CHARLIE CHAN IN LONDON” (Para.)**
PARAMOUNT—(3,008), 25c-35c-40c, 7 days. Stage show. **Gross:** $5,000. (Average, $5,000)

**“BARRETTS OF WIMPOLE STREET” (M-G-M)**
UNITED ARTISTS—(945), 25c-35c-40c, 2nd week, 7 days. **Gross:** $6,000. (Average, $5,000)

# *Looking 'Em Over*

## *“Gridiron Flash”*

*(Radio)*

By taking a hardboiled young convict out of a prison football team, drafting him for a college eleven against his will, and then playing on the conflicting emotions involved between his desire to get back to his get-rich-quick crook friends and his unwillingness to desert a fight once started, Radio has introduced a new and exciting slant into the annual batch of gridiron films. “Gridiron Flash” has he-man appeal and considerable love interest as well. Eddie Quillan gives a smart performance as the youngster who is against the world in general until he finds a lot of people like him and are depending upon him to pull them through a tight spot. Betty Furness gives a convincing performance as the daughter of the campus constable (Edgar Kennedy), who tries to hold Quillan in college and brings him back when he has deserted on the eve of the crucial game.

The football shots are well handled, and the comedy element is injected deftly by Lucien Littlefield and Kennedy.

It's no epic, but it ought to make money where there are high school and college audiences. Glenn Tryon did a good job of directing. Production code seal No. 209. Running time, 63 minutes.

*“The Last Gentleman,” this morning's opener at the Rivoli, was reviewed by wire from Hollywood on April 28.*

*“Age of Innocence,” tomorrow morning's opened at the Radio City Music Hall, was reviewed by wire from Hollywood on Aug. 25.*

*“Little Friend,” Thursday night's preview at the Roxy, was reviewed on Oct. 16.*

# Heat, Sports Bump Coast's Grosses Hard

Los Angeles, Oct. 16.—Continued heat, football and the World's Series scores knocked box-offices flat last week. The Paramount dropped “The Lemon Drop Kid” after five days to make room for “Mrs. Wiggs of the Cabbage Patch.” The take was $14,837, which is pretty weak.

“Desirable” failed to make an impression at either the Warners' Downtown or the Hollywood.

Total first run business was $48,187. Average is $69,200.

Estimated takings for the week ending Oct. 10:

**“CARAVAN” (Fox)**
LO5W': STATE—(2,413), 30c-55c, 7 days. **Gross'** $19,750. (Average, $14,000.)

**“THE LEMON DROP KID” (Paara.)**
Paramount—(3,595), 30c-55c, 5 days. Stage: Rube Wolfe and his orchestra. F. & M. revue. **Gross:** $14,837. (Average, $18,000.)

**“DESIRABLE” (Warners)**
RKO—(2,700), 25c-65c, 6 days. **Gross:** $4,000. (Average, $8,000.)

**“DESIRABLE” (Warners)**
WARNER BROS. (HOLLYWOOD)—(3,000), 25c-65c, 6 days. **Gross:** $7,300. (Average, $14,000.

**“KANSAS CITY PRINCESS” (Warners)**
**“NAME THE WOMAN” (Col.)**
WARNER BROS. (DOWNTOWN—(3,400). 25c-40c, 6 days. **Gross:** $7,100. (Avage, $12,000.)

**“A GIRL OF THE LIMBERLOST” (Monogram)**
PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $4,200. (Average, $3,200.)

## *IATSE Head Is in L. A.*

Los Angeles, Oct. 16. — George Browne, I.A.T.S.E. head, arrived today from San Francisco, where he attended the A. F. of L. convention. He will remain two weeks to rest and to study the studio situation as it affects the I.A.T.S.E.

# “Du Barry” Is $32,000 Lead As Hub Gains

Boston, Oct. 16.—In a week of general gains “Madame Du Barry” ran away with the big money here with $32,000 at the Metropolitan. This is $4,000 over average.

“Wake Up and Dream” garnered a fine $18,000 at the Boston, over the line by $2,000. “Big Hearted Herbert” was $1,500 up at $10,500 in the Fenway.

“The Count of Monte Cristo” was good for $17,000 in its fourth week at Keith's. This is the first time in several years that a picture has been held that long at this house.

Total first run business was $106,000. Average is $94,000.

Estimated takings for the week ending Oct. 11:

**'WAKE UP AND DREAM” (Univ.)**
BOSTON—(2,900), 25c-50c, 7 days. Vaude. **Gross:** $18,000. (Average, $16,000.)

**“BELLE OF THE NINETIES” (Para.)**
**“BIG HEARTED HERBERT” (Warners)**
FENWAY—(1,800), 30c-50c, 7 days. **Gross:** $10,500. (Average, $9,000.)

**“COUNT OF MONTE CRISTO” (U. A.)**
KEITH'S—(3,500), 30c-65c, 7 days, 4th week. **Gross:** $17,000. (Average, $16,000.)

**“OUTCAST LADY” (M-G-M)**
**“HAVE A HEART” (M-G-M)**
LOEW'S STATE—(3,700), 35c-50c, 7 days. **Gross:** $17,500. (Average, $16,000.)

**“MADAME DU BARRY” (Warners)**
METROPOLITAN — (4,350), 30c-65c, 7 days. Ted Lewis and Band. **Gross:** $32,000. (Average, $28,000.)

**“BELLE OF THE NINETIES” (Para.)**
**“BIG HEARTED HERBERT” (Warners)**
PARAMOUNT—(1,800), 30c-50c, 7 days. **Gross:** $11,000. (Average, $9,000.).

## *Postpone Frisco Benefit*

San Francisco, Oct. 16.—The Sam Harris testimonial benefit show has been postponed from Oct. 25 to a date to be announced later.

# “Priest” and “Street” Top Twin Cities

Minneapolis, Oct. 16.—“The Barretts of Wimpole Street” and “Judge Priest” were the two outstanding attractions of the week in the Twin Cities. The former took percentage honors with a gross of $6,000, up by $2,000, at the Century here, and the latter went $1,000 over normal on a gross of $6,500 at the State.

“There's Always Tomorrow” made a fine showing with $3,000 at the World here and $5,000 at the St. Paul Orpheum. “The Defense Rests” took $6,500 at the Minneapolis Orpheum.

Total first run business in Minneapolis was $25,500. Average is $21,000. Total for St. Paul was $18,500. Average is $16,000.

Estimated takings:

### *Minneapolis:*

### *Week Ending Oct. 11:*

**“THE BARRETTS OF WIMPOLE STREET” (M-G-M)**
CENTURY—(1,000), 35c-55c, 7 days: **Gross:** $6,000. (Average, $4,000.)

**“DEATH ON THE DIAMOND” (M-G-M)**
LYRIC—(1,000), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500.)

### *Week Ending Oct. 12:*

**“THE DEFENSE RESTS” (Col.)**
RKO ORPHEUM—(2,900), 25c-50c, 7 days. Amos and Andy in person. **Gross:** $6,000. (Average, $5,500.)

**“JUDGE PRIEST” (Fox)**
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,500. (Average, $5,500.)

**“YOUNG AND BEAUTIFUL” (Mascot)**
TIME—(300), 25c-35c, 7 days. **Gross:** $2,500. (Average, $2,500.)

**“THERE'S ALWAYS TOMORROW” (Univ.)**
WORLD—(400), 25c-75c, 7 days. **Gross:** $3,000. (Average, $2,500.)

### *St. Paul:*

### *Week Ending Oct. 11:*

**“THE LAST GENTLEMAN” (U. A.)**
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $5,800. (Average, $5,500.)

**“BULLDOG DRUMMOND STRIKES BACK” (U. A.)**
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $3,700. (Average, $3,500.)

**“THERE'S ALWAYS TOMORROW” (Univ.)**
RKO ORPHEUM—(2,000). 20c-40c, 7 days. **Gross:** $5,000. (Average, $4,000.)

**“KANSAS CITY PRINCESS” (Warners)**
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500.)

**“HEART SONG” (Fox)**
WORLD—(300), 25c-75c, 7 days. **Gross:** $2,500. (Average, $2,000.)

## *Grainger Sees Upturn*

Hollywood, Oct. 16. — James R. Grainger, Universal sales head, on his arrival here yesterday, said facts at his command indicated business is improving throughout the nation. He will remain two weeks consulting with studio executives and lining up product to be released after Feb. 1.

## *Fred Kolmar Is Coming*

Hollywood, Oct. 16.—Fred Kolmar, Samuel Goldwyn's production assistant, was eastbound tonight. He will be in New York four months, during which he will make preparations for Eddie Cantor's next film.

## *Breen Reported on Way*

Hollywood, Oct. 16. — Joseph I. Breen is reported on his way east for a Hays meeting, understood to be set for Friday.

The Leading
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# MOTION PICTURE DAILY

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VOL. 36. NO. 92 NEW YORK, THURSDAY, OCTOBER 18, 1934 TEN CENTS

# Fox Files Patent Suits Against Five Companies

### *"U," M-G-M, Columbia, Consolidated, First Division Named*

William Fox's American Tri-Ergon Corp. moved yesterday to enjoin M-G-M, Universal, Columbia, First Division and Consolidated Film Industries from further use of the double print and flywheel patents, instituting all five actions in the U. S. District Court here.

In addition to the injunctions sought against the five companies, Tri-Ergon asks the usual accounting of profits and damages. The actions are regarded as Fox's first step toward application of the U. S. Supreme Court's recent recognition of the validity of the Tri-Ergon patents and the key to his future policy and program of action.

Speculation as to why only five companies were named in the actions filed yesterday went unanswered at the law offices of Ward, Crosby and

(*Continued on page* 11)

## NRA Approves New Code Cost Plan Details

### *All Three of Industry Branches Included*

Washington, Oct. 17. — Assessment schedules for producers, distributors and exhibitors were given approval of the NRA today, as exclusively indicated by Motion Picture Daily today. The producer-distributor plan is based on a yearly levy while the exhibitor levy is for the second half year. Deputy Administrator William P. Farnsworth, in making the announcement, added that any objections may be filed with him up to Oct. 30 when, unless substantial opposition has been expressed, they will become effective.

It was said, however, that both schedules have received the approval of all interests and it is not antici-

(*Continued on page* 11)

## Dent in Salt Lake As Famous Partner

Louis L. Dent takes over the Publix-Salt Lake circuit of 13 houses on a short term partnership operating contract with Famous Theatres, Paramount subsidiary, as of Oct. 15, Y. Frank Freeman, head of Famous, said yesterday. The contract runs to June 27, 1935.

Publix-Salt Lake was formerly operated by Louis Marcus for Famous, which exercised its right to cancel on the expiration of the partnership contract several months ago. Since that time Marcus has continued in charge of the circuit unofficially.

## Civic Groups Deny M. P. Council Aid

Twenty-two of the civic organizations of the 35 represented at a recent conference called by the M. P. Research Council deny they are committed to the "new" program of the council. Nineteen of them emphatically question the propriety of a publicity release sent out by Herbert S.

(*Continued on page* 8)

## *Product Contracts Await Kent Return*

Signing contracts in the local product situation affecting Skouras, Loew's, RKO and Randforce is being

(*Continued on page* 8)

## *Insiders' Outlook*

### *. . . Two Pieces in a Jig-Saw Puzzle*

SERIOUS, but not critical. Four words, but they tell as much as can be told of what races through the minds of the men who should know their oats in Erpi and in Erpi's licensed companies, which means most of the large producing, distributing and exhibiting corporations, on the American Tri-Ergon patent situation. The rest of the story is interesting, but not conclusive because its component parts are made up of points and issues, yet in doubt, but to be determined in days and months, perhaps, in years, to come. . . .

▼

Overlooked at large is the fact that the United States Supreme Court did not pass on the validity of the flywheel and double printing patents. It merely refused to review the findings of a lower United States Court of Appeals. What that may imply when the issue is carried further is merely one of the angles that have precipitated so many and so wild stories in the canyons leading off Times Square. Doubted in some quarters, but even if proven correct that the Supreme Court's action establishes the ownership of the patents which are controlled by William Fox through a 90 per cent stock ownership of American Tri-Ergon, the story may be regarded as beginning, not ending, with that. . . .

▼

For instance, there is speculation over exactly how valuable or indispensable these patents will prove to be. To some industry observers, their value may be no more than the value placed upon them by Erpi and RCA Photophone. The possibility is anything but remote that the flywheel patent, which is held to be more important in Photophone equipment than in Western Electric's, may be substituted for a gadget, non-infringing and geared to do the same work, but called something else. The lawsuits in Pennsylvania being anything but new, there is the opinion advanced, too, that the efficient Bell Telephone Laboratories, A. T. and T.-controlled, have been awake to the possible ultimate consequences and so have been digging into their well-filled bag of scientific tricks for an adequate replacement. . . .

▼

In one direction, the activity of the Bell Labs is reported to have been crowned with satisfactory results. Elsewhere, this is discounted while, at the same time, admission is made the job is and has been rating serious consideration without benefit of publicity fanfare or a tip on results. If this endeavor is crowned with success, the possibility—only that—is that the flywheel patent may be met by the simple and well known expedient of beating around the bush. If speculation, therefore, may be permitted to dispose of this end of the case, what about double printing? An answer is advanced for this, too. It is known as the hill and dale method of recording which, in the opinion of some sound engineers, is a considerable improvement over the old lateral cut disc system. There are those who lean in speculative mood on the conjecture that hill and dale might be employed for original recording and subsequently re-recorded on film from discs without turning to the double film printing method, thereby avoiding infringing of the Tri-

(*Continued on page* 11)

## Expect Bond Group To Revamp Fox Met

That the bondholders' committee of Fox Metropolitan Playhouses will proceed with its own reorganization of the circuit following its rejection of the Hayden, Stone & Co. bid for the circuit's assets was indicated as a probability by members of the committee yesterday.

The committee's reorganization plan will be dependent upon the acceptance by Skouras and Randforce of new short term operating contracts, probably of two years' duration, in

(*Continued on page* 10)

## BIP-Gaumont Deal Dead, Says Myers

"If the B.I.P.-Gaumont British deal was ever begun it's finished now," said Maurice Myers, London stock broker banker, and reported to be

(*Continued on page* 8)

## *Movietone Plane in Crash; One Drowned*

One man was lost and four others were rescued yesterday when a Sikorsky plane crashed and sank

(*Continued on page* 10)

MOTION PICTURE
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## Dedicate Jewish Center

LOS ANGELES, Oct. 17.—The official dedication of the new Jewish Community Center has been completed here and the Gerald D. and Lilabelle Stebbins Playground has been formally turned over to the Jewish Center Assn. by Arthur Stebbins.

The Center building itself was opened early this summer, but formal opening awaited its complete furnishing.

Rabbi Jacob Kohn of Temple Sinai was the principal speaker at the services, which were held Sunday night. Rabbi Maxwell H. Dubin of the Wilshire Boulevard Congregation also spoke, as did Marco R. Newmark, president of the Federation of Jewish Welfare Organizations.

## H. N. Swanson on Coast

HOLLYWOOD, Oct. 17.—H. N. Swanson, former production executive for Radio, has arrived here from New York as representative of an Eastern literary agency.

Swanson, who was once editor of *College Humor*, brought 75 stories with him and will immediately set up offices in Hollywood.

## DeSylva to Do "Colonel"

HOLLYWOOD, Oct. 17.—Buddy DeSylva's first picture on a new long term producing contract with Fox will be "Little Colonel," one of a series. The film will star Shirley Temple. David Butler is set for the directional post.

## Court Ends Sale of Photocolor Shares

Sale of securities of the Photocolor Corp. and Photocolor Pictures has been halted by an order signed by Justice Salvatore A. Cotillo in Supreme Court here.

Besides the two firms the order names the following as defendants: Frank E. Nemec, president of Photocolor Corp.; John A. Bolles, of 522 5th Ave.; Henry A. Tupper, of Bronxville, N. Y.; C. Dayton Brown, of West Englewood, N. J.; Arthur Waddingham, of Dobbs Ferry, N. Y.; Frederick J. Lind, of 70 Pine St.; William H. Odell, Jr., of 521 5th Ave.; Harold D. Kitchell, of Kenmore, N. Y., and Godfrey H. Cheston, of Buffalo.

The defendants were ordered to show cause next Tuesday why the injunction should not be continued and why a temporary receiver should not be named for the companies.

The order was obtained by Bertha Schwartz, assistant attorney general, who charged that the Photocolor Corp. has claims and judgments totaling $160,000 against it, while its studio at Irvington-on-Hudson, N. Y., has against it first mortgage gold bonds in default amounting to $388,600.

## Set Broadcast Series

Warners have closed a deal for a series of broadcasts on an advertising hour from 3 to 3:30 o'clock every Sunday over a NBC hookup. The broadcasts will be in the form of sketches called "Sally of the Talkies" and will detail the adventures in the Warner studios of a girl winner of a beauty contest.

## Sets Deal on "Gay Love"

Empire Films, Ltd., has closed with Sam W. Smith of British Lion to distribute "Gay Love" with Sophie Tucker in Canada. An American distribution deal will be set tomorrow before Smith sails for London.

## Radio Lineup to Kincey

A deal has been closed with the H. F. Kincey circuit for the entire 1934-35 Radio lineup. Twenty-two theatres in the Carolinas and Virginia are involved.

## Hint at Production In Canada for G-B

TORONTO, Oct. 17.—Following the visit to Toronto of Jack Hulbert, British film comedian, and Michael Balcon, production director of Gaumont British, intimation has been made by N. L. Nathanson, president of Famous Players Canadian Corp., that Canada was under survey as a future production field by Gaumont. The hint was also dropped by Balcon during his stay here.

Michael Balcon, when asked to comment on Nathanson's statement, said yesterday that his company was considering a picture with a Canadian background and starring Jack Hulbert. In that case, he continued, the outdoor shots would be filmed in Canada, but all the other work would be done in the company's studios in England.

## "Aran" Opens Tonight

"Man of Aran," directed by Robert Flaherty for Gaumont British, will open tonight at the Criterion. The film was made on a barren island off the Irish coast with a native cast.

Among those invited for the opening are: Leo Macaulay, Sir Gerald Campbell, British consul general, and Lady Campbell; Dr. Antonio Grossardi, Sylvester Sabatino, Miriam Hopkins, Eddie Cantor, O. O. McIntyre, Ernst Lubitsch, George P. Putnam, Arnold Genthe, Arthur Hays Sulzburger, Regis Toomey, Harry Hershfield, Jack Lait and William O'Dwyer.

## Present Mussolini Cup

Antonio Grossardi, Italian consul general, last night presented the Mussolini cup recently awarded for "Man of Aran" to Mark Ostrer, chairman of the board of Gaumont British, and to Robert Flaherty, director. The presentation was made at the Ritz Carlton following a preview and dinner given for the benefit of the Architects' Emergency Committee.

## Sherman Quits Mascot

Al Sherman, director of publicity and advertising for Mascot Pictures, has resigned his post, effective Nov. 1 and will leave early in November for London.

## Loew's Pfd. Soars 4 on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 39⅛ | 38½ | 38½ | — ½ | 1,300 |
| Consolidated Film Industries | 3⅝ | 3½ | 3⅝ | ..... | 400 |
| Consolidated Film Industries, pfd | 15⅞ | 15½ | 15¾ | — ⅛ | 1,200 |
| Eastman Kodak | 104¼ | 103½ | 103½ | — ½ | 600 |
| Eastman Kodak, pfd | 140⅛ | 140½ | 140½ | ..... | 3,000 |
| Fox Film "A" | 14 | 13⅝ | 13⅝ | + ¼ | 2,300 |
| Loew's, Inc. | 31⅝ | 31 | 31¼ | ..... | 9,600 |
| Loew's, Inc., pfd | 97½ | 97½ | 97½ | +4 | 100 |
| Paramount Publix, cts | 4⅝ | 4⅜ | 4⅜ | — ¼ | 7,300 |
| Pathe Exchange | 1¼ | 1¼ | 1¼ | — ⅛ | 2,100 |
| Pathe Exchange "A" | 15 | 14¼ | 14¼ | + ¼ | 1,700 |
| RKO | 2½ | 2½ | 2½ | ..... | 1,300 |
| Wârner Bros. | 5¼ | 5 | 5⅛ | ..... | 2,100 |

## Technicolor Rises Eighth on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Sentry Safety Control | ¼ | ¼ | ¼ | ..... | 100 |
| Technicolor | 13¾ | 13⅜ | 13½ | + ⅛ | 2,600 |
| Trans Lux | 1⅞ | 1⅞ | 1⅞ | ..... | 100 |

## Paramount Broadway Bonds Up 2

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 7½ | 7 | 7 | — ¼ | 12 |
| Keith B. F. 6s '46 | 61⅝ | 61⅝ | 61⅝ | — ⅜ | 1 |
| Loew's 6s '41, ww deb rights | 103 | 102½ | 102½ | — ¼ | 12 |
| Paramount Broadway 5½s '51 | 42 | 41½ | 42 | +2 | 8 |
| Paramount F. L. 6s '47 | 59¾ | 58⅝ | 59¼ | — ¼ | 43 |
| Paramount Publix 5½s '50 | 59⅝ | 59 | 59¼ | — ½ | 20 |
| Pathe 7s '37, ww | 99⅛ | 99 | 99⅛ | + ⅝ | 2 |
| Warner Bros. 6s '39, wd | 61 | 60 | 60¼ | — ¾ | 5 |

## ◂ Purely Personal ▸

ANNE JOHNSTON, 16-year-old high school girl of Jackson Heights, leaves for the coast this week to go to work for Monogram. She was winner of the Monogram-Agfa-Ansco beauty contest.

MARK OSTRER, JEFFREY BERNERD, MICHAEL BALCON, Gaumont British executives, and NOVA PILBEAM and JACK HULBERT, G-B players, return to England tomorrow aboard the *Aquitania.*

HELEN O'DONNELL, secretary to BOB SISK, is visiting her family in Cleveland and returns here in about two weeks prior to transferring to the new Sisk office at the Radio studio.

BETTE DAVIS and her husband, HARMON NELSON, have left Hollywood for Boston by auto. They intend to visit NELSON's relatives.

JEFFREY BERNERD gave an informal luncheon for trade paper representatives in his tower apartment at the Waldorf yesterday.

HARRY GOETZ is slated for a Canadian Radio Commission broadcast tomorrow night on "The Count of Monte Cristo."

AD SCHULBERG has changed her mind about going to Europe and is spending the rest of her vacation in town.

M. A. LIGHTMAN of Memphis on the calling list at FRANK FREEMAN's office at Paramount yesterday.

AL THOMAS has just completed the first of a series of two-reelers called "Here We Go Again."

MARION DAVIES, who has been spending 10 days here following her European trip, has left for the coast.

BARBARA STANWYCK will be guest star on the RUDY VALLEE radio hour over the NBC network tonight.

KAY FRANCIS will leave for the coast tomorrow. She returned a few days ago from Europe.

CHARLES TOBIAS, song writer, has been signed by the Small-Landau agency.

BEBE DANIELS and hubby BEN LYON are at the Lombardy from the coast.

## Brings New Color Shorts

First four prints of the new "Musical Moods" series in the three-color Technicolor process have been brought to New York by Robert C. Bruce. Fourteen more are to be made. The completed subjects are: "Irish Melody," "Italian Caprice," "Mediterranean Songs" and "Barcarolle." First Division Exchanges are handling distribution.

## George Kann to Pioneer

HOLLYWOOD, Oct. 17.—George Kann, former unit manager for M-G-M, has joined Pioneer Prod. as business production manager. Pioneer is headed by Jock Whitney and distributes through Radio.

## To Show Cantor Film

United Artists will give Eddie Cantor's "Kid Millions" a trade showing at the Astor on Tuesday morning.

**HERE Y'ARE, FOLKS!**

# GET YOUR WINNING COLORS

## IN COMEDY—FROM WARNER BROS.

**JOE E.**

# BROWN

in

## "6 DAY BIKE RIDER"

Backed by $100,000 Quaker Oats tie-up and already a mop-up in its first dates, including "a new high for the season" at Indianapolis Lyric! . . . Just one of the Warner laugh list that includes "Happiness Ahead," "Madame Du Barry," "Big Hearted Herbert," "Kansas City Princess," "I Sell Anything."

**BEN**

# BLUE

in

## VITAPHONE SHORTS

See any one of his hilarious "Big V" series for proof that Vitaphone leads in comedy . . . . . . See Vitaphone when you want the cream of comedy names, including Leon Errol, El Brendel, Shemp Howard, Roscoe Ates, Allen Jenkins, Daphne Pollard, Easy Aces, Georgie Price.

# "He's doing THE MERRY WIDOW WALTZ!"

## (To Your Box-Office!)

METRO GOLDWYN MAYER PRESENTS
THE Merry WIDOW
MAURICE CHEVALIER
JEANETTE MacDONALD
THE MERRY WIDOW
ASTOR THEATRE
CHEVALIER
JEANETTE MacDONALD
DIRECTED BY ERNST LUBITSCH
THE Merry WIDOW
MAXWE COFFE
TYSON THEATRE TICKETS

**It wasn't Election Night on Broadway! It was the brilliant World Premiere of the new $2 Astor hit!**

★★★★ FOUR STARS
—NEW YORK DAILY NEWS

# THE CRITICS WALTZED
## to their typewriters and sang:

★★★★ (Four Stars). A new "MERRY WIDOW" emerges at the Astor. Ernst Lubitsch has devised something delightfully fresh and thoroughly entertaining. *—Kate Cameron, Daily News*

Debonair and witty photoplay that reveals the master of cinema high comedy in his brightest mood. The incomparable Lubitsch proves once more his vast skill at genuine cinema wit. A thousand of those superb "Lubitsch touches". You will probably be picking your favorite ones for yourself.

*—Richard Watts, Jr., Herald-Tribune*

"MERRY WIDOW" opened at super-gala premiere with huge crowds jamming sidewalks. Lubitsch comedy deftly put over.

*—Rose Pelswick, Eve. Journal*

Witty and incandescent in the excellent Lubitsch manner, heady as the foam on champagne, fragile as mist and delicately gay. Ensemble numbers are breath-taking. Mr. Chevalier has never been better in voice nor charm. Miss MacDonald—a captivating personality and a lyric voice. The Winter season has been royally crowned.

*—Andre Sennwald, Times*

Audience applauded each song, each actor. All the lovely Franz Lehar score is there, sung delightfully. Romantic music, lilting gracious waltzes that live on in memory. There are enough laughs to keep an audience giggling most of the time. *—Eileen Creelman, Sun*

Gaily abandoned! A grand show. It makes the original seem stodgy. A "MERRY WIDOW" which we are sure is the merriest of them all.

*—Martin Dickstein, B'klyn Eagle*

The exquisite, haunting melodies stir to thrilling, sparkling life. Lubitsch triumph glows in all its glory. A delight alike for eye and ear and heart and soul. Lubitsch's sly, chuckling humor is pointed with impish precision. Film leaves audience bemused by its beauty, thrilling to its songs. Truly Metro's masterpiece.

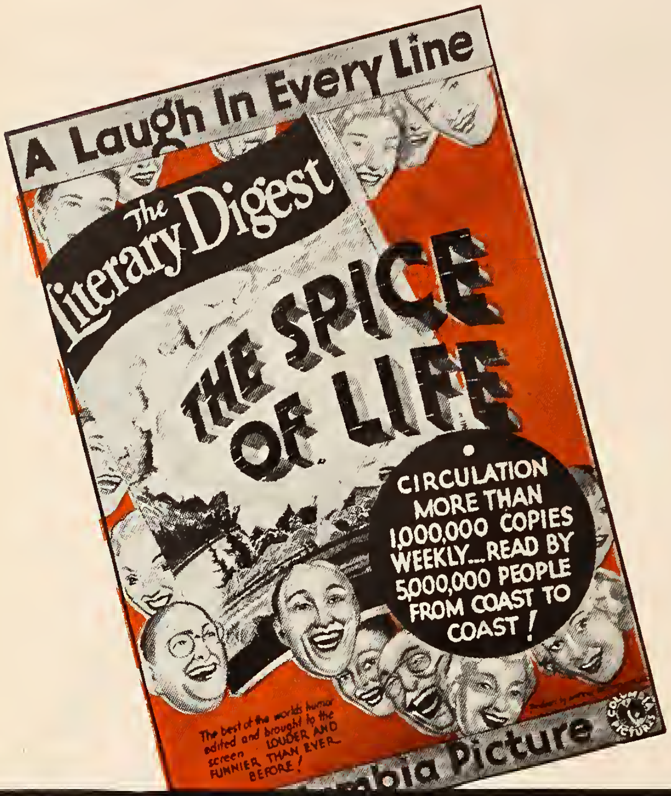
*—Regina Crewe, N.Y. American*

Nothing but the touch of Lubitsch could transmute the love pulsations of Count Danilo and the beauteous Sonia into the wickedly irreverent spasms which pour forth. Continuously stimulating. An utterly enchanting picture.

*—Thornton Delehanty, Post*

# HALK UP ANOTHER $2 HIT FOR M-G-M!

# WHAT YOUR PROC


A Laugh In Every Line
The Literary Digest
THE SPICE OF LIFE
CIRCULATION MORE THAN 1,000,000 COPIES WEEKLY...READ BY 5,000,000 PEOPLE FROM COAST TO COAST!
The best of the world's humor edited and brought to the screen LOUDER AND FUNNIER THAN EVER BEFORE!
Columbia Picture
COLUMBIA PICTURES

Thrilling over a million readers of the Literary Digest weekly — now thrilling millions more on the screen!

# THE SPICE OF LIFE

The week's best jokes, gags, wisecracks and humor, carefully edited and presented in a manner that will get roars from any audience!

*Produced by Mentone Productions, Inc.*

# SCREEN SNAPSHOTS

3 ★ ★ ★ — *Liberty Magazine*

Here are the first 3 uproarious and riotous 2-reelers of Columbia's 26 for 1934-35!

## MEN IN BLACK

with the Three Stooges! Good for a million laughs!

"Goofy laughs . . . broad laughs. Based on the goofy motif."
*FILM DAILY*

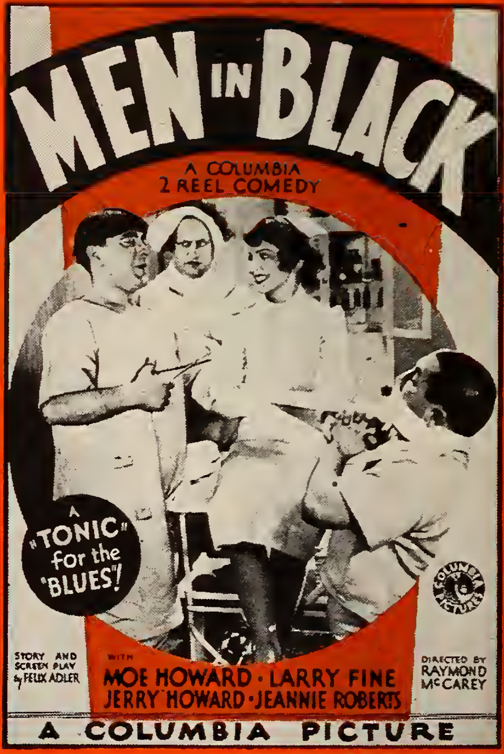
## IT'S THE CATS

with Andy Clyde! Funniest short he's made!

"Really funny." *FILM DAILY*

## COUNSEL ON DE FENCE

with Harry Langdon. The famous Langdon pan will have them in the aisles!


MEN IN BLACK
A COLUMBIA 2 REEL COMEDY
A "TONIC" for the 'BLUES'!
STORY AND SCREEN PLAY by FELIX ADLER
WITH MOE HOWARD · LARRY FINE JERRY HOWARD · JEANNIE ROBERTS
DIRECTED BY RAYMOND McCAREY
COLUMBIA PICTURES
A COLUMBIA PICTURE

**SCRAPPY • KRAZY KAT • WORLD OF SPORTS • SCREEN**

COLUMBIA

# Kreisler Concert Inaugurates Boston Symphony Hall Season

### rchestra Under Koussevitzky, Delays First Pair Until Oct. 12, 13 — Notable Revivals Planned—Formulate Resident Opera Plans — "Musical Movies" Are Educational Experiment

BOSTON, Oct. 5.—Residents of Boston have long been accustomed to e formal opening of the winter season the Boston Symphony Orchestra. his year, however, Dr. Koussevitzky delaying the first pair of concerts til Oct. 12-13. Thus it fell to Fritz reisler to inaugurate the 1934-35 tivities at Symphony Hall on Oct. 7. Mr. Kreisler played Handel's Sonata A major, the Partita in B minor of ach and Mozart's Concerto No. 3, in major. A few technical annoyances at crept into the performance were erwhelmed in the superb artistry of terpretation. The latter half of the ogram was composed of a Suite from e music to Much Ado About Nothing. Erich Korngold, two Slavonic nces of Dvorak, arranged by Kreis-, and the intense Spanish Dance from Vida Breve by Manuel de Falla. rl Lamson accompanied.

An attractive list of works is scheded for the symphony, among them ne notable revivals. The Damnation Faust by Berlioz, Act III from Mousrgsky's Khovantchina (postponed m last year), Bach's St. John's Pasn and Mass in B Minor, Handel's lomon and notable scenes in concert m from Wagner's Tristan and Isolde d Siegfried are up for performance. the roster of soloists one finds the me of Paul Wittenstein, the onened pianist who makes his Boston ut this year and for whom Maurice vel wrote a concerto which Mr. Witstein will give its Boston premiere. her debutants will be Viola Mitchell, linist, and Gertrude Kappel of the tropolitan Opera. Elsa Alsen, Olga erino, Beata Malkin, Margaret Matauer and Myra Hess will return this r, as will Paul Althouse, Walter seking, Jascha Heifetz, Albert Spald- and Gregor Piatigorsky. Filip zar, composer-pianist, will be heard h the orchestra in a new work of his n. Guest conductors during the midson holiday customarily taken by Dr. ussevitzky will be Igor Stravinsky, o returns to Boston after several rs' absence, and Adrian Boult, the inguished conductor of the B. B. C. orchestra of London, who visits us for the first time.

### Martino to Direct Opera

According to the latest information available, plans are rapidly going forward for the establishment of a resident opera company here in Boston, under the direction of Raffaele Martino, well known hereabouts as the conductor of the 18th Century Symphony Orchestra. Aido Franchetti has been appointed conductor and a portion of the repertoire includes Paul Allen's Last of the Mohicans, Boito's Mefistofele and Il Filosofo di Campagne none of which are familiar to Boston.

The usual stir is noticed in studios, music schools and conservatories. Enrollment appears to be satisfactory and although the pre-depression level has not yet been regained, the outlook is hopeful. The directors of the Malkin Conservatory are announcing that Moses Smith, music critic of the Boston Transcript, will give a course in score reading for amateurs and music lovers with no great amount of technical knowledge and the New England Conservatory of Music again places emphasis upon the value of the orchestral training offered its students under its director, Wallace Goodrich.

### Educational Novelty

By far the most interesting educational experiment launched in Boston in some time, however, is the series of Musical Movies to be presented at the Exeter Street Theatre during October by Eleanor Brigham. The idea is entirely original with Miss Brigham, who is eminently fitted to undertake this bit of musical pioneering. She is the author of several successful books and the founder of the Pianoforte Teacher's Society of Boston.

Musical Movies will cover a wide field, as is evidenced by the sub-titles such as Lives of Musicians, The Instruments of the Orchestra, Jack and Jill in Songland, Acoustics, Sound Waves, Opera Stories and others. Miss Brigham has selected the best to be obtained in musical literature and the instrumental portions of the picture programs will be illustrated by each instrument of the orchestra in turn and by the complete orchestra as a unit. Dance music of intrinsic worth will be danced and for the "opera" movie, Miss Brigham has arranged that singers from the Metropolitan Opera shall present two scenes from an opera. The generous response to this idea should be indicative of the success of the venture. It is only too apparent that makers of films, together with proprietors of movie theatres are more than willing to co-operate in presenting the better type of film program if the support of the public can be secured.

GRACE MAY STUTSMAN

# Cosmopolitan Opera Opens N. Y. Season

(*Continued from page* 3)

The cast of Carmen included Coe Glade in the name-part, Jana Nigrey, an American soprano, making her first New York appearance as Micaela, and Armand Tokatyan, formerly of the Metropolitan, as Don José. Carl Schiffeler sang Escamillo and the remainder of the cast included Thelma Votipka, Georgia Standing, Albert Mahler, Paul Dufos, Amund Sjovik and Pietro Bussy. Michel Steiman, from the Paris Opéra-Comique, who came to this country especially to conduct in Mr. Rabinoff's organization, led the performance, and Dr. Ernest Lert, formerly of the Metropolitan, was stage director. The solo dancers in the ballet in the final scene were Joyce Coles and Nicholas Daks.

Maurice Seymour

Coe Glade, Applauded for Her Carmen in the Cosmopolitan Opera's First Performance

Miss Glade repeated her atmospheric and vocally fine performance of the Merrimee-Bizet heroine heard here under other auspices. It was a very satisfactory Carmen from most points of view and won her well-deserved applause. Miss Nigrey displayed an excellent voice and did creditable work in her duet with José in the first act and her aria in the third. Mr. Schiffeler's Toreador Song was sung stirringly and brought quick response from the audience. The remaining roles were creditably filled. Mr. Steiman held his forces well in hand and in the overture and the two beautiful entre-acts, conducted with excellent effect, though occasionally his beat was metronomic rather than interpretative and an ambitious tympanist displayed a tendency to get out of hand. The volume and tone of the orchestra was excellent and the chorus, in which many of the Metropolitan choristers were recognized, sang with effusion. Mr. Lert's stage-manag trifle unquiet in spots, the side of the unstereoty eral tone of the perform was a gratifying one.

Moussorgy's Boris G sung in Russian on the e 9, with Max Panteleiff part, Ivan Ivantzoff as D wina Eustis as Marina. cast were Vladimir L Tcherkassky, Ivan Velik Romakoff, Lydia Kore Shvetz, Joseph Kallini Hawkins, Elena Shvec Fedora, Florent Stonisl Belostotzky and Stefan Mr. Steiman conducted. Russian performances to announced as under the the Art of Musical Russia

Operas announced for of the week were Lohengr La Bohème and Aïda in repetitions of Boris G Bohème and Carmen.

Besides Mr. Rabinoff, th the organization include King as chairman of the garet Anglin, Frank Pee man Bernstein, Dr. A. A. Chandler Christy, Mrs. Dr. John Lovejoy Elliott, Esberg, Dr. Milton J. Fe William J. Finn, Mrs. Feli Gabrilowitsch, Dr. George Leopold Godowsky, Mrs. water, Dorothy Gordon, Ir mann, Rita Hocheimer, Ire Isabel Lowden, Mrs. W. land, Judge Julian W. Macrae, Dudley Field M Harold V. Milligan, Loui Dr. Frederick B. Robin Rosoff, George L. Schein, Spaeth, Mrs. Lionel Su Thomas and George E. W

### Members of Cosmopolitan Give Pre-season Co

A special pre-season conc en for the members of the Opera Association, Max Ra aging director, at the Hip Sept. 21. Beginning with two violins played by Ma ginia Drane, the program a display of the talents of v bers of the Cosmopolitan O personnel.

Rosemarie Brancato wo applause for her Mad Scene and Caro Nome. Anne warmly received in arias fro and Manon Lescaut as was leieff in an aria from Prin Moussorgsky's The Flea. from Rigoletto was sung Brancato, Dorothy Bacon, J and Millo Picco. The sextet sung by Miss Brancato, M Mr. Dunbar, L. Oliviero, and Guido Guidi concluded t

During the intermission, a headed by Louis S. Posner, ing Dr. Sigmund Spaeth, Dr. Gartlan, and Ira A. Hirsch lined plans for the Cosmopol and invited additional memb was announced that Dr. Spa fer a course of six explanat open to members of the ass conjunction with the six o presented.

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# NGS TOP USUAL FERVOR AT LONDON PROMS

*By* BASIL MAINE

### ;eason Under Sir 'ood Received with g Enthusiasm—Min- ıpervia, Davies and ıre Soloists—Delius, l Elgar Represented ;ical and Popular

Oct. 1.—Once more the . Promenade Season must Queen's Hall Proms—the o inverted commas: it is used here by all—are a tion. The first night of ne of the great events in music-lover's calendar. opening night (Aug. 11) re enthusiastic occasion 'his might have been the the first instead of the n.

'orty years old, this insti- ıll that time Sir Henry nality has been its life. lers of the several depart- orchestra had been given ovations, Sir Henry was a great climax of cheers. ssed many of these occa- one so impressed me that message to readers of IERICA there and then in posted it during the inter- proper expression to my should have chartered an l flown over with the news.

#### Popular Reception

tor in this country ever popular reception. It was st unseen audience linked y countless radio sets (the dcasting Corporation has ars taken over these con- uddenly found a means of e applause, and as if the ed up on the platform were ir tribute. No one who is tful about the future of here should miss that ex- ever a visit to this country ith the second week of e sight of the throng of , so dense that promenad- of the question, is an in- It is not the ordinary the normal London concert types and classes and call- resented there.

ams during the season are anged, even if there is per- er of some of them becom- ped. Some are classical; pular—but how much more n the concerts of twenty- ago! Some are one-com- rams—the Wagner, Bee- Bach nights have been long some are devoted to a mis- music. A number of first s in England are included, Frederick Converse's Cali- Deems Taylor's orchestral cus Day. These are to be later in the season and I ccasion to refer to them in icle.

er time of year does a week aking provide such rich op- r the ordinary listener in . Each week he is able to years. The Proms, in short, are helping thousands of average people to make themselves at home with music.

#### Not for "High-Brows"

The Proms are not for high-brows; least of all the miscellaneous programs. That of Aug. 18 was typical. The most substantial items were Sibelius's Tapiola and Max Bruch's G Minor Violin Concerto. The latter was enhanced by Lisa Minghetti's very sensitive playing of the solo part. This young violinist from Vienna adorned the lovable work with beautiful tone and informed it with well-controlled temperament; furthermore, she made it clear that, for her, the concerto held not a single meaningless phrase. If there was any meaning at all to be discovered in the Rondo from Rossini's La Cenerentola, certainly it would have been conveyed by Mme. Conchita Supervia's art, but when the aria is given out of its context and in a concert hall, the brilliance of the technical achievement must always be of chief interest.

#### Audiences Acclaim Bolero

This concert was notable for the appearance of Sir Walford Davies (Elgar's successor as Master of the King's Musick) as the soloist in his amiable Conversations for piano and orchestra, which, as he whisperingly interpreted them, would have been more aptly called Flirtations. For the rest, Harold Williams sang Verdi's Eri Tu with splendid artistry; and for Ravel's Bolero, that profitable investment of a minimum of musical capital, the orchestra and Sir Henry Wood were rewarded with the loudest applause of the evening.

Some of the representative music by Elgar and Holst appears, of course, in these programs, but neither of these composers was given a commemorative concert. Homage to Delius, however, was paid in a program of his works on Aug. 23. For my part, the outstanding experience here was the renewed acquaintance with the Concerto for Violin and 'Cello both because of itself and of the intensely beautiful performance of May and Beatrice Hamson as the soloists. To these sisters Delius dedicated the work and never have I heard music which so absolutely belongs to its special formal plan, there is, in listening, "no concern for the one side or the other." It is not like looking on at a battle.

Notable Figures at The London Proms: Sir Henry Wood, the Conductor; and (left) Sir Walford Davies, a Soloist

Indeed, to use North's words again, this is the music of "cool air and temperate summer evenings."

But the Idyll (Walt Whitman set for soprano, baritone and orchestra) strikes us with autumn's chill and melancholy. In a sense, this work is an extension of the mood of Sea Drift. The same richness of texture is spread out for our delight, phrases stab with the same poignancy. For all our floating in mystical regions we are never without the presage of a dying fall. Over the soul, even in its freest flight, the dark wing of pessimism casts a shadow. Idyll is the essential Delius, and we could not but be grateful to Dora Labbette and Roy Henderson for their complete surrender to the spirit of the work. The same can be said of Clifford Curzon as the soloist in Delius's Piano Concerto (in the revised form) although this represents a composer of smaller stature.

#### Meeting of Three Choirs

From Sept. 2 to 7, the 214th Meeting of the Three Choirs was held at Gloucester. It can well be imagined how much under the cloud of Elgar's death we were during that week, for these Meetings have for many years been famed for performances of Elgar's works under the composer's direction; and Elgar himself loved the occasion for the opportunities they gave him o meeting old friends, especially those i the London Symphony Orchestra which under the leadership of W. H. Reed has understood his music better tha any other in England.

### Meeting of Three Choirs fo 214th Festival at Gloucester, Long Famed for Elgar Per- formances, Under Cloud o Composer's Death—Sumsion I Chief Conductor—Outstanding Choral Work Done in Wesley and Parry Compositions

Yet, as Bernard Shaw remarked i a speech at a public lunch during th week, Elgar was not the kind of ma whose memory causes one to pull a lon face. "That's what I call music," th composer once said to me, very simply after we had listened to one of hi works; and I think he would have aske for no better tribute than the perform ances which were given in the Cathe dral of The Kingdom, The Dream o Gerontius and the Second Symphony In the oratorios his kinsmen of th chorus gave of their finest, and in al his friends of the orchestra rose to th occasion.

Tribute, too, was paid to Holst' memory in a performance of his ver characteristic Te Deum. Among th works of composers of smaller follow ings, I found great interest in Dr. Cyr Rootham's setting of Milton's Ode o the morning of Christ's Nativity (tw soloists, chorus, semi-chorus of boy and orchestra. Beautiful words hav here evoked music of elegance and in spiration. (Readers of MUSICA AMERICA will doubtless have read tha Dr. Rootham's Septet was recentl given at the Gittsfield Festival.)

For Choral singing pure and simpl the outstanding performances of thi Gloucester Festival were of Samue Wesley's motet, In exitu Israel an Parry's Blest Pair of Sirens. Herbe Sumsion was the very able conducto in-chief.

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#### Wald Completes New Opera in Paris

PARIS, Oct. 1.—Max Wald, America composer, resident in this city, ha completed a three-act opera in the for of a lyrical comedy, Mirandolina, base on Goldoni's La Locandiera. Th libretto, in English, is by the compose

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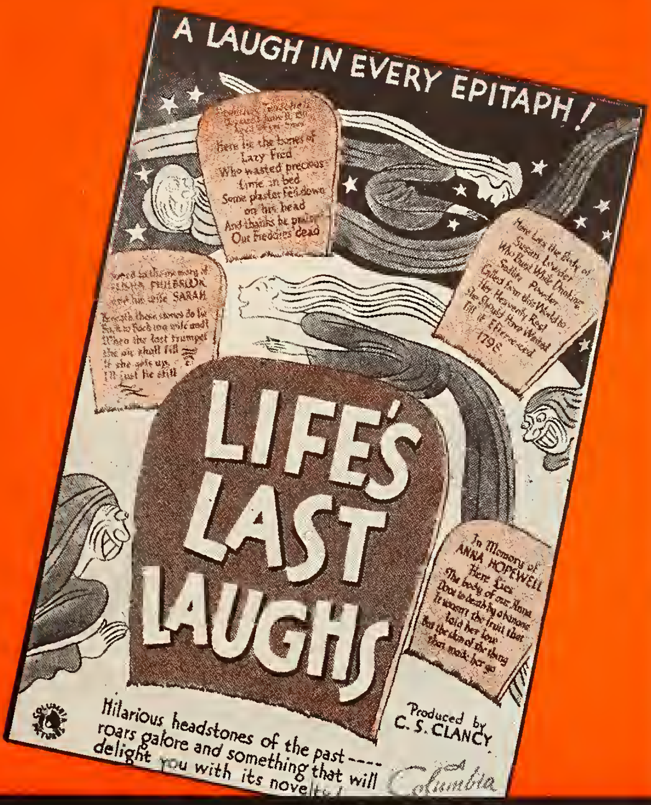
A LAUGH IN EVERY EPITAPH!
Here lie the bones of Lazy Fred Who wasted precious time in bed Some plaster fell down on his head And thanks be praised Our Freddie's dead
Here Lies the Body of Susan Lowder Who Burst While Drinking Sedlitz Powder Called from this World to Her Heavenly Rest She Should Have Waited Till it Effervesced 1798
Beneath these stones do lie Back to back my wife and I When the last trumpet the air shall fill If she gets up I'll just lie still
In Memory of ANNA HOPEWELL Here Lies The body of our Anna Done to death by a banana It wasn't the fruit that laid her low But the skin of the thing that made her go
LIFE'S LAST LAUGHS
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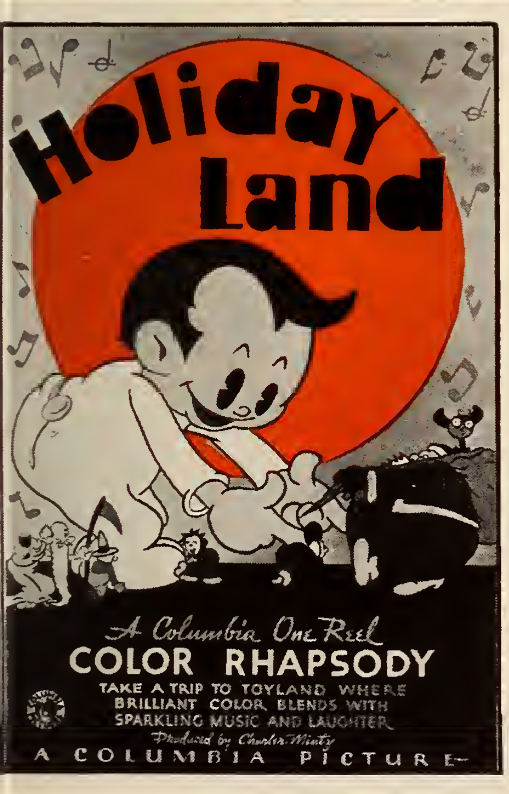
'Screen Snapshots catch the spirit of the town. If you can't afford a ticket to America's last carnival, they supply a delightful substitute. Better than a trip to movieland, they take you to almost everything you'd care to see in the land you've read so much about . . . Splendidly photographed, these shots are breezy, intimate. The most honest and certainly the most entertaining guide to be found . . . deserves a welcome to the cream of the short subject crop."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*Produced by Charles Mintz*

**NAPSHOTS • LAUGHING WITH MEDBURY**

**PICTURES**

## Civic Groups Deny M. P. Council Aid

*(Continued from page 1)*

Houston, head of the council's "bureau of public enlightenment," according to the current issue of *Motion Picture Herald.*

The council's executive head is Rev. William H. Short. Invitations to the gathering were sent out over the name of Mrs. Grace Coolidge and the session was held in the American Museum of Natural History.

The publicity release issued following the meeting read: "A statement of national policies in motion pictures agreed upon by representatives of 35 national organizations was made public yesterday (Oct. 3) by the Motion Picture Research Council of 366 Madison Ave., New York, simultaneously with the mailing of them to the presidents of the associated organizations." The release also quoted Dr. Ben D. Wood of Columbia, who presided, as saying the 35 organizations in all probability would adopt the council's "new" program.

### Against Block Booking

The council's "new" program includes a demand for Federal legislation to stop block and blind booking and appointment of a Federal administrator to supervise production.

All of the 22 organizations reached denied they had been committed to the council's program. Most of them were emphatic in saying they disapproved the publicity release. One called it "dangerous" to participate in a conference with the council, and several questioned the propriety of the statement. Only three expressed a sympathetic interest in the council's work. They were: Dr. Samuel McC. Cavert, general secretary of the Federal Council of Churches of Christ in America; J. W. Crabtree, secretary, National Education Ass'n, and Mrs. B. F. Langworthy, president, National Congress of Parents and Teachers.

### Objectors Are Listed

Those who objected to the statement were: Morse A. Cartwright, director, American Ass'n for Adult Education; F. Trubee Davison, president, American Museum of Natural History; Bernard S. Deutsch, president, American Jewish Congress; Rowland Sheldon, executive secretary, Big Brother and Sister Federation, Inc.; Joseph H. McCoy, general secretary, Big Brother Movement; Ethel Morrey, executive director, The Big Sisters (Protestant); James E. West, chief scout, Boy Scouts of America; Anna Rice, general secretary, National Board of the Y. W. C. A.; Mrs. Phillip A. Brennan, president, International Federation of Catholic Alumnae; George J. Zebrung, director, National Council, Y. M. C. A.; Mrs. Mary G. Schonberg, executive secretary, National Council of Jewish Women; Lena Madesin Phillips, president, National Council of Women; Emily R. Kneubuhl, executive secretary, National Federation of Business & Professional Women's Clubs; Mrs. DeF. Van Slyeck, executive director, Junior Leagues of America; Charles L. Chute, executive director, National Probation Ass'n; Mrs. Grace Morrison Poole, president, General Federation of Women's Clubs; Weld Arnold, executive director, Institute of Geographical Exploration, Harvard University; Dr. Louise C. Ball, president, International Dental Health Foundation for Children; Lee F. Hammer, director, Russell Sage Foundation; Miss Orie Latham Hatcher, president, Southern Woman's Educational Alliance.

The organizations not reached for comment were: American Ass'n of University Women, American Legion, B'nai Brith, Catholic Boys Brigade of the U. S.; Catholic Daughters of America, Child Welfare League of America, Federal M. P. Council, Girl Scouts, International Ass'n of Lions Clubs, Maryland Civic League for Motion Pictures, Massachusetts Civic League, National Council of Teachers of English, National Women's Trade Union League of America, Women's League of the United Synagogues.

Dr. Short has sent a letter of explanation to the organizations represented at the conference in which he says he "hopes they have not been annoyed" by the news stories.

A paragraph of his letter reads: "The news story sent out by our committee on information quoted Dr. Wood as saying that 'this action was not binding on the organizations represented at the conference.' To our regret, the story as rewritten by several papers omitted this vital statement."

The opening paragraph of the M. P. Council statement as sent to newspapers, the *Herald* points out, read: "A statement of national policies in motion pictures agreed upon by the representatives of 35 national organizations."

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## Woman Speaker Demands National Film Boycott

Boston, Oct. 17.—A national boycott of pictures by women's organizations to secure cleaner films, strict government control of the industry and socialization of all children's recreation was advocated at a conference held here by the National Congress of Parent-Teacher Ass'ns, the Twentieth Century Club and the Massachusetts Civic League.

Mrs. Robbins Gilman of Minneapolis was the chief advocate of the boycott.

During the addresses there was a sharp exchange of ideas between Mrs. Gilman and Dr. Helen D. McGillicuddy, chairman of the Catholic Order of Foresters for Massachusetts. Dr. McGillicuddy expressed the belief that the film industry is not wholly to blame because it is merely trying to provide the kind of entertainment which people demand and which box-office figures show as profitable. Mrs. Gilman, at some length, tried to refute the assertion.

Adolph P. J. Bendslev, an exhibitor from Wellesley, Mass., gave the climax to the meeting when he asserted that the claim that block booking had been eliminated "is a lot of applesauce." He said:

"I made a special trip to the office of Will Hays in New York to try to get a selective contract with a certain producer giving me the right to pick the pictures I wanted to show in my theatre. All I got was a lot of applesauce and a runaround.

"I still have to accept block booking and pay for a lot of pictures I decline to show in my theatre."

Mrs. Gilman charged Hays with bad faith, declaring that he had promised. last summer. to clean up the industry but had failed to do so.

Other speakers included Mrs. Frederick P. Bagley. Mrs. Martha S. Mason and Mrs. John W. Myers.

At the conclusion of the session the delegates agreed to present the salient facts of the meeting to their respective organizations for action.

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Atlantic City, Oct. 17.—The church is not asking for censorship by forces outside the industry, said the Rev. Frank H. Huffman, chairman of the committee on Christian education of the New Jersey Presbyterian Synod, at the 112th annual meeting of the synod here yesterday.

"What we demand," he said, "is that the producers do their own censoring and live up to their production and advertising codes," adding that "we are not the enemies but the friends of good pictures."

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Savannah, Oct. 17.—Some action toward joining the clean film drive is expected at the annual convention of the United Lutheran Church in America opening here tomorrow. The committee of morals and social welfare included this in its list of subjects scheduled for discussion.

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## *Open Louisville House*

Louisville, Oct. 17.—Royal E. Christiansen, new operator of The National, will have a formal opening Saturday. There will be a three-unit show composed of a first run picture, vaudeville, and a stage presentation with orchestration.

Will J. Harris, who for 11 years directed and produced extravaganzas for B. & K. in Chicago, has been engaged as producer.

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## *Hit Paper's Film Shots*

St. Louis, Oct. 17.—The M. P. T. O. of St. Louis, Eastern Missouri and Southern Illinois, meeting at the Fox projection room here, voiced a protest against the "Hollywood Unvarnished" series running in the *St. Louis Globe-Democrat*, which will be asked to discontinue carrying the pictures. The objection is that the scenes are hurting theatre patronage.

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## *Ritchey Imports Film*

Norton V. Ritchey, director of Ritchey International Corp., foreign distributors for Monogram, has closed a deal for American distribution of a French picture. It is "The Battle," made by Leon Garganoff of Lionafilm, Paris. Ritchey is handling the picture personally in New York and is closing state rights deals elsewhere.

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## *Lesser, Cline Back Soon*

Hollywood, Oct. 17.—According to a cable received at Principal's Hollywood office, Sol Lesser and Director Eddie Cline will leave Europe aboard the *Rex* Oct. 31. In the meantime, production on "The Cowboy Millionaire," which is being filmed in London, will be completed.

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## *Radio Plans 6 Musicals*

Radio will make six musicals this season as part of the 50 features announced. The first, already completed, is "The Gay Divorcee." Others slated are: "Ho for Shanghai," "Adios Argentina," "Roberta," "Radio City Revels" and another untitled one with Fred Astaire and Ginger Rogers.

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## *Marcus Here Next Week*

Lee Marcus, short subject production head for Radio, is expected in New York next week for conferences with home office executives.

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## BIP-Gaumont Deal Dead, Says Myers

*(Continued from page 1)*

the financial figure behind the discussions, when interviewed here yesterday.

"It's foolish to deny that the subject was discussed," Myers said. "Al the men involved know each othe very well and it may have been n more than a topic of conversatio among them, but as for a deal—if on was ever begun, it's finished now."

Questioned about his own part i the discussions, Myers replied tha he was "greatly interested in pictures and particularly the two big Britis companies" and refused to amplify th statement.

Myers described his visit here a "purely a holiday." He arrived on th *Aquitania*, accompanying his friend C. B. Cochran, London producer, associated with Harold B. Franklin an Arch Selwyn. He will return to London on the same ship, sailing Friday night.

### First Visit in 22 Years

He was proud of having established a new ship's record coming over by winning the daily mileage pool six consecutive times. "Cochran's girls," he said, "helped relieve me of my winnings." This is Myers' first visit to New York in 22 years. He was impressed by changes in the city, he said, but mostly by the service he obtained at a well known men's tailor shop where he was measured for a suit yesterday which will be delivered today "as good as I might have obtained anywhere in London."

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London, Oct. 17.—Speculating on the consequences of any merger between Gaumont British and B.I.P., *The Cinematograph Times,* organ of the Cinematograph Exhibitors' Ass'n, foresees the formation of additional large circuits. Declares that publication editorially:

"For the independents it is suggested that any closer unification of the exhibition groups would result in even greater difficulties in securing product in many areas. If, however, independents were further exploited as the result of closer unity amongst renters, we imagine that quick moves would take place either for disposal to the big group—if they wanted more cinemas—or for the creation of one or two more large circuits."

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## *Product Contracts Await Kent Return*

*(Continued from page 1)*

held up until S. R. Kent arrives Monday from a vacation in the south.

A difference of opinion has arisen between RKO and Skouras on the uptown theatre situation and attempts by heads of the two circuits to iron out the points in question have been left to Kent to decide.

It is understood Skouras will not give up Fox product in the uptown situation until RKO agrees to pool the 81st St. with the Skouras Riverside on a day-and-date booking arrangement. As far as all other interests are concerned, the deal is set.

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## *Wide Range Hits 1,000*

Western Electric Wide Range installations have passed the 1,000 mark, reports C. W. Bunn, general sales manager of Erpi, with the equipping of the Atlas, Seattle.

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SPECIAL PRE-RELEASE ISSUE—NO. 294

# UNIVERSAL NEWSREEL

## Looks Like Cantor's Best

**Hollywood, Oct. 17.—"Kid Millions," Eddie Cantor's latest, previewed here in 93 minutes, or seven less than the "sneak" preview of the picture in San Diego on Sept. 25, now looks like sure-fire box-office.**

**Cantor's annual laughfest, augmented by an ice cream sequence in Technicolor especially appealing to youngsters and oldsters with imagination, is further amplified by alluring Goldwyn girls, robust laughter grooved into the story with song and dance specialties and production lavishness beautifully photographed.**

**"Kid Millions" looks like Cantor's most enjoyable film, blending whimsical humor with belly laughs plus a wholesome quality that makes it refreshingly entertaining. Box-office, it looks sure-fire.**

## Grievance Board to Pick Films Awarded

Instead of letting Campi decide on selection of product Aaron Shusterman is to get from Walter Reade as a result of a decision reached on Tuesday, the New York grievance board will hold a meeting tomorrow morning and allocate the product itself.

Shusterman operates the Strand, Red Bank, N. J., against Reade's Carlton, same city, and the Roky, Perth Amboy, against Reade's Strand, Majestic and Crescent, same city.

The board found Reade guilty of overbuying in both cities. It is understood Reade will appeal.

George F. Thompson, impartial man, will play an important part in the allocation of pictures. Shusterman agreed at the hearing he would pay the same terms as Reade is if he gets pictures.

## Allied Heads Talk Law Moves on Code

Proposed legislative action in connection with the code and other matters pertaining to independent exhibitors were discussed yesterday by Allied leaders at the organization's headquarters at the Lincoln. Sidney Samuelson, president; Abram F. Myers, Walter B. Littlefield, Col. Harry A. Cole, Jack Lilly and H. M. Richey attended. Aaron Saperstein was not present.

Cole and Lilly return to Greenville, Texas, today after another Allied session. Richey will attend the Detroit clearance and zoning hearing at Campi and Littlefield and Myers will return to Albany and Washington, respectively.

## Albany Boards Drop Trio of Complaints

Albany, Oct. 17.—Two clearance complaints have been dismissed by the clearance and zoning board.

One was by A. Stone, operator of the Eagle, Albany, against the Colonial, operated by the Berinstein Realty Co., and Warners' Albany; the other was the Eagle against the Royal. The latter complaint was dismissed without prejudice.

The grievance board has dismissed an overbuying complaint brought by the Griswold, operated by Troy Theatres Co., Inc., against Warners' Lincoln, Troy, on the ground that the complaint was premature for the 1934-35 product.

## New Haven Schedule Forwarded to Campi

New Haven, Oct. 17.—The local clearance and zoning board has completed a revised schedule for this territory and submitted it to Campi for approval.

Several weeks ago a contingent of exhibitors and branch managers attended a hearing in New York on the schedule, following which recommendations were made by Code Authority. It is expected that the new plan will meet with approval of Campi at its next session, Oct. 25, after which it will be put into effect.

## Call Cincy Meeting To Discuss Zoning

Cincinnati, Oct. 17.—The clearance schedules for the Cincinnati, Columbus and Dayton territories having been returned by Campi for redrafting, an exhibitors' meeting has been called for next week by the local clearance and zoning board, to discuss a re-draft.

## Coast Bank Nights Are Ordered Ended

Los Angeles, Oct. 17.—The grievance board has ordered three theatres to stop operating bank nights. The cases are: Hemet Theatre, Hemet, against Swoboda Theatre, San Jacinto; Arcadia, Arcadia, against Lyric, Monrovia; El Morro against Cairo, both at Gallup, N. M. The last named case was complicated because the plaintiff buys film from Los Angeles, while the respondent buys from Denver.

## Detroiters Gather For Zoning Hearing

Considerable interest is centered around the Detroit clearance and zoning plan which will be heard today by a Campi committee. A number of Detroit exhibitors are in town for the hearing.

Gradwell Sears, Leslie E. Thompson and Harry Hecht yesterday heard the clearance schedule discussions for San Francisco.

## Signed for "Scandals"

Hollywood, Oct. 17.—Lyda Roberti, who was recently starred in the stage play "Roberta" in New York, has been signed by Fox for a featured role in "George White's Scandals."

## Gordon Off to Texas

Following an appeal hearing before Campi during which he represented Jefferson Amusement Co., of Beaumont, Texas, J. M. Gordon, attorney for the circuit, left yesterday for home.

## ITOA Discusses Buying

Members of the I. T. O. A. yesterday held a general discussion on the local film buying situation. No action was taken, the session being informal.

## Columbia Signs Marsh

Hollywood, Oct. 17.—Marian Marsh has been put under long term contract by Columbia.

## Wheeler Going Abroad

Bert Wheeler plans to take a trip to Europe before going to Hollywood on his next Radio picture assignment.

## Raftery Back Monday

Ed Raftery of O'Brien, Driscoll & Raftery returns Monday from Detroit.

## Sandrich Is Looking For Talent, Stories

Mark Sandrich, who recently completed "The Gay Divorcee," is looking over the Broadway talent and play mart in a search for new material. He sails for California on the *Santa Elena* on Oct. 27.

Sandrich believes in taking a brief vacation after making a picture and is here for that purpose. He says that when he gets away from the production center the new atmosphere gives him new ideas for his next picture. When he returns to the coast he will make another musical with Fred Astaire and Ginger Rogers. Miss Rogers arrived from the west yesterday for a short rest and Astaire is expected shortly.

"Musicals have definitely established themselves as entertainment," he says, "and they will always have a definite place in the scheme of production."

With two more years to go at RKO, Sandrich asserts he will make from three to four a year.

## Roxy Fall Kills Aerialist

Arline Phillips, feminine half of the "Two Phillips" aerial act, died last night at Polyclinic Hospital of injuries suffered in a fall to the stage during an afternoon performance at the Roxy, where the act has been playing the past two weeks. Her husband, Charles, the other member of the act, was on the stage with her when she fell.

Mrs. Phillips was riding a bicycle on a wire estimated as being 60 feet above the stage, when she lost her balance and fell head first to the steps leading from the stage to the orchestra.

## Schwarzmeier Is Killed

Buffalo, Oct. 17.—Christian W. Schwarzmeier, 34, projectionist at the Lafayette, was fatally injured when his automobile crashed against the steel abutment of a railroad viaduct. Schwarzmeier, police reported, swerved to the left to pass another car as he approached the viaduct. An operation failed to save his life. Medical Examiner Rocco N. DeDominicis issued a certificate of accidental death.

## Clifton Brennan Dead

Louisville, Oct. 17.—Clifton Brennan, 49 years old, former president of the M. P. Operators' Local No. 163, died here, following a heart attack. He was president of the union for 25 years, retiring five years ago. Brennan is survived by his wife, a son, a brother, and five sisters. Burial was in St. Louis.

## Movietone Plane in Crash; One Drowned

(*Continued from page 1*)

while attempting to take Fox Movietone News film from the liner *George Washington*. The accident took place 600 miles at sea.

Fox Movietone was trying to score a beat on pictures of the assassination of King Alexander of Jugoslavia and Foreign Minister Barthou of France.

The man lost was Harry W. Johnson, radio operator. Those saved were: Marion Grevenberg, the pilot; Edward Reek, news editor of Fox Movietone; Jack Kuhne, aviation editor, and George Smith, who is connected with the Sikorsky company at Bridgeport.

Arrangements had been made to throw the film overboard with a buoy and line attached, but the sea was extremely rough. When the plane attempted to land in the lee of the ship a pontoon was knocked off and one of the wings hit a wave and crumpled. Johnson was thrown into the water, while the others clambered up onto the tail and wing of the sinking plane.

Capt. George Fried sent a lifeboat to the rescue immediately. The *George Washington* is due in New York today.

An earlier statement made by a Pathe News man on the desk that his reel had arrived aboard the *Bremen* Monday was attacked by other newsreel editors yesterday and subsequently denied by Jack Connolly of Pathe.

E. B. Hatrick, general manager of Hearst Metrotone, also stated no effort had been made to create the impression in newspaper stories last week that his reel had included actual scenes of the assassination as commented upon yesterday in *The Insiders' Outlook* column in Motion Picture Daily. "All that we did was to prepare a symposium as did the other reels," he stated.

## Expect Bond Group To Revamp Fox Met

(*Continued from page 1*)

place of the existing long term contracts, it is said. A sale of the circuit could be negotiated by the committee on the expiration of the contracts, it is said.

The committee's rejection of the Hayden, Stone bid early this week continued yesterday to mystify many who are close to Fox Met developments. Under the Hayden, Stone offer, the bondholders' committee was to have proceeded with its reorganization of Fox Met, issuing stock in the reorganized company to bondholders in exchange for their bonds. Hayden, Stone agreed to purchase for cash all of the new stock, up to a valuation of $4,500,000 for the entire issue, from whatever holders desired to sell. It is understood that Hayden, Stone, in connection with the offer, also asked a broker's commission for its part in the transaction. Whether or not the premium involved in this latter demand led to rejection of the offer could not be learned. Observers, however, regarded the bid as a favorable one and were at a loss to explain its rejection.

## Para. Golfers in Action

Several hundred members of Paramount's home office personnel participated yesterday in a company golf tournament at Winged Foot Country Club.

# NRA Approves New Code Cost Plan Details

(*Continued from page 1*)

pated any material objections will be raised.

The producer-distributor assessments are based in large part upon recommendations of the Division of Research and Planning, made after the last proposal of Campi had been rejected. For purposes of simplification, however, the percentage of computation was dropped in favor of a flat figure for each of the 14 classes. While this figure may be above or below the amount which a company would pay on a percentage basis, it was said, the representatives of all groups felt that it would be easier for both the companies and Campi to handle.

Exhibitor assessments give the very smallest houses a little advantage over the charge for the first half year, and impose upon the de luxe and premier houses in larger cities a slightly heavier tax. While the assessments for the three groups in the cities between 25,000 and 500,000 remain unchanged, those in other groups have been amended by the insertion of additional classifications.

### Producer-Distributor Levies

The producer-distributor schedule was made public by Farnsworth after a conference with Harold S. Bareford, a member of the code finance committee, and runs as follows, covering the full calendar year: gross domestic revenue over $20,000,000, $23,000; $15,000,000 to $20,000,000, $20,000; $10,000,000 to $15,000,000, $17,500; $5,000,000 to $10,000,000, $12,000; $2,500,000 to $5,000,000, $6,250 (this class originally was to be charged $500 but it was found that such a figure would be out of line); $1,000,000 to $2,500,000, $3,250; $750,000 to $1,000,000, $2,000; $500,000 to $750,000, $1,575; $250,000 to $500,000, $1,000; $100,000 to $250,000, $700; $50,000 to $100,000, $350; $25,000 to $50,000, $215; $12,000 to $25,000, $142.50; all others $120.

The exhibitor schedule covers the last half of 1934. Groups within each population classification are charged on a basis of run and capacity. The schedule approved today is as follows:

Under 10,000 population, capacity under 500, $5, over 500, $8 (formerly $6); 10,000 to 25,000, under 500, $6, over 500, $9 (formerly $9); 25,000 to 100,000, $9 and $12; 100,000 to 300,000, $12 and $18; 300,000 to 500,000, $15 and $21; 500,000 to 700,000, $16, $18 and $24 (formerly $18 and $24); 700,000 to 1,000,000, $20, $21, $36 and $42 (formerly $21 and $36); over 1,000,000, $16, $18, $24, $48 and $60 (formerly $18, $24 and $48).

A total of 8,349 exhibitors are covered by the schedule, which is figured to bring a revenue of $88,004, of which $11,730 will come from 2,350 theatre owners operating houses of less than 500 seats in communities of less than 10,000 population.

---

Harold Bareford is expected from Washington today following conferences yesterday with NRA officials concerning the assessment plans.

# *Insiders' Outlook*

(*Continued from page 1*)

Ergon patent. Heard around, like other reports, is one which holds this method is several steps up on results obtainable from direct sound-on-film recording. . . .

▼

Whatever the substitute may be, however, is held to be of less consequence to some industry figures than is their belief that, other reasonable avenues failing, a substitute there can and will be. All of this, on the other hand, is to be demonstrated. Proceeding on the assumption that the value of the Tri-Ergon patents would find itself limited to whatever Fox's attorneys can prove after litigation, the rest of this speculative strain confines itself to lawsuits limited to performance in the past, but not in the future. Interesting as another angle is what Fox might do with his patents in days to come. Tied in with the Erpi sound system is approximately 2,500 patents. Fox, if he does, controls two and that gives him exactly a brace of pieces in a jig-saw puzzle. . . .

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Much competent technical opinion, moreover, maintains that the flywheel is not an essential cog in the standard form of reproducers installed and operating in the country's theatres. It is described as a device inducing inertia, deliberately made a part of the sound system while other moving parts have both mass and substance. Disputable as this technical description may or may not prove to be, there is no speculation over the belief prevalent in sources close to Erpi that the flywheel grafted to the approximate 6,000 Western Electric reproducers in daily use can be eliminated for a substitute at a cost of only about $500,000. . . .

▼

Looming as an increasingly vital question is one that has to do with the ownership of the patents which Fox, the man, claims to own. That claim covers 90 per cent of American Tri-Ergon. Ten per cent is held by Tri-Ergon, Ltd. of St. Gall, Switzerland, which is the daddy corporation for the German inventors from whom Fox, the man, says he bought his two patents for $45,000. In Mineola, Nassau County, some time ago was filed a suit by Fox, the corporation, which Fox, the man, founded. It contests the ownership of the much discussed patents. It contends the $45,000 purchase price came from corporate funds and the purchase made on behalf of the company itself. . . .

▼

The stand assumed by Fox, the man, is that the patents are properly his, on the other hand; **that the sale to him** was subsequently executed. He also maintains that his agreement to license Fox, the corporation, under the purchased devices kicked itself out when the former company neglected or refused to pay him $500,000 a year for five years under the transaction which gave control of the Fox companies to Harley L. Clarke of Chicago. Another angle which makes the outcome more complicated is the understood attitude of Swiss Tri-Ergon which claims Fox's 90 per cent interest has petered out through the failure of Fox, the man, to push the sale of licenses in the United States. . . .

▼

Then what? If Fox, the corporation, now proceeds on its long dormant lawsuit—no longer a remote possibility now—and wins, the other Erpi licensees will breathe considerably easier, for under the cross-licensing agreement binding them all together, the Tri-Ergon patents will become at once available to the others. Radio Pictures and RKO theatres, as the principal Photophone users, however, may run into difficulties on this score since there are several involved conditions, arising out of sound in the home, which may prevent the extension of the interchangeable pact to Photophone. . . .

▼

If the Swiss company proceeds on its indicated course and if it emerges as victor and owner of the 90 per cent interest in American Tri-Ergon now held by Fox, the man, litigation in wholesale may easily be the immediate prospect. Just as immediate, as a counter factor, is some sort of a settlement with Erpi in what would be a move to eliminate the issue and restore much more calm than now prevails in the upper councils of the industry. Bruited about is the report, which, in fact, is more than mere report. that Fox, the corporation, has been talking to the Swiss organization on what looks suspiciously like a deal, if—

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Possibilities along other lines include a widespread use of the newsreel type of camera which shoots sound and pictures on the one film and so worries not at all about double printing. This latter patent, it is understood, does not apply to either newsreel recording or reproducing. "Dubbing" and scoring, widely applied in production for both domestic and foreign consumption, is viewed as being entirely in the clear because they are not conducted "simultaneously" with the operation of the camera itself. In the meantime, Fox, the man, is reported to have expressed his willingness to reach an accord on the issue, regardless of what exactly the issue may be. Somewhere between $8,000,000 and $10,000,000 a year will prove satisfactory to him, provided it is guaranteed. He is not averse, so the story goes, to conversations which would franchise him exclusively in the newsreel field. And that sounds as if Fox, the man, were turning politically minded. . . .

▼

Rising out of this fog of speculation and conjecture is one point, crystal-like in its clarity by comparison with all others. This is it: Exhibitors may safely lay aside any worry about sound operation with discs. No matter how producers work it out, attractions will continue to be delivered in the can with sound and images on the one film. How the sound gets on the edge of the celluloid is something not yet established, but there it will be. Besides, this is the producer's job. Also his worry. . . .

KANN

# Fox Patents Suits Filed Against Five

(*Continued from page 1*)

Neal, who represent Fox in the injunction suits. Former Judge Thomas D. Thacher, also of Fox counsel in the injunction actions, likewise refused comment on this circumstance.

It is recalled, however, that Warners and United Artists are Delaware corporations and probably would have to be served in that state. Tri-Ergon has an action pending against RKO in Delaware and has already won its action against Paramount. Why Fox Film was not named remains a matter for speculation. Some legal minds hold that an injunction against Fox might have to be deferred until that company's New York state court suit against William Fox, alleging that ownership of the Tri-Ergon patents belongs to the company rather than to Fox himself, has been settled.

Defendants in the Tri-Ergon action have 20 days in which to file their replies with the court.

## *Seiter, Meyers Here*

William Seiter, director, and Zion Meyers, assistant to Pandro Berman, associate producer at RKO, are in New York for conferences with Jerome Kern on "Roberta." Marion Nixon is accompanying her husband, Seiter.

## *Delay "Crocus" Opening*

Opening of "Autumn Crocus" at the Little Carnegie has been postponed until next Wednesday.

VAUDEVILLE VAUDEVILLE
B. F. Keith's Palace
"DOWN TO THEIR LAST YACHT"
MARY BOLAND AND POLLY MORAN
GRACIE BARRIE-MELLS KIRK-HOWARD
REEL HITS ON BROADWAY
CAPITOL
ROBERT MONTGOMERY·"HIDE-OUT"
MAUREEN O'SULLIVAN·EDWARD ARNOLD
WORLD-FAMOUS FOKINE BALLET
Paramount
MAE WEST "BELLE OF THE 90'S"
ROGER PRYOR JOHN MACK BROWN &
DUKE ELLINGTON & BAND - JOHN MILJAN
MAE WEST
DU PONT NEGATIVE

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VOL. 36. NO. 93 NEW YORK, FRIDAY, OCTOBER 19, 1934 TEN CENTS

# "U" Scores News Scoop On Broadway

## *Assassination Films at Trans-Lux by 11:35*

Universal News yesterday scored a Broadway beat on competitive reels by planting its shots of the assassination of King Alexander of Yugoslavia and Foreign Minister Barthou of France on the screen of the Trans-Lux at 11:35 A. M. The clips ran 250 feet, were silent shots, but carried commentary in sound by Graham McNamee.

Newsreel editors fussed and fumed to beat their opposition to the gun. The Embassy, with one eye on its competitor, the Trans-Lux, insisted the Paramount News clips, 350 ft. in toto, were first shown at 11:30. When a spokesman made that statement, however, he did not know that an earlier check at Paramount demonstrated that its print had been screened at 12:10.

Pathe News made the Embassy at 1:30. The theatre disagreed with Paramount on the time of receipt, but it matched with Pathe on the time of its print delivery.

Hearst Metrotone gave the event 350 feet with dialogue by Edwin C. Hill. It hit the deck at the Capitol at 6:37 o'clock last night. According

(*Coninued on page* 10)

## *Sales Pact Analysis Comes Up Oct. 24*

Campi's legal committee, consisting of Austin Keough, chairman; Nathan Yamins, J. Robert Rubin and Willard McKay, will meet next Wednesday to reconsider an analysis of current contracts of major distributors. A number of complaints have been filed with Code Authority by exhibitors all over the country charging that some of the contracts are in violation to the code.

Yamins originally made a survey of the contracts and after he submitted his report, the legal committee disagreed on some of the facts. Results of the meeting next week will be put before Campi for action on Oct. 25.

## *"Aran" Draws Crowd At Criterion Debut*

Gaumont British last night launched its first two-a-day picture at advanced prices when "The Man of Aran" opened at the Criterion and attracted a typical first night audience. This is the picture produced by Robert J.

(*Continued on page* 6)

# *Mr. Lubitsch Complains*

### *By Martin Quigley*

MR. ERNST LUBITSCH'S numerous complaints to the daily press about "the censorship regime" have become exceedingly tiresome during the past few days. Since his arrival from Hollywood last week it has become virtually impossible to scan the amusement pages of the newspapers without encountering the unpleasant spectacle of one of the screen's leading directors offering an amazing exhibition of ignorance concerning matters about which he should be well informed.

It may be explained to Mr. Lubitsch that what he refers to as "the censorship regime" is not censorship at all. It is, instead, a system voluntarily set up by the industry, which pays Mr. Lubitsch rather handsomely, for the purpose of controlling the activities of various persons, including Mr. Lubitsch, who if left to their own inclinations and dependent only upon their extremely limited knowledge of the tastes, thoughts and habits of the American people might quite conceivably reduce the motion picture business to a state under which Mr. Lubitsch's present royal per-picture stipend would represent a good week's gross business for one of the major companies.

▲

Mr. Lubitsch and some of the other arty fellows of production, in their conversations and statements to the press, would have the world believe they are zealous, self-sacrificing disciples of Art; that the starving painter in the Parisian garret is no more unselfishly devoted to the ideal of Art than they are. But we have noticed that when the matter of a contract for services is under

(*Continued on page* 5)

# Blumenthal's Part in Fox Met Detailed

Evidence of a damaging nature to the petition for reorganization of Fox Theatres Corp. was brought out yesterday by Archibald Palmer, counsel for Fox Metropolitan bondholders, during an examination of A. C. Blumenthal, who admitted that he had discussed the making of a bid for Fox Theatres assets if the petition for reorganization of the company were successful.

The principal assets of Fox Theatres are its ownership of all of the common stock of Fox Met and a claim

(*Continued on page* 5)

# Screen Must Look To Youth—Warner

Much of the industry's future depends on young blood, said Harry M. Warner in an address last night at the New York University School of Education. The Warner president told his hearers that he was working on a plan to extend opportunities in various departments of his company

(*Continued on page* 10)

# Allied Heads Lay Congress Campaign Plan

Plans for taking its three-point program directly to Congress were completed yesterday by five regional vice-presidents of Allied after a two-day session at the Lincoln.

"Allied is definitely set on its plans to go to Congress with its fight against A.S.C.A.P. on increased music taxes," Sidney Samuelson, president, stated. "We are not satisfied with the agreement reached between the exhibitor emergency committee and A.S.C.A.P.

"We are also going ahead with our

(*Continued on page* 5)

# Episcopalians Ask Federal Film Rule

ATLANTIC CITY, Oct. 18.—Federal regulation of the industry was demanded in a resolution passed by the House of Bishops of the Protestant Episcopal Church here today at the general convention of the church. The resolution was in the form of a petition to the President asking him to

(*Continued on page* 5)

# Five New Fox Patent Suits Make Total 10

## *Cover Double Printing; Flywheel to Come*

William Fox widened the front of his attack on the industry at large to stop use of his American Tri-Ergon double printing patent by filing five more suits in Federal court for an injunction and an accounting yesterday.

The new defendants are Monogram Pictures, Reliance Pictures, Talking Picture Epics, 20th Century Pictures and AmerAnglo Corp.

This brings the total to 10 at present, as suits were filed in the same court on Wednesday against M-G-M, Universal,. Columbia, First Division and Consolidated Film Industries.

The additional actions, filed by Ward, Crosby and Neal, patent attorneys, are similar to those filed Wednesday — pleas for injunctions and accountings—but they apply only to the double printing patent. No actions have been filed as yet covering the flywheel patent, which also is controlled by American Tri-Ergon and Tri-Ergon Holding Aktien-Gesellschaft, which Fox organized in 1928 to control the inventions of Hans Vogt, Joseph Massolle and Josef Engel, which they sold to a Swiss Tri-Ergon company.

Additional suits are to be filed shortly, it is understood, on both the double printing and flywheel patents.

# M-G-M, Warner Hit Detroit Clearance

M-G-M and Warners yesterday hit the Detroit clearance and zoning schedule at a Campi appeal hearing, attacking many of its clauses as not in line with the principles laid down by Code Authority. References in the plan to predicating clearances on admissions were hit by both companies in addition to some of the exhibitors who came from the automobile city to attend the hearing. The general

(*Continued on page* 6)

## *Exchange Men Form Minneapolis Union*

MINNEAPOLIS, Oct. 18.—Exchange workers have organized what is believed to be the first union of its kind. They have secured the approval of the American Federation of Labor and have applied to the State Federation of Labor for a charter.

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## Detroit Smoking Ban Is Put Into Effect

DETROIT, Oct. 18.—The new ban on smoking in all theatres goes into effect at midnight tonight, Gabe S. Goldwater, city fire marshal ruled today.

Many applications have been made to the marshal's office asking for special permits, but all have been turned down.

Some managers welcome the ban, others state that it will injure business, but there will be no exceptions.

## Pratchett Confers Here

Arthur Pratchett, former manager of Paramount's office in Cuba and recently appointed head of the company's branch in Mexico, is in New York for home office conferences. He plans to leave for his new headquarters in Mexico City some time next week.

Jack Rappaport, formerly working out of the Panama office, has been named Pratchett's successor in Cuba.

## Robert Burkhardt Father

HOLLYWOOD, Oct. 18.—Fox publicity went to Robert Burkhardt yesterday for their cigars when Bob became the father of a five and one-half pound baby girl born to Mrs. Burkhardt at the Good Samaritan Hospital.

## Weinberg to Open Luxor

Jack Weinberg, former local exchange man, next week opens the Luxor on Bleecker Street.

## New "Natural Color" Films Being Put Out

A new color process known as "Natural Color," utilizing black and white stock and relying for color reproduction on three primal color filters in the projector lens, is now being produced by E. S. Brockway Co., Inc.

The new process will be used exclusively for industrial and commercial sales promotion, and prints are being made on 16 mm. film only, though successful experiments have been made with 35 mm.

The inventor of the new process is Merrill Waide, who, at the time of his invention, was president of National Color, Inc. John W. Noble is in charge of producing with the new method and E. S. Brockway Co., Inc., now control it.

## Join in Harris Benefit

SAN FRANCISCO, Oct. 18.—Every branch of the industry has been drafted to assist in putting over the testimonial benefit show to be given at the Fox by the local industry for Sam Harris, once co-owner of the Ackerman-Harris circuit in northern California. The show, which was to have bcen staged on Oct. 25, was postponed this week to a date still to be announced. A. M. Bowles is general chairman of the affair.

The publicity committee includes the following: Walter Barusch, Arthur Rosenbaum, Phil Phillips, Sam Holland, Emil Ermann, Bob Doman, Charles Pincus, Mickey McDonald, Don Krull, Ada Hanafin, Claude La Belle, George Warren, Sol Pincus, A. F. Gillaspey, Eddie Fitzgerald, Harold Wilson, Bob Harvey, John Del Valle, Lloyd Thompson, Fred Johnson, Curran Swint and Katherine Hill.

## Gable Out of Air Story

HOLLYWOOD, Oct. 18.—M-G-M has taken Clark Gable out of "West Point of the Air," leaving Wallace Beery and Franchot Tone as only members cast to date.

## Meriden Poli Opened

MERIDEN, Oct. 18.—The Fox Poli here opened today with five acts of vaudeville and a double feature on the screen. Admission ranges from 15c to 25c.

## Dario Faralla Made 1st Div. Treasurer

Dario Faralla was named First Division treasurer yesterday and Henry Reiner was appointed short sales manager in charge of "Musical Moods" in the metropolitan area and out-of-town circuit houses, with Meyer Gruber and Israel Landau placed in similar posts in the Boston and Louisville exchanges, respectively.

Faralla, who has been on the coast the past year, was formerly executive business manager of the First National Burbank studios and treasurer of Educational. More recently he has served as financial advisor to Harry H. Thomas, head of First Division.

P. K. Thomajan, who has been associated with Paramount and Harold Lloyd, has joined First Division as assistant to Al Friedlander, handling special publicity and advertising on the "Musical Moods" shorts and "Hei Tiki."

## Traffic Film in Court

"Saving Seconds," a commercial film produced by Castle Films for the Aetna Casualty & Surely Co., was shown this week in Traffic Court, Houston and Lafayette Sts., before Magistrate Farrell, First Deputy Police Commissioner Fowler and a number of traffic offenders up for hearings.

## M-G-M Signs 4 Writers

HOLLYWOOD, Oct. 18.—M-G-M has signed four writers and exercised options on two actresses. The writers are Jules Furthman, Rachel Crothers, Hugh Seymour Walpole and Ernest Vajda. The actresses optioned are Louise Fazenda and Betty Buck.

## Michigan Date Is Set

DETROIT, Oct. 18.—The definite date of the Michigan Allied Theatres convention was set today by H. M. Richey, general manager. The scene of the confab will be Flint and the date Nov. 7-8. Headquarters to be at the Durant Hotel.

## Radio Re-Signs Etting

HOLLYWOOD, Oct. 18.—Radio has signed Ruth Etting to a new contract calling for a series of six shorts for the 1934-35 season.

## Big Board Experiences Off Day

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures vtc | 38 | 36¾ | 36¾ | —1¾ | 900 |
| Consolidated Film Industries | 3⅝ | 3⅝ | 3⅝ | ..... | 200 |
| Consolidated Film Ind. pfd | 15¾ | 15¼ | 15½ | — ¼ | 1,200 |
| Eastman Kodak | 104¾ | 103¾ | 104 | + ½ | 1,000 |
| Fox Film "A" | 13½ | 13⅜ | 13⅜ | — ¼ | 600 |
| Loew's Inc. | 31⅜ | 30⅝ | 30¾ | — ½ | 4,800 |
| Loew's Inc. pfd | 96 | 96 | 96 | —1½ | 100 |
| Paramount Publix cts | 4½ | 4¼ | 4¼ | — ⅛ | 4,900 |
| Pathe Exchange | 1¼ | 1¼ | 1¼ | ..... | 800 |
| RKO | 2½ | 2½ | 2½ | ..... | 100 |
| Warner Bros. | 5 | 5 | 5 | — ⅛ | 1,600 |

## Sentry Rises Sixteenth on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Sentry Safety Control | 5/16 | 5/16 | 5/16 | +1/16 | 200 |
| Technicolor | 13¾ | 13½ | 13½ | ..... | 2,300 |

## Most Bond Issues in Decline

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equip. 6s '40 | 7½ | 7 | 7½ | + ½ | 4 |
| General Theatre Equip. 6s '40 ctf | 6½ | 6½ | 6½ | — ¾ | 1 |
| Loew's 6s '41 ww deb. rights | 102½ | 102½ | 102½ | ..... | 5 |
| Paramount Broadway 5½s '51 | 42¾ | 42½ | 42¾ | + ¾ | 10 |
| Paramount F. L. 6s '47 | 59¼ | 59 | 59 | — ¼ | 2 |
| Paramount Publix 5½s, '50 | 59 | 59 | 59 | — ¼ | 6 |
| Pathe 7s '37 ww. | 98½ | 98 | 98 | —1⅛ | 7 |
| Warner Bros. 6s '39 wd | 60¼ | 59⅞ | 60 | — ¼ | 12 |

## ◂ Purely Personal ▸

DOUGLAS FAIRBANKS left by plane for the coast yesterday. He expects to return east for the opening of "The Private Life of Don Juan," which he made for London Films while in England.

LEON SCHLESINGER, producer of "Merrie Melodies" and "Looney Tunes" for Warner-First National, has changed his plans for leaving for Hollywood today and will hop a plane tomorrow.

AL BONDY leaves tomorrow for Chicago, Detroit and Cleveland. He'll be gone a week on business for General Electric shorts.

BUDD ROGERS returned yesterday from New Bedford and Boston where he attended funeral services for his mother.

PEGGY CONKLIN, who is under contract to WALTER WANGER, is flying to New York, where she will remain a week.

LOUISE HENRY, who was recently signed to a new M-G-M contract, gets into town from the coast Sunday.

FRANK O'HERON, recently made a Radio producer, has acquired an untitled RUPERT HUGHES original.

BARRY CONNERS' play, "Applesauce" has been purchased by Warners. Release title will be "Red Apples."

H. S. KRAFT and SAMUEL ORNITZ have sold their "Frisco Fury" to Columbia for JACK HOLT's use.

SIG WITTMAN of Universal leaves today for Philadelphia, Pittsburgh and Washington.

MIGNON G. EBERHART's "Case of the Dark Stairway" has been bought by Warners.

FRANCIS LISTER has left for the coast to play in 20th Century's "Clive of India."

M. A. LIGHTMAN leaves for his home town today after three days here.

M. H. HOFFMAN, president of Liberty leaves for the coast Sunday.

HAROLD S. BAREFORD got back from Washington yesterday.

HAL ROACH is in town again.

## Dissolve 3 RKO Units

ALBANY, Oct. 18.—J. Henry Walters, attorney for RKO, has filed certificates in the office of the secretary of state, dissolving Flatbush Leasing Corp., Long Beach Theatre Corp. and St. John Riviera Corp.

When reached yesterday, J. Henry Walters stated the three companies have become obsolete and are no longer operating.

## Golden a Colonel

WASHINGTON, Oct. 18.—Nate D. Golden, chief of the M. P. Section of the Department of Commerce, is the latest appointment to the army of colonels on the staff of Kentucky Governor Laffoon.

## Columbia Changes Title

HOLLYWOOD, Oct. 18.—Columbia has changed the title of "Death Flies East," to "Mistaken Identity." Judith Kendall has just completed the script.

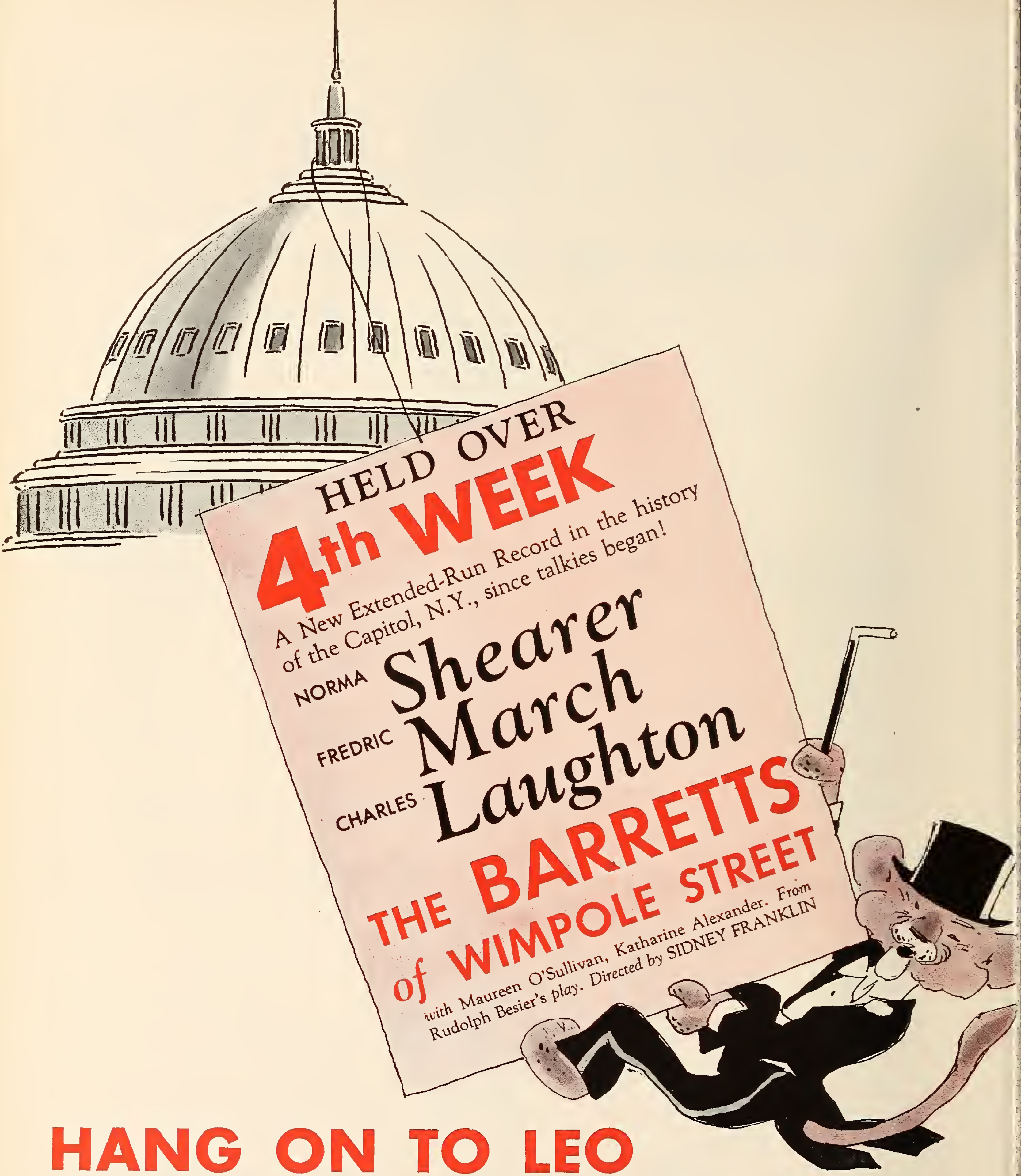
The FIRST week was great, so

It was held over for a SECOND swell week–

Phenomenal business kept it a THIRD!

And now it stays for a FOURTH week! A new record for talkies in the history of Capitol, N. Y. It's the BIGGEST hit of the year and M-G-M is thrilled with pride for–

*(over)*


HELD OVER
4th WEEK
A New Extended-Run Record in the history of the Capitol, N.Y., since talkies began!
NORMA Shearer
FREDRIC March
CHARLES Laughton
THE BARRETTS of WIMPOLE STREET
with Maureen O'Sullivan, Katharine Alexander. From Rudolph Besier's play. Directed by SIDNEY FRANKLIN

# HANG ON TO LEO *for the* BIG THINGS *of* 1934-35!

While "Barretts" is setting new records throughout the country, "THE MERRY WIDOW" is packing them in at its $2 Astor engagement on Broadway. And soon comes Helen Hayes in "What Every Woman Knows," a truly great motion picture. Leo marches on—and thousands of happy showmen with him.

# Blumenthal's Part in Fox Met Detailed

(Continued from page 1)

of $4,000,000 against the latter, based on the stock ownership. Palmer is endeavoring to have the Fox Theatres reorganization petition dismissed on the grounds of bad faith, charging that it represents an attempt on the part of outside interests to realize on Fox Met assets and could not succeed if the petition were dismissed.

Blumenthal admitted that he had made a "gift" of his $350,000 claim against Fox Theatres to his sister, Miriam Rogers of Boston. The claim was based on a commission Blumenthal alleged was due him for services in connection with the planned acquisition for Fox of a theatre site in Boston. Palmer drew from Blumenthal the admission that he had discussed the possibilities of a reorganization of Fox Theatres with his sister's attorneys in Boston, with Ernest W. Nivers and Alvin J. Schlosser of Halsey, Stuart & Co., with various creditors of Fox Theatres whom he said he could not remember, and with an attorney associated with Nathan Burkan. The petition for reorganization of Fox Theatres was joined subsequently by Blumenthal's sister, who identified herself as a creditor of the corporation on the basis of the claim assigned to her by Blumenthal.

### Asked Whether He Would Profit

Asked by Palmer if ex-Judge Charles Kelby, counsel for Blumenthal's sister, had told him, Blumenthal, that he "could get some money out of a reorganization of Fox Theatres," Blumenthal replied: "It wasn't put as bluntly as that."

The hearing, in progress before Federal Judge Martin T. Manton, was adjourned until Monday after the court had ruled that the first of the claims of the Fox Theatres petitioners to be examined was invalid. The claim was that of Louis L. Seideman, theatre broker, and was based on a $35,000 commission alleged to be due him for services in connection with a Newark theatre deal in 1930. Felix Jenkins of the Fox legal staff and Otto D. Koegel of Hughes, Schurman & Dwight, Fox attorneys, testified in connection with the disallowed claim.

While on the stand, Koegel protested the line of questioning taken by Kelby which, Koegel charged, would force him to divulge evidence which Fox Film has for suits against William Fox in connection with the Tri-Ergon patents. Kelby's questioning which Koegel objected to comprised an attempt to disclose Fox Theatres' assets. Koegel testified that among the assets is a suit by Fox Theatres against William Fox for an accounting and a recovery of an indeterminate amount, "probably $20,000,000," he said. Fox Film has a similar suit pending against William Fox, Koegel said.

## *Hoblitzelle-Horwitz To Build in Houston*

Houston, Oct. 18.—An 1,800-seat theatre with standard sized stage and cooling system, sound equipment and audiphones, will be erected by the Hoblitzelle Interstate-Will Horwitz interests in downtown Houston.

It will cost $650,000. A rental guarantee calls for $1,250,000 over a 30-year period. Will Horwitz will be manager of the new theatre.

This is the first important theatre construction in Houston in nearly seven years. The Hoblitzelle-Horwitz interests announced they will build three neighborhood theatres here as soon as they have completed architects' plans and leases. Hoblitzelle operates three of the largest first runs here, and Horwitz operates the three largest subsequent runs.

# *Mr. Lubitsch Complains*

(Continued from page 1)

discussion these gentlemen are quite firm and business-like in their effort to see that the sacrifices to be made for Art are made by some one else.

It may further be explained to Mr. Lubitsch that censorship means a form of regulation imposed by law or by some other exterior force. The industry's Production Code is not censorship. It is a free-will system adopted by those several principal companies in relation to which Mr. Lubitsch is assumed to be an employe, subject to such reasonable rules and regulations which his employers see fit to impose. I do not know whether Mr. Lubitsch was consulted on the adoption of this system. Apparently he was not. This is regrettable because, while it does not appear that he would have been able to contribute either information or opinions of value, still were he consulted this would have enabled him to learn something as to what it is all about. As matters now stand he appears to be quite ignorant as to what the Production Code means and why it was introduced. And why, it may be added, it is being maintained with, incidentally, no help whatsoever from Mr. Lubitsch.

The Production Code, Mr. Lubitsch, is simply and plainly a common-sense recognition of the fact that mass entertainment must be of a character that does not seriously jeopardize the moral standards of the public. Are we to assume, Mr. Lubitsch, that you stand on some imagined rights which permit you to make entertainment of a character which tends to destroy public morality? Or, perhaps, do you insist there is no such thing as public morality?

▲

The Production Code is essentially nothing more than a rule against introducing into motion pictures anything reasonably calculated to lower the moral standards of the average spectator. Do you consider, Mr. Lubitsch, that such a rule amounts to an unwarranted invasion of your artistic rights? Assuming that you wish to continue indefinitely your profitable connections with the American industry you would be well-advised to think twice before making the response to this query which your lack of understanding of the subject might prompt you to make.

Mr. Lubitsch tells the newspapers of several classic works of literature and the drama which he assures them cannot now be made into motion pictures on account of "this censorship." Mr. Lubitsch does not know what he is talking about. He says: "It is impossible to touch most vital subjects, to treat of them seriously." He refers to marriage and divorce as constituting the most vital problems of contemporary life and asserts that these subjects cannot be dealt with honestly.

Assuming Mr. Lubitsch does not mean by "honestly and seriously" the introduction for pornographic purposes, and not legitimate dramatic purposes, of obscene and indecent material his attention may be invited to the fact that there is nothing whatsoever in the Production Code against the making of pictures based on these subjects. While there must be admitted to be incidents and facts of life which are not fit for theatrical treatment, the Production Code places no ban against the honest, serious and legitimate handling for theatrical purposes of any decent subject. Neither does it place a ban against the proper handling of these various classic novels and plays which Mr. Lubitsch complains he is not now permitted to make.

Mr. Lubitsch's complaint to the newspapers is untrue and destructive. It is untrue because it misrepresents the meaning and effect of the Production Code. It is destructive because it betrays to a public opinion which is aroused over past delinquencies of Hollywood an ignorance of the subject where knowledge of it has been assumed and a rebellious attitude where a good faith performance has been promised.

## *Connecticut Wants Films for Schools*

Hartford, Oct. 18.—Producers may be asked by the Connecticut State Board of Education to release old films for use in schools so pupils can study them after seeing them for a second time.

During the coming year film study classes are to be introduced in all four classes in the high schools of some cities. Phases of the course will include the story element of pictures, the mechanics and history of films, and the part of players.

# Allied Heads Lay Congress Campaign Plan

(Continued from page 1)

program for a Congressional investigation of the code. We have no argument against the NRA, but it is the code we are objecting to.

"Further, we will carry our fight on block booking to Congress in addition to the public."

It is understood that Allied members will use their screens in attacking block booking.

Col. H. A. Cole of Texas, Abram F. Myers of Washington, and Jack Lilly of Greenville, Texas, leave for home today. H. M. Richey and J. C. Ritter of Detroit may leave today or tomorrow. Walter B. Littlefield left for Albany yesterday.

The next eastern regional Allied meeting will take place in Baltimore on Nov. 19 with Littlefield as chairman. The next regular meeting of the full board of directors will take place some time in December in New Orleans.

## Episcopalians Ask Federal Film Rule

(Continued from page 1)

use his influence in obtaining the enactment of legislation.

In the discussion preceding the adoption of the resolution the production of objectionable pictures was criticized by Bishops William T. Manning of New York, Herbert Logan Roots of Hankow, China, and Ernest M. Stires of Long Island.

"Our name is being blackened in all the countries in the world by salacious movies," commented Bishop Manning.

"The American motion picture industry," said Bishop Roots, "is destroying the good name of America in the Far East, where censorship is not effective. Films regarded as too indecent to be shown at home are shown in China and Japan."

Bishop Stires asserted many unclean films are given exhibition in states not having censorship.

A resolution seeking the creation of agencies within the church to work with the Legion of Decency in purifying the screen, although passed by the church's House of Deputies yesterday, was sent back for revision when Bishop Manning objected to it as too weak.

## *Read Kendall to Marry*

Hollywood, Oct. 18.—Read Kendall, one of Hollywood's best liked columnists, and Jean Edwards, secretary to Mel Shauer at Paramount, have revealed their intention to wed. The ceremony will take place some time next month at the home of Gail Patrick.

## *Ross in Hartford Palace*

Hartford, Oct. 18.—Don Ross has replaced William Fisher as manager of the Palace. Fisher had been in the post temporarily. Ross, a native of St. Louis, comes here from Loew's, Syracuse. He was with Warners for two years.

## M-G-M, Warner Hit Detroit Clearance

*(Continued from page 1)*

tone of Warners and M-G-M was that protection was a matter of negotiation between distributor and exhibitor and all that the local board could do is to set maximum clearance after deals were closed.

H. M. Richey was the principal defender of the plan and at various times was called upon to interpret some of the meanings of clauses and provisions. He said he represented Allied of Detroit with a membership of 157 theatres. This, however, was challenged by David Newman, who owned one house, but said he represented 40 others.

Because of the vagueness of many of the provisions, it is highly likely the plan will be sent back for clarification. Richey declared that most of the provisions contained in the schedule have been in use for the past 12 years. When the question of theatre policy came up, Edward Golden, chairman of the appeal committee, attacked this as a violation of one of the 12 principles laid down by Campi in setting up schedules.

### Sees Conditions Different

Richey at this point took exception to the principles, declaring that the rules laid down for clearances in San Francisco cannot in all instances apply to Detroit because of different local conditions. He also added that less than 20 key Detroit houses objected to the plan in toto. Ray Moon, representing 37 theatres in Cooperative Booking Circuit, said that the 20 houses objecting to the plan comprise the majority of revenue producing theatres.

I. Levinson of Warners asked that all references other than to clearance be eliminated from the plan immediately, but Golden decided to go ahead and hear individual complaints. William Rodgers of M-G-M took issue with a number of the clauses, stating that his company would be affected considerably by their inclusion.

Edward Kirschner of the Family, Detroit, objected to the provision for changing admissions after 6 P. M. He said he now charges one admission all day and if the clause stays he will be set back three weeks on pictures.

On the board in addition to Golden were Gradwell Sears and Julius Charnow.

George Trendle of United Detroit Theatres stated he was in favor of the plan. Other exhibitors attending were James C. Ritter, Adrian Rosen, Sam Brown and a group of Allied officers, including Abram F. Myers, Walter B. Littlefield, Col. H. A. Cole and Sidney Samuelson. Jack Price of Price Premiums attended because of a provision anent premiums. David Barrist also was on hand. About 20 Detroit exhibitors listened to the arguments.

## *Decide Two Zoning Cases; Hold Third*

Decisions were handed down in two clearance and zoning cases and one reserved by the New York code board yesterday. In the complaint filed by the Maplewood, Maplewood, N. J., against Warners' Cameo, South Orange; Millburn, Millburn; Sanford, Irvington, and Stanley, Newark, the decision was withheld in order to give the board time to investigate.

On the protest of the Washington, Washington, N. J., against the Music Hall, Clinton, and State and Embassy, Easton, Pa., the board held that it had no jurisdiction over this territory, since the clearance and zoning schedule for the Philadelphia territory had already been set up. The Washington wanted the theatre zoned in New York.

In the case of the Liberty, Freehold, N. J., against Walter Reade's Asbury Park houses, the board decided that Reade's first run houses have 14 days' protection and his second houses have none. The board also insisted that Reade select his first run product within the next three weeks so that Freehold can book his pictures accordingly.

## *Cantor, Nizer, Lubitsch Enliven Ampa 'Tower Day'*

More than 200 turned out for "Tower Day" at the Ampa yesterday. All branches of the industry were represented—press agents, the trade press, executives, producers, directors and players. It was a field day for the players, and Louis Nizer.

Nizer introduced Eddie Cantor as a man with "eyes penetrating, yet ineffably sad; a roguish nose, a little turned up at the end; a mercurial body, and, added to his physical abilities, a mental nimbleness."

And Cantor responded by saying that he wished Ida (Mrs. Cantor) could have heard it, "because she is a Clark Gable fan and thinks I have no sex appeal." He added that he had thought the mercurial part of his makeup was a secret.

Then he offered to answer questions. Somebody asked him to talk about Samuel Goldwyn.

"I'm really not a picture man," Cantor explained, "so I shouldn't talk about Goldwyn. In fact, he has often told me I'm no picture man and I shouldn't butt in.

"He's a great personal comedian," Cantor continued confidentially, "but he doesn't let his personal comedy get into his pictures. That's why they're good."

Then he switched to Rubinoff—again confidentially.

"People often ask me why I knock him. It's good business. He has millions of friends, and when I knock him over the radio they switch off and go out and drink another cup of coffee. Rubinoff is a fine fellow, though. He's the kind of a guy who will stick a knife in your back and then have you arrested for carrying concealed weapons."

### Cantor Hits Radio Critics

Between questions he said Catherine McNelis, head of Tower Publications, was doing "a great job."

In reply to one question he said most of the radio critics did not know their jobs. "What I object to," he said, "is the racketeering among some of them."

One curious individual wanted to know what was the matter with the last drop of a well-known brand of coffee. He replied that when dated coffee ran out of date it was sold to this firm and age may have something to do with it. Just an old Cantor gag.

Chaplin, he said, replying to another question, makes pictures only once every two or three years so he will not have to take Uncle Sam in as a silent partner on the income.

In a serious vein he said he was glad his pictures were barred in Germany "because I don't want to make people laugh who make my people cry."

Ernst Lubitsch, one of the first introduced, said he couldn't tell any funny stories, because he had told them to Cantor the day before and had rehearsed them with him.

Nizer introduced Charles MacArthur and Ben Hecht together, because, "under the New York state law, collaborators cannot be separated."

MacArthur said a few words into the microphone, but Hecht was silent.

"Now you see how we collaborate," added MacArthur.

The Duncan Sisters sang two numbers; Edith Murray, CBS artist, contributed a song; Ernie Kaufman, radio singer, rendered a selection and did an excerpt from one of his sketches; and Ginger Rogers, Harry Hershfield, Claire Trevor, Regis Toomey, and others took bows. Elsie Janis told a story.

Miss McNelis said that five years ago when Tower magazines were started she would have been embarrassed by "such a gathering of celebrities and might not have had courage to proceed. Now I am gratified."

She promised a "bigger and better" issue of *New Movie* with the next issue.

### *Nazis Bar Stars*

**Berlin, Oct. 18.—Two of Germany's most popular film stars have been barred from appearing in future productions. One, Adolph Wohlbreuck, was barred on the ground that he was non-Aryan; another, Paul Hoerbiger, for making indiscreet remarks about the Nazi regime during a private conversation.**

## *Cantor Praises Code Work of Rosenblatt*

Praise for Division Administrator Sol A. Rosenblatt's efforts in straightening out the coast situation affecting actors was given yesterday by Eddie Cantor. The star also held favorable the results of the code in Hollywood. He said:

"Rosenblatt has done a good job on the actors' situation and those that needed the work most are being taken care of," he stated. "I think the code is serving a good purpose in that it helps everyone."

Cantor is a member of Campi's studio labor committee and asserted he had a lot to do with setting up the code on the coast. He leaves for London on Dec. 1.

## Cuba Is Gaining, States Dave Lewis

Since formation of the new coalition government and subsequent increased confidence in the political and economic situation, theatre business in Cuba has considerably improved, Dave Lewis, administrator of the M-G-M exchange there, stated yesterday. Up to last January business was very bad, but the future is more promising for theatres than it has been in the last nine months, he said.

The reciprocity tariff between the U. S. and Cuba has worked very favorably for the latter country, the U. S. reducing import duties on sugar from two cents a pounds to nine-tenths of a cent on a quota of 2,000,000 tons annually, Lewis declared. He also added that Cuba is getting a break in the tobacco and other main industries from the U. S.

As a result, economic conditions in Cuba should show tremendous improvement, which will be reflected in theatre attendance, he stated. About 350 American pictures are imported annually. There are 150 wired and 75 silent theatres opened and 175 closed. There are some silent houses which are opened one day a week. The two first runs in Havana are the National and Encanto.

Lewis is here on a vacation and leaves for his headquarters in about a week. He plans to drive to Key West and from there take a boat for Havana when he returns.

Dave Gould, head of M-G-M's office in Puerto Rico, asserted that in his territory 86 of 126 houses are in operation.

## *"Aran" Draws Crowd At Criterion Debut*

*(Continued from page 1)*

Flaherty and which was accorded the Mussolini gold cup.

Broadway got a different sort of thrill with the unexpected and unheralded appearance of an Irish bagpipe band atop of the theatre marquee. Described as the only one of its kind in America, the instruments shrilled their music across Times Square and drew a sizable crowd of onlookers.

"Tiger" King, Maggie Dirrane and Michael Dillane, who play the leads, appeared in a symbolic prologue during which Miss Dirrane sang ancient Gaelic songs in the original. Offstage accompaniment on a piano was provided by Dr. Henry Cowell, director of musical activities at the New School of Social Research.

The Gaumont-British executive personnel, including Mark Ostrer, Michael Balcon, Jeffrey Bernerd, Arthur Lee and the company's publicity staff, headed by A. P. Waxman, were present in force as were top executives of other distributing organizations.

## *Gaumont Engages Donat*

Gaumont British has signed Robert Donat, currently appearing in "The Count of Monte Cristo," to star in a couple of films, the first to be John Euchan's "Thirty-Nine Steps."

## *Dismiss Duluth Protest*

MINNEAPOLIS, Oct. 18.—The J. B. Clinton zoning protest against Publix at Duluth has been dismissed by the clearance and zoning board.

# IMPORTANT ADVANCE INFORMATION!

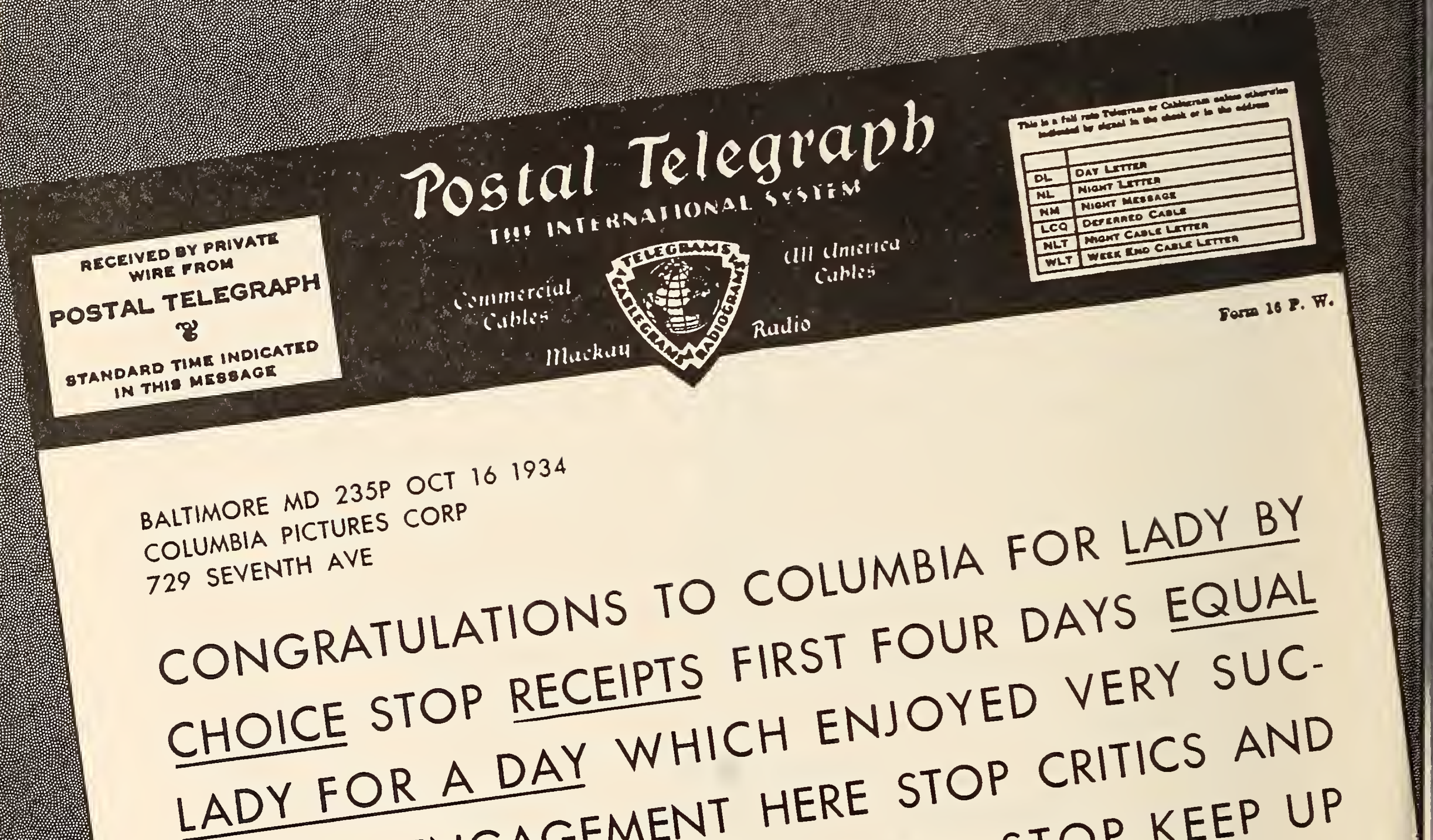
We urge you to screen at your first opportunity HELEN HAYES in "WHAT EVERY WOMAN KNOWS." This is truly one of the finest, sincerest, most human pictures of our time. We suggest that your advertising should take the form of a personal recommendation. Tell your patrons that again you advise them to attend a *new* Helen Hayes picture. Tell them that their faith was justified when you recommended "Sin of Madelon Claudet." You can go on record emphatically in your approval of "WHAT EVERY WOMAN KNOWS." Remember, it is Sir James M. Barrie's great play. In the cast, Brian Aherne and Madge Evans. M-G-M is heartily proud of it!

# AN EXHIBITOR'S ANGLE!

## ON A NEW PICTUR

## WORLD PREMIER

## LAS



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POSTAL TELEGRAPH
STANDARD TIME INDICATED IN THIS MESSAGE

Postal Telegraph
THE INTERNATIONAL SYSTEM

Commercial Cables
Mackay
TELEGRAMS CABLEGRAMS RADIOGRAMS
All America Cables
Radio

This is a full rate Telegram or Cablegram unless otherwise indicated by signal in the check or in the address

| | |
|---|---|
| | |
| DL | DAY LETTER |
| NL | NIGHT LETTER |
| NM | NIGHT MESSAGE |
| LCO | DEFERRED CABLE |
| NLT | NIGHT CABLE LETTER |
| WLT | WEEK END CABLE LETTER |

Form 16 P. W.

BALTIMORE MD 235P OCT 16 1934
COLUMBIA PICTURES CORP
729 SEVENTH AVE

CONGRATULATIONS TO COLUMBIA FOR LADY BY CHOICE STOP RECEIPTS FIRST FOUR DAYS EQUAL LADY FOR A DAY WHICH ENJOYED VERY SUCCESSFUL ENGAGEMENT HERE STOP CRITICS AND AUDIENCE REACTION SPLENDID STOP KEEP UP THE GOOD WORK REGARDS

I M RAPPAPORT
HIPPODROME THEATRE
BALTIMORE MD

## A COLUMBIA

# THE CRITICS' ANGLE

# HICH HAD ITS
# N BALTIMORE
# RIDAY

"'Lady By Choice' has an entirely new slant . . . May Robson did much to make 'Lady For A Day' a popular success and she does more for 'Lady By Choice.' It is a rollicking yarn of many moods, ranging from grand comedy to pathos . . . the fun is boisterous and cordial and there is plenty of it. Miss Lombard furnishes plenty of fireworks."

—THE SUN, Baltimore, Md.

"'Lady By Choice' has everything, including the legendary kitchen stove, in it to provide solid diversion. It is, indeed, a grand show."

—THE EVENING SUN, Baltimore, Md.

"May Robson plays the role to the queen's taste. Another grand performance. Carole Lombard is fine—Walter Connolly is superb—'Lady By Choice' is swell theatre."

—BALTIMORE NEWS.

"As a box-office attraction it looks like a runner-up on 'Lady For A Day'."

—VARIETY.

"This is money in the bank. A worthy successor to 'Lady For A Day'."

—MOTION PICTURE DAILY.

"Tremendous successor to 'Lady For A Day'."

—THE HOLLYWOOD REPORTER.

**CAROLE LOMBARD** WITH • **MAY ROBSON**

**ROGER PRYOR** — **WALTER CONNOLLY**

STORY BY DWIGHT TAYLOR—SCREEN PLAY BY JO SWERLING

DIRECTED BY DAVID BURTON

# PICTURE

COLUMBIA PICTURES

# “U” Scores News Scoop On Broadway

*(Continued from page 1)*

to the M-G-M exchange, this was the first delivery made in New York.

Fox Movietone went further than the others with a total clip of 600 feet and Lowell Thomas handling the narrative. Its first showing was at the Embassy at 6:30. E. M. May, assistant manager of the latter house, thus found all the reels on his hands. He said decision had been made as to which would be retained for shows starting today, but added that probably Fox Movietone would emerge as the victor in that sector.

Paramount News last night advanced the claim that its clips would blanket the United States “in less than 24 hours.” The reel assumed full credit for a scoop in distribution and maintained that principal out-of-town points were being served by air. In this classification were cited Philadelphia, Washington, Boston and Pittsburgh.

As is usual on big newsreel events, conflicting claims yesterday probably will result in a mild deluge of additionally conflicting statements today. Careful check instituted by Motion Picture Daily, however, indicated clearly that it was Universal which first reached Broadway, although its actual clips of the assassination were photographed with a silent camera. Exact footage and a complete description of each shot had been cabled in advance. With this data, McNamee was enabled to prepare and have recorded his narrative before the film was hurried from the decks of the *Washington* yesterday morning for the laboratory.

# “Bachelor,” Show, Providence Leader

Providence, Oct. 18.—The RKO Albee, spotting “Once to Every Bachelor” and a snappy revue, managed to catch the big take of the week, $8,100, which is $1,100 over average.

The Majestic and Strand had average weeks, with Loew’s taking a nose dive with “Outcast Lady” and “That’s Gratitude.” Only $7,300 resulted.

Total first run business was $38,200. Average is $40,500.

Estimated takings for the week ending Oct. 11:

**“OUTCAST LADY” (U. A.)**
**“THAT’S GRATITUDE” (Col.)**
LOEW’S STATE—(3,800), 15c-40c, 7 days. **Gross:** $7,300. (Average, $12,000)

**“A GIRL OF THE LIMBERLOST” (Monogram)**
**“YOUNG AND BEAUTIFUL” (Mascot)**
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $6,700. (Average, $6,500)

**“ONCE TO EVERY BACHELOR” (Mascot)**
RKO ALBEE—(2,300), 15c-40c, 7 days. Aristocracy Revue on stage. **Gross:** $8,100. (Average, $7,000)

**“A LOST LADY” (F. N.)**
FAY’S—(1,600), 15c-40c, 7 days. “Shuffle Along” on stage. **Gross:** $7,900. (Average, $7,000)

**“DESIRABLE” (Warners)**
**“CASE OF THE HOWLING DOG” (War.)**
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)

**“DOWN TO THEIR LAST YACHT” (Radio)**
**“CHEATERS” (Col.)**
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,200. (Average, $1,000)

# *Looking ’Em Over*

## *“The Man of Aran”*

*(Gaumont British)*

“The saga of a man whose only master was the sea,” is the keynote behind Gaumont British’s advertising campaign for this picture, produced and directed by Robert J. Flaherty, whose “Nanook of the North” has not been dimmed by the years. That line tells the story of “The Man of Aran.”

Inhabitants of small, rock-creviced islands off the west coast of Ireland, what you get here is a page torn from the daily lives of the Spartan inhabitants who seek to eke their living from a land which breathes back only defiance. They scour the rocks for soil which brings them potatoes; they hunt the seas for the basking shark which gives them oil for their lamps throughout long, treacherous and grueling winters; they fight the ocean which surrounds them and never relents.

That’s all there is to the story. But “The Man of Aran” is so fundamentally true, as basic as the very elements which play so powerful a part in the telling of this simple, yet rugged, story that it grips and holds and creates an emotional impact often as crashing as the murderous seas which smash their way across the screen.

Flaherty directed. He also photographed this picture with results recorded on celluloid that are as breath-taking and as vivid as they are frightening. In their natural manner, the principals—“King” Tiger, Maggie Dirrane and the boy, Michael Dillane—are charming, unaffected and, therefore, effective.

Here is a distinctive picture, far off the beaten track pursued by the average film labeled Hollywood. How it will fare is a question. Unfortunately so. It deserves praise, a break and success.

Reviewed without a production seal, the production as caught at the Criterion last night ran 75 minutes. KANN

# MOTION PICTURE DAILY’S HOLLYWOOD PREVIEW

## *“White Parade”*

*(Jesse L. Lasky-Fox)*

Hollywood, Oct. 18.—That completely beauteous creature, Loretta Young, evidences mature star power in this heart-stirring play which Jesse L. Lasky has produced with box-office sagacity. Irving Cummings’ sympathetic direction wins him the right to be included in the select inner circle of directors for purveying this entertainment so fragile with tears and trembling with laughter.

Depicting the collegiate training of nurses from probation to graduation, it wisely omits any clinical and surgical scenes, concentrating on the dreams, ambitions, heartaches, romances, humor, drama and the service ideals of the schools and the girls. Intimate scenes in the dormitories and hospital pluck the emotions.

Nurse Young loves a rich polo player, John Boles. Despite his ardor and promise of security, she foregoes romance to follow the lamp of Florence Nightingale.

Production values and Arthur Miller’s camera work are topnotch. Bole’s portrait is restrained and personable. The supporting cast gives fine performances, particularly Muriel Kirkland, Jane Darwell, Astrid Allwyn, Joyce Compton and Sara Haden. Even a small part by Jean Barnes stands out.

The film reflects credit on Rian James’ story and the screenplay by Sonya Levien and Ernest Pascal with adaptation by James as well as Jesse L. Lasky, Jr. Interest is at all times sustained by a pervading human note, thus making the characters real and genuine.

Showmen, by exploiting these human values with tender romance and heart drama, should do big opening business and bigger business as the news gets around. Production code seal, No. 346. Running time, 90 minutes.

*“The Case of the Howling Dog,” Tuesday night’s preview at the Rialto, was reviewed by wire from Hollywood on Aug. 27.*

*“Have a Heart,” new attraction at the Mayfair, was reviewed by wire from Hollywood on Aug. 13.*

# “Barretts” At Top of Denver List, $7,50

Denver, Oct. 18.—“Barretts Wimpole Street” did this city’s onl big first run business here, $7,50 “The Count of Monte Cristo” was th only other attraction in town to stan up in the face of this competition. I took $3,000, up by $500, at the Alladin

Total first run business was $22,00 Average is $20,500.

Estimated takings for the week ending Oct. 11:

**“COUNT OF MONTE CRISTO” (U.A.**
ALADDIN—(1,500), 25c-35c-50c, 7 day 2nd week. **Gross:** $3,000. (Average, $2,500

**“CRIME WITHOUT PASSION” (Para.**
DENHAM—(1,500), 25c-35c-50c, 7 day **Gross:** $3,000. (Average, $4,000)

**“THE BARRETTS OF WIMPOLE STREET” (M-G-M)**
DENVER—(2,500), 25c-35c-50c, 7 days **Gross:** $7,500. (Average, $6,000)

**“THE DRAGON MURDER CASE” (F. N.**
ORPHEUM—(2,600), 25c-35c-50c, 7 days **Gross:** $5,500. (Average, $6,000)

**“JUDGE PRIEST” (Fox)**
PARAMOUNT—(2,000), 25c-40c, 7 days **Gross:** $3,000. (Average, $3,000)

# Screen Must Look To Youth—Warner

*(Continued from page 1)*

to students in film and other course in the country’s educational institutions who show high proficiency i their studies.

Asserting that the industry does no resent criticism when deserving of it, Warner declared that the motion picture is a builder of good will throughout the world, adding that the screen has done a great deal toward selling of American merchandise abroad.

Warner said that the screen, besides entertaining, is important as a teacher of morals in that by revealing the wrong it teaches the right in the same way the Bible does.

Warner declared a producer cannot succeed unless in selecting his stories he can gauge today the public taste of tomorrow. A story must be seen through the eyes of the people the producer is seeking to reach, he added.

Successful pictures must possess something that will appeal to the public, Warner asserted. Before production is started, he asserted, the producer must visualize mass appeal and must consider that people are not alike in all communities of the country.

According to Warner, film-goers are no longer willing to accept what is thrown to them. He said today people are shopping for their entertainment. A film must depend on more than its lavishness for success, Warner asserted.

S. Charles Einfeld and Stuart MacDonald were present from the home office.

## *Arrest Eleven Pickets*

Eleven war veterans picketing the Mayfair, Globe and Central theatres were paroled by Magistrate Earl A. Smith in Night Court yesterday for a hearing Wednesday in West Side Court after they had been arrested earlier in the day for allegedly blockading traffic by their activities. The men are members of the M. P. Operators’ Union.

# UNIVERSAL NEWSREEL BEATS THE WORLD!

●

## FIRST ON BROADWAY

{On The Screen at 11:35 A. M. Yesterday}

## FIRST IN AMERICA

WITH ACTUAL SCENES OF
THE ASSASSINATION OF

# KING ALEXANDER

To a world yearning for *glamour* comes this

**AMAZING PERSONALITY!**

●

To a nation eager for *thrills* comes this

**STARTLING DRAMA!**

Too beautiful to escape men's caresses .. too innocent to fathom their intrigues . her face haunted the thoughts of those who coldly used her loveliness for their own sinister ends .. in the danger zone of world intrigue!

Produced by Winfield Sheehan • Directed by Henry King

Screen play by Reginald Berkeley · Based on a novel by Jacques Deval

Marie Galante
with
SPENCER TRACY
KETTI GALLIAN
NED SPARKS • HELEN MORGAN
SIEGFRIED RUMANN
LESLIE FENTON • ARTHUR BYRON
JAY C. FLIPPEN & STEPIN FETCHIT

FOX

# "Barretts" Is $20,000 Wow, Philadelphia

PHILADELPHIA, Oct. 18.—"The Barretts of Wimpole Street" spelled money last week for the Boyd, knocking off a magnificent $20,000. It was held.

Other top-notch grosses sent the totals rising. "Judge Priest" stuck to $19,000, together with the popular concert stage show idea at the Fox. Normally, would have been plenty to hold, but with product damming up the picture was let go. The Earle, with "Big Hearted Herbert" and Ben Bernie nabbed $18,500. "The Last Gentleman" started profitably at the Aldine, but not so big as previous films and will probably not complete a second week. "Now and Forever" didn't live up to the Shirley Temple expectations at the Stanley, though it is figured for a neighborhood mop-up. It will get a second downtown run at the Karlton.

Total first run business was $94,150. Average is $73,500.

Estimated takings for the week ending Oct. 11:

**"HIDEOUT" (M-G-M)**
**(2nd run)**
ARCADIA—(600), 25c-35c-50c, 5 days. **Gross:** $1,750. (Average, 6 days, $2,400.)

**"THE LAST GENTLEMAN" (U. A.)**
ALDINE—(1,200), 40c-55c-65c, 6 days. **Gross:** $10,000. (Average, $7,500.)

**"BARRETTS OF WIMPOLE STREET" (M-G-M)**
BOYD—(2,400), 40c-55c-65c, 6 days. **Gross:** $20,000. (Average, $12,000.)

**"BIG HEARTED HERBERT" (Warners)**
EARLE—(2,000), 40c-55c-65c, 6 days. Stage show with Ben Bernie and orchestra. **Gross:** $18,500. (Average, $12,000.)

**"JUDGE PRIEST" (Fox)**
FOX—(3,000), 35c-40c-65c, 2nd week, 6 days. Stage show with concert stars, including Adelaide de Loca, Douglas Stansbury, Kan Peerce, Viola Philo. **Gross:** $19,000. (Average, $12,000.)

**"THE FOUNTAIN" (Radio)**
**(2nd run)**
KARLTON—(1,000), 30c-40c-50c, 6 days. **Gross:** $2,900. (Average, $3,500.)

**"CARAVAN" (Fox)**
LOCUST—(1,300), 55c-$1.10, 2nd week, 6 days. **Gross:** $5,500. (Average, $7,000.)

**"NOW AND FOREVER" (Para.)**
STANLEY—)3.700), 40c-55c-65c, 6 days. **Gross:** $10,500. (Average, $12,000.)

**"AGE OF INNOCENCE" (Radio)**
STANTON—(1,300), 30c-40c-55c, 6 days. **Gross:** $6,000. (Average, $6,000.)

# "Wake Up," Band, Lead in Oklahoma

OKLAHOMA CITY, Oct. 18.—The Liberty scored again here last week, going to $2,500 on "Wake Up and Dream," with Carleton Cook and his orchestra on the stage for four days. The take was over normal by $500, and was the only first run in the city to exceed par.

Total first run business was $12,500. Average is $13,500.

Estimated takings for the week ending Oct. 13:

**"MADAME DU BARRY" (Warners)**
CRITERION—(1,700), 10c-20c-36c-41c-56c, 7 days. **Gross:** $3,000. (Average, $5,000)

**"CASE OF THE HOWLING DOG" (War.)**
MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $3,000. (Average, $4,000)

**"GIFT OF GAB" (Univ.)**
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,500. (Average, $2,500)

**"WAKE UP AND DREAM" (Univ.)**
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. Carleton Coon and orchestra on stage. **Gross:** $2,500. (Average, $2,000)

**"HELL CAT" (Col.)**
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $1,500. (Average week, $2,000)

# "Wimpole" at $46,000 2nd Capitol Week

"Barretts of Wimpole Street" continued to be the outstanding attraction on Broadway in its second week, and it is scheduled for a fourth, the first at the Capitol since the silent days. The second week take was $46,000.

Two other holdovers were still going strong. "The Count of Monte Cristo" took $27,500 in its second stanza at the Rivoli, and "Belle of the Nineties" took $28,000 in its third week at the Paramount.

"Power" was good, but not outstanding, at the Music Hall, the gross being $68,000. "Peck's Bad Boy" took $29,000 in its first week at the Roxy and was held.

Estimated takings:

***Week Ending Oct. 9:***

**"COUNT OF MONTE CRISTO" (U. A.)**
RIVOLI—(2,300), 40c-99c, 2nd week, 7 days. **Gross:** $27,500.

***Week Ending Oct. 10:***

**"WAGON WHEELS" (Para.)**
MAYFAIR—(2,300), 35c-65c, 7 days. **Gross:** $11,000.

**"POWER" (Gaumont British)**
RADIO CITY MUSIC HALL—(5.945), 35c-$1.65, 7 days. Stage show. **Gross:** $68,000.

***Week Ending Oct. 11:***

**"BARRETTS OF WIMPOLE STREET" (M-G-M)**
CAPITOL—(4,700), 35c-$1.65, 2nd week, 7 days. Stage show. **Gross:** $46,000.

**"RICHEST GIRL IN THE WORLD" (Radio)**
PALACE—(2,500), 25c-75c, 7 days. Vaudeville. **Gross:** $14,000.

**"BELLE OF THE NINETIES" (Para.)**
PARAMOUNT—(3,700), 35c-99c, 3rd week, 7 days. **Gross:** $28,000.

**"PECK'S BAD BOY" (Fox)**
ROXY—(6,200), 25c-55c, 7 days. Stage show. **Gross:** $29,000.

**"A LOST LADY" (Warners)**
STRAND—(2,000), 25c-55c, 7 days. **Gross:** $18,700.

***Week Ending Oct. 16:***

**"OUR DAILY BREAD" (U. A.)**
RIALTO—(2,300), 25c-65c, 2nd week, 7 days. **Gross:** $10,000.

# "Night," Montreal Draw with $8,000

MONTREAL, Oct. 18.—The Canadian Thanksgiving Day on Oct. 8 fitted nicely into the theatre picture here. There was one holdover, "One Night of Love," at the Princess, with a take of $8,000 for the second week and a resultant extension to a third week.

Seven days of "Cleopatra" at the Palace brought $13,000, while the combination of "Death on the Diamond" and Rae Samuel's "Cocktail Hour" stage show cashed in to the same amount.

Total business was $48,000. Average is $43,000.

Estimated takings

**"CARAVAN" (Fox)**
**"THE HUMAN SIDE" (Univ.)**
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $10,500. (Average, $9,000.)

**"SCOTLAND YARD MYSTERY" (Fox)**
**"SHE WAS A LADY" (Fox)**
IMPERIAL—(1,914), 25c-40c-50c, 7 days. Vaudeville acts. **Gross:** $3,500. (Average, $6,500.)

**"DEATH ON THE DIAMOND" (M-G-M)**
LOEW'S — (3,115), 30c-40c-45c-57c-75c, 7 days. Stage: Rae Samuel's "Cocktail Hour." **Gross:** $13,000. (Average, $10,500.)

**"CLEOPATRA" (Para.)**
PALACE—(2,600), 34c-40c-50c-60c-75c, 7 days. **Gross:** $13,000. (Average, $11,000.)

**"ONE NIGHT OF LOVE" (Col.)**
**"GIRL IN DANGER" (Col.)**
PRINCESS — (2,272), 30c-35c-50c-65c, 7 days. **Gross:** $8,000, 2nd week. First week: $8,000. (Average, $6,000.)

### *One-Man Unit*

**Hollywood, Oct. 18.—Joseph Santley is a one-man producing unit.**

**Santley first did the original of "Million Dollar Baby" for Monogram. Then he penned the screen play and wrote the lyrics and music for two songs and finally he will direct the film.**

**He is thinking of playing the leading role.**

# "Wimpole" Is Los Angeles Wow, $23,000

LOS ANGELES, Oct. 18.—With fair attractions and favorable weather, grosses gained considerably over the week before. "Barretts of Wimpole Street" lifted Loew's State close to a record with a gross of $23,000. Normal for the house is $14,000.

"Mrs. Wiggs of the Cabbage Patch" topped par by $3,775 with a gross of $21,775 at the Paramount. A dual, "One Exciting Adventure" and "Love Time," was strong at Pantages.

Total first run business was $70,475. Average is $69,200.

Estimated takings for the week ending Oct. 17:

**"BARRETTS OF WIMPOLE STREET" (M-G-M)**
LOEW'S STATE—(2,413), 30c-55c, 7 days. **Gross:** $23,000. (Average, $14,000)

**"MRS. WIGGS OF THE CABBAGE PATCH" (Para.)**
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Rube Wolfe and his orchestra, F. & M. revue. **Gross:** $21.775. (Average, $18,000)

**"MADAME DU BARRY" (Warners)**
RKO—(2,700), 25c-65c, 7 days. **Gross:** $5,200. (Average, $8.000)

**"MADAME DU BARRY" (Warners)**
WARNER BROS. (HOLLYWOOD) — (3.000), 25c-65c, 7 days. **Gross:** $9.200. (Average, $14,000)

**"THE CASE OF THE HOWLING DOG" (Warners)**
WARNER BROS. (DOWNTOWN) — (3,000), 25c-40c, 7 days. **Gross:** $7,500. (Average, $12.000)

**"ONE EXCITING ADVENTURE" (Univ.)**
**"LOVE TIME" (Fox)**
PANTAGES — (3.000), 25c-40c, 7 days. **Gross:** $3,800. (Average, $3,200)

## *Seattle to Have Club*

SEATTLE, Oct. 18.—A new social club to be established in the New Washington Hotel here, near Film Row, is now in the process of organization. Film exchange memberships will be handled by a committee headed by Neal East, manager of the Paramount exchange. Theatre division members will be enlisted by a committee under the direction of Al Rosenberg.

## *Cincy Variety to Move*

COLUMBUS, O., Oct. 18.—The local Variety club, known as Tent No. 2, will vacate its present quarters in the Deshler Wallick, and move into an elaborate suite of rooms at the Neil Hotel in about 60 days.

## *Goldstein Heads Club*

GLOVERSVILLE, N. Y., Oct. 18.—Louis Goldstein, chief booker of the Schine circuit, has been elected president of the Schiners' Club for 1934-35.

# "Barretts" Is Seattle High With $8,000

SEATTLE, Oct. 18. — "Barretts of Wimpole Street" was the only strong attraction in town last week. It took $8,000 at the Fifth Avenue, going $1,000 over the profit line in its second week.

"The Count of Monte Cristo" took a good $4,200 at the Blue Mouse, but apparently the other first runs couldn't stand the competition. Total first run business was $29,150. Average is $31,000.

Estimated takings for the week ending Oct. 6:

**"COUNT OF MONTE CRISTO" (U. A.)**
**(Second Run)**
BLUE MOUSE—(950), 25c-40c-55c, 7 days. **Gross:** $4,200. (Average, $4,000)

**"BARRETTS OF WIMPOLE STREET" (M-G-M)**
FIFTH AVENUE—(2,450), 25c-40c-55c, 7 days, 2nd week. **Gross:** $8,000. (Average, first week, $7,000)

**"BLACK MOON" (Col.)**
**"BLIND DATE" (Col.)**
LIBERTY—(1,800), 10c-15c-25c, 7 days. **Gross:** $3,600. (Average, $4,000)

**"A LOST LADY" (F. N.)**
**"WAKE UP AND DREAM" (Univ.)**
MUSIC BOX—(950), 25c-35c-50c, 7 days. **Gross:** $3.250. (Average, $3.500)

**"AGE OF INNOCENCE" (Radio)**
MUSIC HALL—(2,275), 25c-40c-55c, 7 days. **Gross:** $4,900. (Average, $6,500)

**"DEATH ON THE DIAMOND" (M-G-M)**
PARAMOUNT—(3,050), 25c-35c, 7 days. "The Drunkard" on stage. **Gross:** $5,200. (Average, $6,000)

# Rogers Is $6,000 Indianapolis Hit

INDIANAPOLIS, Oct. 18. — "Judge Priest" was a sensation here last week. It went over normal by $3.500 for a total gross of $6.000 at the Apollo in its second week.

In spite of the terrific draw of the Rogers film "One Night of Love" pulled a big $10,000, up by $3,000, at the Indiana, and "The Last Gentleman" was strong at $5,000 at the Palace.

Total first run business was $32,000. Average is $26,000.

Estimated takings for the week ending Oct. 13:

**"JUDGE PRIEST" (Fox)**
APOLLO—(1,171), 25c-40c, 2nd week. **Gross:** $6,000. (Average, $2,500)

**"THE DRAGON MURDER CASE" (F. N.)**
CIRCLE—(2,638), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000.)

**"ONE NIGHT OF LOVE" (Col.)**
INDIANA—(3,133), 25c-40c, 7 days. **Gross:** $10,000. (Average, $7,000)

**"BIG HEARTED HERBERT" (Warners)**
LYRIC—(1,896), 25c-40c, 7 days. Vaudeville. **Gross:** $7,500. (Average, $8,000)

**"THE LAST GENTLEMAN" (U. A.)**
PALACE—(2,431), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,500)

## *Tobacco Film Ordered*

Audio Prod. has signed a contract with the Brown & Williamson Tobacco Corp. of Louisville to produce a black and white cartoon subject, using a penguin as the central character. This is the trade mark of Kool cigarettes. The picture is to be shown from traveling trucks.

## *'Pimpernel' Is Completed*

LONDON, Oct. 18.—Work has been completed at Elstree on "The Scarlet Pimpernel," London Films production to be released through United Artists.

# Chained" Is Best Draw As Chicago Dips

Chicago, Oct. 18.—Loop houses owed the effects of dwindling fair osses. "Chained" made the best owing of the first runs by getting 5,000, over the mark by $4,000, at Roosevelt.

'Ladies Should Listen" was strong $17,000, up by $2,000, at the Orien-, and "Girl From Missouri" took 5,000 at the Chicago, but all other uses were either average or below.

Total first run business was $132,-0. Average is $131,600.

Estimated takings:

*Week Ending Oct. 8:*

**"CHAINED" (M-G-M)**

ROOSEVELT—(1,591), 25c-35c-50c, 2nd ek, 7 days. **Gross:** $16,000. (Average, ,000)

*Week Ending Oct. 11:*

**'GIRL FROM MISSOURI" (M-G-M)**

CHICAGO—(4,000), 25c-35c-68c, 7 days. age: Guy Kibbee, Ritz Bros., Evans ancing Girls. **Gross:** $35,000. (Average, 4,600)

**DEATH ON THE DIAMOND" (M-G-M)**

GARRICK—(900), 25c-35c-40c, 7 days. oss: $5,000. (Average, $5,000)

**'LADIES SHOULD LISTEN" (Para.)**

ORIENTAL—(3,940), 25c-40c, 7 days. age: Alice Faye, Art Kahn & Bob No-n, Lamberti, Ted Cook band. **Gross:** 7,000. (Average, $15,000)

**"THE FOUNTAIN" (Radio)**

PALACE—(2,509), 25c-35c-50c, 7 days. age: Aileen Stanley, The Ritter Troupe, red Sanborn and others. **Gross:** $22,000. verage, $22,000)

*Week Ending Oct. 12:*

**"THE LAST GENTLEMAN" (U. A.)**

UNITED ARTISTS—(1,700), 30c-40c-60c, d week, 7 days. **Gross:** $11,000. (Average, 7,000)

**BELLE OF THE NINETIES" (Para.)**
**(Fourth Loop Week)**

APOLLO—(1,400), 25c-35c-50c, 7 days. **ross:** $12,000. (Average, $12,000)

*Week Ending Oct. 13:*

**"CALL IT LUCK" (Fox)**

STATE-LAKE—(2,776), 20c-25c-35c, 7 ays. Stage: Armida in person and vaude-ille. **Gross:** $14,000. (Average, $15,000)

# 'Belle" Big Draw In Omaha, $10,200

Omaha, Oct. 18.—"Belle of the ineties" packed 'em in from the start f its seven-day run at the Para-ount, the gross going up to $10,200 n the week. This is over normal by 2,200.

"Judge Priest" and "There's Al-ays Tomorrow" on a dual at the Or-heum were also over par by $2,200 n a $9,700 take. Another dual, "A ost Lady" and "Among the Miss-ng," was strong at $4,000 in the randeis.

Total first run business was $27,-00. Average is $22,500.

Estimated takings:

*Week Ending Oct. 10:*

**"WAKE UP AND DREAM" (Univ.)**
**'MILLION DOLLAR RANSOM" (Univ.)**

WORLD—(2,200), 25c-40c, 7 days. **Gross:** 3,500. (Average, $3,500)

**'BELLE OF THE NINETIES" (Para.)**

PARAMOUNT—(2,800), 25c-40c, 7 days. **ross:** $10,200. (Average, $8,000)

*Week Ending Oct. 11:*

**"A LOST LADY" (F. N.)**
**"AMONG THE MISSING" (Col.)**

BRANDEIS—(1,500), 20c-25c-35c, 7 days. **ross:** $4,000. (Average, $3,500)

**"JUDGE PRIEST" (Fox)**
**"THERE'S ALWAYS TOMORROW"**
**(Universal)**

ORPHEUM—(3,000), 25c-40c, 7 days. **ross:** $9,700. (Average, $7,500)

# *Rogers Lands $1,000 Over Average and Leads 'Frisco*

San Francisco, Oct. 18.—In a week when no other first run grosses developed anything startling "Judge Priest" ran up to $9,000 at the St. Francis. This is $1,000 over average.

"The Count of Monte Cristo" took a par $8,000 at the United Artists, and "Caravan" was even with the line at $11,000 in the Paramount, but all the other downtown houses fared badly.

Total first run business was $79,000. Average is $83,000.

Estimated takings:

*Week Ending Oct. 9:*

**"RICHEST GIRL IN THE WORLD"**
**(Radio)**

GOLDEN GATE—(2,800), 25c-35c-40c, 7 days, 2nd week. Stage: Band. **Gross:** $11,000. (Average, $13,000.)

*Week Ending Oct. 10:*

**"MILLION DOLLAR RANSOM" (Univ)**
**"THERE'S ALWAYS TOMORROW"**
**(Univ.)**

FOX—(4,600), 15c-30c-40c, 7 days. **Gross:** $10,000. (Average, $11,000)

**"CARAVAN" (Fox)**

PARAMOUNT—(2,670), 15c-25c-55c-65c, 7 days. **Gross:** $11,000. (Average, $11,000)

**"BRITISH AGENT" (Warners)**

WARFIELD—(2,700), 25c-35c-55c-65c, 7 days. Stage: Band. **Gross:** $22,000. (Average, $23,000)

*Week Ending Oct. 11:*

**"ONE NIGHT OF LOVE" (Col.)**

ORPHEUM — (3,000), 15c-30c-35c-40c, 7 days, 6th week. **Gross:** $8,000. (Average, $9,000)

**"JUDGE PRIEST" (Fox)**

ST. FRANCIS—(1,400), 15c-35c-55c, 7 days. **Gross:** $9,000. (Average, $8,000)

**"COUNT OF MONTE CRISTO" (U. A.)**

UNITED ARTISTS—(1,200), 15c-35c-55c, 7 days. **Gross:** $8,000. (Average, $8,000)

# "Belle" Hits $15,000, Top In Pittsburgh

Pittsburgh, Oct. 18.—Business was up generally last week with one exception, and the comparative top went to "Belle of the Nineties" at the Stanley, where Mae West gathered around $15,000, or $6,000 above par and the best straight picture taking at this site in some time.

"The Count of Monte Cristo" continues to be the talk of the town, doing $7,000 in its third week, which is little short of sensational. At the Alvin, the start of stage shows, together with "You're Telling Me," brought in $12,000, while the combination of "A Lost Lady" and "Down to Their Last Yacht" helped the Warner to $5,550. Only the Penn, with "You Belong to Me" and a stage show, failed to make the grade, sliding to $16,000. The Pitt also picked up with the Olsen-Johnson unit and "Jane Eyre," getting $7,200 for an excellent showing.

Total grosses in six first-runs were $61,750. Average, is $56,500.

Estimated takings for the week ending Oct. 11:

**"YOU'RE TELLING ME" (Para.)**

ALVIN—(2,000), 25c-40c, 6 days. Stage: Johnny Perkins, 12 Aristocrats, Ruth Petty, Maxellos and Duke McHale. **Gross:** $12,000. (Average, $10,000.)

**"COUNT OF MONTE CRISTO" (U. A.)**

FULTON—(1,700), 15c-40c, 6 days, 3rd week. **Gross:** $7,000. (Average, $4,500.)

**"YOU BELONG TO ME" (Para.)**

PENN—(3,300), 25c-75c, 6 days. Stage: Ed Lowry, George Sidney, Eleanor Powell, Florence and Alvarez, Lillian Dawson, Elaine Arden and Danny Dare girls. **Gross:** $16,000. (Average, $22,000.)

**"JANE EYRE" (Monogram)**

PITT—(1,600), 15c-40c, 6 days. Stage: Olsen and Johnson unit, "Cavalcade of Fun." **Gross:** $7,200. (Average, $6,000.

**"BELLE OF THE NINETIES" (Para.)**

STANLEY—(3,600), 25c-50c, 6 days. **Gross:** $15,000. (Average, $9,000.)

**"A LOST LADY" (Warners)**
**"DOWN TO THEIR LAST YACHT"**
**(Radio)**

WARNER—(2,000), 25c-40c, 6 days. **Gross:** $5,550. (Average, $5,000.)

## *Stanwyck Given Lead*

Hollywood, Oct. 18.—Barbara Stanwyck, instead of Bette Davis, will have the feminine lead in Warners "North Shore."

# "Tomorrow," Show, $9,100 High in K. C.

Kansas City, Oct. 18.—The Hilton Sisters, known as "the Siamese twins," headlining a stage show, plus "There's Always Tomorrow" on the screen captured box-office honors at the Tower, sending the take to $9,100, above average by $2,100.

The Midland's $9,700 on "Death on the Diamond," while high gross of the week, was below par. "A Girl of the Limberlost" was good for $3,900 at the Uptown. "Kansas City Princess" failed to excite the expected stampede at the Newman.

Total first run business was $38,700. Average is $37,500.

Estimated takings:

*Week Ending Oct. 10:*

**"KANSAS CITY PRINCESS" (Warners)**

NEWMAN—(1,800), 25c-40c, 7 days, plus three extra shows. **Gross:** $7,000. (Average, $7,000.)

*Week Ending Oct. 11:*

**"A LOST LADY" (F. N.)**

MAINSTREET—(3,100), 25c-35c-50c, 7 days, plus Saturday midnight show. Stage: "Passing Revue," with Russ Jones, Charlo Day, Alfredo & Dolores, Shayne & Armstrong, Novak & Faye, and others. **Gross:** $9,000. (Average for combination shows, $9,000.)

**"DEATH ON THE DIAMOND" (M-G-M)**

MIDLAND—(4,000), 25c-40c, 7 days, plus Saturday midnight show. **Gross:** $9,700. (Average, $11,000.)

**"THERE'S ALWAYS TOMORROW"**
**(Univ.)**

TOWER—(2,200), 25c-35c, 7 days, plus Saturday midnight show. Stage: "Seeing Double," with Hilton Sisters, Harris Twins & Loretta, Bee and Ray Goman, Ted and erage, $7,000.)

**"A GIRL OF THE LIMBERLOST"**
**(Monogram)**

**Gross:** $3,900. (Average, $3,500.)

UPTOWN—(2,000), 25c-40c, 7 days. Art Miller, and others. **Gross:** $9,100. (Av-

## *Hiliodro Garcia in Town*

Hiliodro Garcia, operating the National, Neptuno and Fausto theatres in Havana, is in New York for a short visit. He plans to return in about 10 days. He's stopping at the Taft.

## *Cleveland Spot to Open*

Cleveland, Oct. 18.—The Hough-79th St. Theatre, recently purchased by Henry Smith and Sam Greenberger, is scheduled to open Nov. 1.

# "Outcast" Is Detroit High With a Show

Detroit, Oct. 18.—Business dropped off after the World's Series excitement, with "Outcast Lady" standing out as the big attraction of the week at the Michigan. Helped by a stage show headed by Ina May Hutton, the film put the gross over par by $3,800 for a total of $23,800.

"Gift of Gab," also aided by a stage show, showed strength at the Fox, getting $16,300. "Judge Priest" took a good $5,200 at the Adams after a big week at the Fox.

Total first run business was $67,000. Average is $75,000.

Estimated takings for the week ending Oct. 11:

**"JUDGE PRIEST" (Fox)**

ADAMS—(1,770), 10c-25c-40c, 7 days. **Gross:** $5,200. (Average, $5,000.)

**"BIG HEARTED HERBERT" (Warners)**

BROADWAY-CAPITOL — (3,449), 15c-40c, 7 days. **Gross:** $2,400. (Average, $10,000.)

**'SCARLET EMPRESS" (Para.)**
**"THE HIDEOUT" (M-G-M)**
**(Second Run)**

FISHER—(2,975), 10c-25c-35c, 7 days. **Gross:** $4,700. (Average, $10,000.)

**"GIFT OF GAB" (Univ.)**

FOX—(5,100), 15c-65c, including tax, 7 days. Stage: 7 acts of vaudeville, headed by Arren & Broderick. **Gross:** $16,300. (Average, $15,000.)

**"OUTCAST LADY" (M-G-M)**

MICHIGAN—(4,100), 15c-65c, including tax, 7 days. Stage: Ina Ray Hutton and her Melodears (All Girl Revue). **Gross:** $23,800. (Average, $20,000.)

**"SCARLET EMPRESS" (Para.)**
**"THE HIDEOUT" (M-G-M)**
**(Second Run)**

STATE—(3,000), 10c-35c, 7 days. **Gross:** $4,100. (Average, $5,000.)

**"LAST GENTLEMAN" (U. A.)**

UNITED ARTISTS—(2,070), 25c-50c, 7 days. **Gross:** $10,500. (Average, $10,000.)

# "Gentleman" Leads Buffalo, $16,700

Buffalo, Oct. 18.—Fair and cool weather helped grosses last week, with "The Last Gentleman" at the Buffalo going to $16,700, over normal by $3,400.

"The Barretts of Wimpole Street" was so strong at $9,300 in the Hippodrome that it was held over. "One More River" and "Affairs of a Gentleman" took a par $6,500 at the Lafayette.

Total first run business was $46,700. Average is $44,800.

Estimated takings for the week ending Oct. 12:

**"THE LAST GENTLEMAN" (U. A.)**

BUFFALO—(3,000), 30c-55c, 7 days. Stage: Hal Sherman, with Inez King; Stone & Vernon; William Hall; Charles Carrer. **Gross:** $16,700. (Average, $14,300)

**"BORN TO BE BAD" (U. A.)**
**"HAT, COAT AND GLOVE" (Radio)**

CENTURY—(3,000), 25c, 7 days. **Gross:** $6,800. (Average, $6,000)

**"SERVANTS' ENTRANCE" (Fox)**

GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $7,400. (Average, $10,000)

**"THE BARRETTS OF WIMPOLE STREET" (M-G-M)**

HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $9,300. (Average, $8,000)

**"ONE MORE RIVER" (Univ.)**
**"AFFAIRS OF A GENTLEMAN" (Univ.)**

LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $6,500. (Average, $6,500)

## *Radio Signs O'Flaherty*

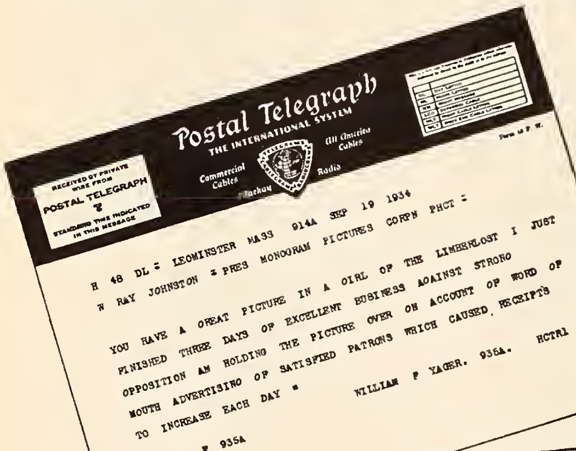
Hollywood, Oct. 18.—Radio has bought the Lian O'Flaherty original, "The Informer," and has signed the author to do the script.

# "A GIRL OF THE LIMBERLOST

# 163% ABOVE NORMAL

wires **H. E. ULRICH**
**WATSON THEATRE**
**SALINA, KANSAS**

## AND EVERYWHERE THE REPORTS ARE THE SAME



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Mackay
Radio

B 48 DL = LEOMINSTER MASS 914A SEP 19 1934
W RAY JOHNSTON = PRES MONOGRAM PICTURES CORPN PHCT =

YOU HAVE A OREAT PICTURE IN A OIRL OF THE LIMBERLOST I JUST FINISHED THREE DAYS OP EXCELLENT BUSINESS AOAINST STRONO OPPOSITION AM HOLDINO THE PICTURE OVER ON ACCOUNT OP WORD OP MOUTH ADVERTISINO OF SATISFIED PATRONS WHICH CAUSED RECEIPTS TO INCREASE EACH DAY =

WILLIAM F YAGER. 936A. HCTR1

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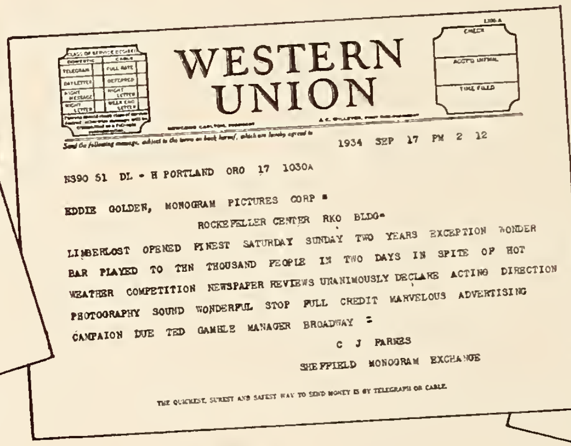

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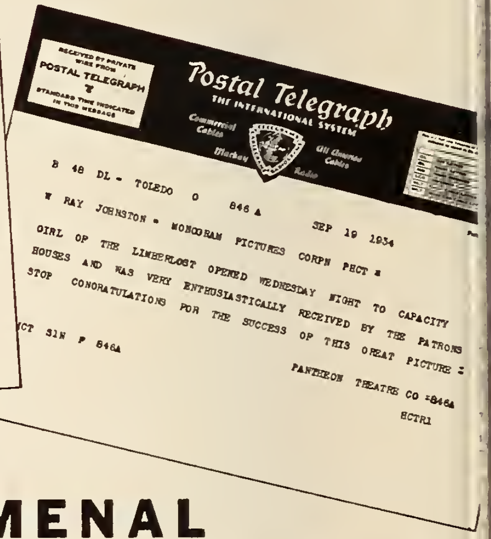
EDDIE GOLDEN, MONOGRAM PICTURES CORP =
ROCKEFELLER CENTER RKO BLDG=

LIMBERLOST OPENED FINEST SATURDAY SUNDAY TWO YEARS EXCEPTION WONDER BAR PLAYED TO TEN THOUSAND PEOPLE IN TWO DAYS IN SPITE OF HOT WEATHER COMPETITION NEWSPAPER REVIEWS UNANIMOUSLY DECLARE ACTING DIRECTION PHOTOGRAPHY SOUND WONDERFUL STOP FULL CREDIT MARVELOUS ADVERTISING CAMPAIGN DUE TED GAMBLE MANAGER BROADWAY =

C J PARNES
SHEFFIELD MONOGRAM EXCHANGE

THE QUICKEST, SUREST AND SAFEST WAY TO SEND MONEY IS BY TELEGRAPH OR CABLE



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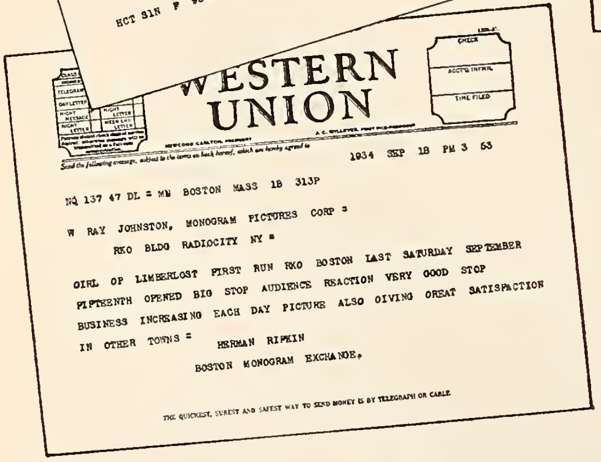
B 48 DL = TOLEDO O 846 A SEP 19 1934
W RAY JOHNSTON = MONOGRAM PICTURES CORPN PHCT =

GIRL OP THE LIMBERLOST OPENED WEDNESDAY NIGHT TO CAPACITY HOUSES AND WAS VERY ENTHUSIASTICALLY RECEIVED BY THE PATRONS STOP CONORATULATIONS FOR THE SUCCESS OF THIS OREAT PICTURE =

PANTHEON THEATRE CO =846A
HCTR1

HCT 31N F 846A



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W RAY JOHNSTON, MONOGRAM PICTURES CORP =
RKO BLDG RADIOCITY NY =

GIRL OF LIMBERLOST FIRST RUN RKO BOSTON LAST SATURDAY SEPTEMBER FIFTEENTH OPENED BIG STOP AUDIENCE REACTION VERY GOOD STOP BUSINESS INCREASING EACH DAY PICTURE ALSO GIVING GREAT SATISFACTION IN OTHER TOWNS =

HERMAN RIFKIN
BOSTON MONOGRAM EXCHANGE.

THE QUICKEST, SUREST AND SAFEST WAY TO SEND MONEY IS BY TELEGRAPH OR CABLE

## "TRULY PHENOMENAL BUSINESS STATE THEATRE RICHMOND, VA."

**SAM FLAX, LIBERTY EXCHANGE, WASHINGTON, D. C.**

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## CUT YOURSELF IN ON THESE PROFITS—*BOOK IT NOW*

with **LOUISE DRESSER · MARIAN MARSH · RALPH MORGAN**

*Directed by* **CHRISTY CABANNE** · *Produced by* **W. T. LACKEY** · *Adapted by* **ADELE COMANDINI**

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

OL. 36. NO. 94 NEW YORK, SATURDAY, OCTOBER 20, 1934 TEN CENTS

# RKO Secures An Extension On 6% Notes

### Consolidated to Receive 60% of Print Work

An agreement between RKO and Consolidated Film Industries extendng the maturities on the secured six er cent gold notes of RKO outstandng in the amount of $1,500,000 from an. 1, next, to May 1, 1938, was filed esterday in U. S. District Court here.

Under the original agreement with Chemical Bank & Trust Co. and Commercial Investment Trust, RKO was o meet maturities in the amount of $300,000 on the first of each month during the five months ending Jan. , 1935. The new agreement, for which the approval of the court is

(Continued on page 3)

## Say New Gulf Body Is Being Discussed

New Orleans, Oct. 19.—Invitations ssued to Louisiana theatre owners to neet with Mississippi owners at the atters' state convention in Jackson Oct. 28-29 have started a rumor that he Gulf States Theatre Owners' Ass'n is to be scrapped for a new rganization with the ultimate purose of affiliating with the M.P.T. O.A.

Independents are reported to be opposed to the plan.

There are also reports that the next ational convention of the M.P.T.O.A. will be held here for the purpose of urthering the plan.

## Allied Production Plans Are Dormant

Allied's production plans are in a tate of suspended animation, Sidney Samuelson, president, stated yesterday. Several deals have been under way from time to time, but for the present nothing is being done.

Samuelson said that the national organization's attention is now being ocussed on Washington, what with elections three weeks off. Although

(Continued on page 3)

## Actor Pact Turned Down by Producers

Hollywood, Oct. 19.—The proposed actor-producer code of fair practice was flatly rejected as a whole by the producing group at a meeting of the ive-five committee last night, called for a showdown on the matter. As a

(Continued on page 4)

# Skouras Heads East to Speed Setup of FWC

### Accompanied by Buckley, Zabin—Due Monday

Los Angeles, Oct. 19.—Prior to departure of Charles Skouras, Charles Buckley and Edward Zabin for New York last night, it became known that trustees of Fox West Coast appropriated $150,000 to pay off all local claims that do not exceed $30,000 individually. This means that all small creditors will be paid 100 cents on the dollar between now and Oct. 30. There are five claims that exceed $30,000.

It is understood that Fox West Coast will be sold and removed from bankruptcy within the next six weeks

(Continued on page 4)

## Johnston to Tour; Says Sales Up 41%

W. Ray Johnston, Monogram president, starts another tour of Monogram exchanges today. He will visit all the exchanges he missed on his August trip.

"Monogram sales are running 41 per cent ahead of last year," he declares, "and it is probable that after a conference with Trem Carr, production head, budgets may be raised again."

## Curb College Boys

**Toronto, Oct. 19.—A way has been found to curb the student nuisance. When several hundred University of Toronto students raided Shea's Theatre in celebration of a football victory, Manager Jerry Shea called the police who lined up the collegians and compelled them to hand over their college registration cards before they left the theatre. Notification was then sent to the university that the cards could be redeemed on payment of the regular admission fee. The rah-rah boys had to have their cards and the "fines" worked.**

# Normanly Sees Business Jump For New Year

Chicago, Oct. 19.—James P. Normanly, assistant to Dr. A. H. Giannini, looks for the industry chart tc take a sharp upturn about the first of the year as a result of the impetus of better production and the favorable reaction from the Paramount and Fox West Coast reorganizations.

Normanly passed through here today on his way to New York to at-

(Continued on page 4)

## They Grip

**The Fox Movietone News clips of the double assassination in Marseilles of King Alexander of Yugoslavia and of Foreign Minister Barthou of France are fascinating in the intenseness of their drama.**

**It is probable the scenes of the slaying will rest in the political archives of the future as an important piece of visual history as well.**

**They pack a genuine wallop.**

**KANN**

## They Awe

**Hearst Metrotone clips of King Alexander's death are awesome. The King has a puzzled, enigmatic smile as he turns from side to side, saluting slowly, as his car advances.**

**Shots sound. There is a glimpse of a cavalryman's sabre as it descends on the assassin's head, and the King, still smiling faintly, sinks down with open, staring eyes.**

**Gruesome, but fascinating; power, impotence—seconds apart!**

**JERAULD**

# Dicker On to Cut Richards' Saenger Stock

### Purpose Is to Increase Paramount's Share

Negotiations aimed at a reduction of E. V. Richards' interest in the new Saenger Theatres Co. are under way between the Paramount Publix trustees and Richards, it was learned yesterday and consummation of the Saenger plan of reorganization is being held in abeyance pending the outcome of the negotiations.

The current confabs are understood to be due to a belief held by the trustees that the original plan of reorganization for Saenger provides for too favorable a participation by Richards in the operating management of the new company and that a revision of the terms involving Richards' future

(Continued on page 3)

## Stay Asked on Use Of Majestic Name

Appointment of a receiver for Majestic Pictures Corp. and an injunction restraining a new subsidiary known as Majestic Producing Corp. from using the name or assets of Majestic is asked in a suit which has been filed in state supreme court here by Majestic Pictures of Pennsylvania, of which Anthony Lucchese is president, it was learned yesterday.

The bill of complaint alleges that Majestic of Pennsylvania spent "more

(Continued on page 3)

## Recorded Music to Be Covered in Spain

Washington, Oct. 19.—Extension of the copyright agreement between the United States and Spain to cover compositions for mechanical reproduction, and, by inference, music scores on sound films, was made public today by the State Department. A proclamation covering the matter was issued by the President Oct. 10.

Reciprocal copyright relations were established with Spain in April, 1910, but did not include phonograph records and similar protection.

## Assert Long Island Combine to Continue

Despite action of local exchanges in stopping spot bookings to the Seider - Schwartz - Skouras pooling

(Continued on page 3)

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

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*Advertising Manager*

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## Goldwyn at Work on Several for Cantor

CHICAGO, Oct. 19.—Samuel Goldwyn has three or four vehicles under consideration for Eddie Cantor's next, said Fred Kohlmar, Goldwyn's production assistant, who passed through here today on his way to New York for preliminary conferences with Cantor. Plenty of talent is available, but the problem is where and how to use it.

The cleanup campaign has had no serious effect on business, he said, but has resulted in better product. "Kid Millions" and Anna Sten's "We Live Again" were approved by Joseph I. Breen without cuts, he said.

## Capitol Cancels Cantor

For the third time in as many weeks, the Capitol has cancelled headline stage talent. Eddie Cantor and Dave Rubinoff, who were scheduled to play the house starting Oct. 26, have been cancelled with a possibility of a later booking. Ben Bernie, now at the state, was to have opened at the Capitol this week, to be followed by Burns and Allen, who are booked into Loew's in Jersey City.

## Schenck in England

SOUTHAMPTON, Oct. 19.—Joseph M. Schenck arrived here today on the *Majestic.* His plans for marrying Merle Oberon are still indefinite, he said.

## Many Film People Sail on Aquitania

A formidable array of film people sailed on the *Aquitania* last night. They included:

Mark Ostrer, chairman of the board of Gaumont British, and Mrs. Ostrer.

Michael Balcon, production generalissimo for the company. He expects to be back one of these days on his way to a two or three months' stay in Hollywood to see how it's done there.

Jeffrey Bernerd, general manager of G-B, who has been working day and night to launch his company in this market. Probably he will return, too, in a couple of months to check up on progress made.

Nova Pilbeam, 14-year-old star of "Little Friend," now current at the Roxy.

Mrs. Arnold Pilbeam, her mother.

Sam Smith of British Lion Prod.

Anna May Wong, who will make additional pictures in London.

Jack Cohn, vice-president of Columbia, who is on his way to an inspection of company distribution in England. He expects to be back in less than a month.

Edward L. Klein, foreign buyer now resident in London, and Mrs. Klein.

William M. L. Fiske, 3rd, vice-president of First Division.

Jack Hulbert, G-B star.

M. A. Schlesinger of General Talking Pictures on a six-week business trip.

## Hoffman Ready for Start of New Group

Production on "Sweepstakes Annie," first of the four Liberty pictures added to the current program, will be started next week following return of M. H. Hoffman, president, to Hollywood. Hoffman leaves by plane tomorrow.

One of the remaining three will be a musical, Hoffman stated yesterday.

## Clark to Coast Today

John D. Clark, general sales manager of Fox, leaves for the coast by plane today. He will arrive in Hollywood on Monday to confer on production plans and then, accompanied by Herman Wobber, will make a tour of the company's exchanges.

## Experiment in Film Music Tested Here

The initial results of experiments being conducted by Mary E. Bute, Houston artist and student of music, to enable an audience to "see" as well as to hear music coming from the screen were submitted to a public test yesterday at the Palace Theatre by Radio, which is showing an interest in the young woman's work.

Miss Bute said she planned a series along the lines of the strip of film shown yesterday for possible use in theatres which do not employ orchestras. By visualizing musical compositions she believes it will be easier to hold an audience's interest in overture music emanating from the screen because there is something to attract the eye at the same time.

The strip of film shown at the Palace yesterday was an interpretation in terms of light and camera effects of "Anitra's Dance" from Grieg's "Peer Gynt Suite." The picture, if it can be called that, running but three minutes, was valuable in creating a mood and should prove a delight to those really versed in the mechanics of music. Of course, the commercial possibilities are limited.

## Abeles to Warners Mexico City Branch

Arthur Abeles, former exchange manager and exhibitor, is understood to have been appointed head of Warners' branch in Mexico City. He is on the *Siboney* en route to Mexico.

Officials at Warners would neither confirm nor deny the story yesterday. Felipe Mier, it was stated, is the company's manager in Mexico and no official word of a change has been made.

## Spectrum's First Ready

HOLLYWOOD, Oct. 19.—"Frontier Days," the first of a series of westerns to be released by Spectrum Pictures, has been finished. The film, produced by Altmont Pictures under the supervision of Al Alt, is set for release Nov. 10.

## INS Promotes Rawles

LOS ANGELES, Oct. 19.—Wallace Rawles, identified for several years with International News Service, has been appointed chief of the Pacific bureau handling film news up and down the coast.

## Universal Up One on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 37¼ | 36⅛ | 37¼ | + ½ | 600 |
| Consolidated Film Industries | 3¼ | 3¼ | 3¼ | — ⅜ | 200 |
| Consolidated Film Industries, pfd | 15½ | 15 | 15 | — ½ | 1,000 |
| Eastman Kodak | 104 | 104 | 104 | ..... | 300 |
| Fox Film "A" | 13⅜ | 12⅞ | 13⅜ | ..... | 600 |
| Loew's, Inc. | 30⅞ | 30⅛ | 30⅞ | + ⅛ | 5,800 |
| Paramount Publix | 4⅜ | 4¼ | 4⅜ | + ⅛ | 7,900 |
| Pathe Exchange | 1¼ | 1¼ | 1¼ | ..... | 400 |
| RKO | 2⅞ | 2⅜ | 2⅜ | — ⅛ | 200 |
| Universal Pictures, pfd | 30 | 29⅛ | 29⅛ | +1 | 2,000 |
| Warner Bros. | 4⅞ | 4⅞ | 4⅞ | — ⅛ | 1,000 |

## Technicolor Off Half on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13⅞ | 13 | 13 | — ½ | 800 |
| Trans Lux | 2 | 2 | 2 | + ⅛ | 100 |

## Para. Publix Bonds Drop Half

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 7 | 7 | 7 | — ½ | 2 |
| General Theatre Equipment 6s '40, ctf | 6½ | 6½ | 6½ | ..... | 1 |
| Loew's 6s '41, ww deb rights | 102⅝ | 102½ | 102½ | ..... | 7 |
| Paramount Broadway 5½s '51 | 43½ | 42¼ | 43½ | + ¾ | 14 |
| Paramount F. L. 6s '47 | 59 | 58¾ | 58¾ | — ¼ | 16 |
| Paramount Publix 5½s '50 | 58½ | 58½ | 58½ | — ½ | 10 |
| Warner Bros. 6s '39, wd | 60 | 59½ | 60 | ..... | 4 |

## Purely Personal

BERTHOLD VIERTEL, Gaumont British director, will be host to a group of friends at tomorrow night's showing of his latest work, "Little Friend," at the Roxy.

ANNE JOHNSTON and ANNE KASPER, winners of the Monogram "Chance for Hollywood" contest, left yesterday on the 20th Century for the coast.

STEPHEN E. FITZGIBBON, director of the Paramount Joinville studios near Paris, and MRS. FITZGIBBON, arrive today on the *Ile de France.*

CURTIS NAGEL has returned from the Antipodes with material for the Walter Futter 'Travelaughs" released by Columbia.

SPYROS SKOURAS, daring disloyalty to the St. Moritz, by stopping to talk to a friend in front of the Plaza yesterday afternoon.

HOWARD S. CULLMAN was a dinner guest of the Gaumont British executives prior to their sailing last night.

DANNY THOMAS, coast representative of the N.E.A., is in New York on a vacation.

SAUL E. ROGERS leaves Nov. 1 on his annual up-state venison hunt.

## Court Upholds Ban On Scalper Tickets

The right of a theatre to refuse admission to holders of tickets purchased from a speculator was upheld in a decision handed down here yesterday by Supreme Court Justice Albert Cohn.

The decision came with Justice Cohn's refusal of an application for an injunction to restrain the Martin Beck Theatre to refuse admission to holders of tickets purchased from Harry Cohen, ticket broker.

## Sonotone Convention Opens Here Monday

Sonotone Corp., manufacturer o equipment for the hard of hearing will open its second annual sales convention on Monday at the Park Central here. The meeting will close Wednesday.

The company reports that sales fo the first eight months of the curren year amounted to $881,369, as agains $394,292 for the similar period o 1933.

## Lubitsch Not to Sign Ye

Ernst Lubitsch will not sign th contract to make two pictures fo Toeplitz Prod. in England until h arrives back in Hollywood after three-week vacation here, he state yesterday. Lubitsch, who leaves fo the coast next week, says the con tracts are in Hollywood now, havin been sent directly there from England

## Lesser Party in Paris

PARIS, Oct. 19.—Sol Lesser, Eddi Cline and George O'Brien are her for a short visit and then go to Ital shortly to sail on the *Rex* o Oct. 30.

# Dicker On to Cut Richards' Saenger Stock

(*Continued from page 1*)

nterest is desirable from the Paramount viewpoint.

The original Saenger plan, virtually agreed upon at one time, provided for a purchase by Richards from Paramount of all of the Class A stock of the new Saenger company for $25,000. This would constitute a 50 per cent interest in the new company. Paramount would retain all of the Class B stock. It is understood that the current discussions center on this phase of the plan, with Paramount favoring a smaller stock participation by Richards, or, possibly, a larger voting stock representation for Paramount through a different apportionment of the new stock issues between the two principals.

Paramount owns all of the old Saenger stock outstanding except 20 shares of Class B common.

### Calls for Richards as Head

The original Saenger plan also provides that Richards will become president and general manager of the new company and will receive $600 per week for himself and an assistant. Other phases of the plan involving Richards provide for payment to him by Paramount of a receiver's fee of $10,000 due him from Central Florida Theatres, Inc., and a provision under which Richards agrees to pay half of the costs of the Saenger reorganization. Paramount agrees to advance $200,000 to the Saenger bond committees for reorganization costs, and an additional $200,000 for working funds for the new company, if needed.

Under the proposed plan Paramount also assigns its own claims against Saenger, aggregating $865,861, and other claims bought by it recently, to the new Saenger company without warranty of any kind. All of these phases may eventually be revised in some particulars before the current discussions with Richards are concluded.

The original Saenger reorganization plan was completed last June and filed for court approval here a few days prior to the enactment by Congress of Section 77-B of the bankruptcy laws, the new provision pertaining to corporate reorganizations. Both Paramount and Saenger later applied for and were granted a debtor status under the new law, so hearings on the Saenger reorganization plan were deferred pending the adaptation of the plan to the new bankruptcy status of both companies, thus leaving the plan in its present tentative state.

## *Trading Allowed in Saenger's Series B*

New Orleans, Oct. 19.—There is no prohibition against trading in Series B certificates of deposit of Saenger Theatres, Inc., according to word received by the New Orleans Stock Exchange from Washington. The statement issued by the exchange follows:

"The New Orleans Stock Exchange received information from the Securities Exchange Commission at Washington that the denial of trading privileges in the Series A certificates of deposit of the Saenger Theatres, Inc., first mortgage and collateral sinking fund 6½s does not affect the right of the exchange to trade in the Series B certificates of deposit of Saenger Theatres, Inc., inasmuch as the latter certificates of deposit were admitted to unlisted trading on August 17, 1933, whereas the Series A certificates of deposit were not admitted until subsequent to March 1, 1934. The commission recently ruled that curb trading was prohibited in issues listed atter March 1, 1934."

## *Para. Hot Springs Confab Oct. 26-28*

Paramount district managers and home office executives will gather at the Homestead Hotel, Hot Springs, Va., Oct. 26-28 for a three-day conference. The New York delegation will leave Thursday and will be back the following **Monday.**

The following district managers are scheduled to attend: M. S. Kusell, P. A. Bloch, Harry Goldstein, William Erbb, Oscar Morgan, Jack Dugger, J. E. Fontaine, R. C. Libeau, Hugh Braly, M. H. Lewis and B. Blotcky, and M. A. Milligan of the Canadian sales department.

Expected from the home office are: George J. Schaefer, general manager; Neil Agnew, sales manager; Division Managers J. J. Unger and Charles Reagan; R. M. Gillham, director of publicity and advertising; Don Velde, Alec Moss, Herman Lorber, Arthur Dunne, Knox Haddow, Fred Leroy, Jack Roper and G. B. J. Frawley.

## *"Wimpole" Holds Up In Its Third Week*

"The Barretts of Wimpole Street" held up remarkably well in its third week at the Capitol, chalking up a gross of $43,700 for this period and making a total of $155,560 for the 21-day run. For the first week, the take was $65,860, and for the second the gross was $46,000. It is now in its fourth stanza.

At the Astor "The Merry Widow" garnered $18,958 for the first seven days at two-a-day. For the first three days the gross was $12,364. The first week of "Now and Forever" at the Paramount ended with a total of $43,000, which is good. "Judge Priest" at the Music Hall tallied $77,000, fair. "Chu Chin Chow" did not fare so well at the Palace with $10,000. The Rivoli take for the third week of "Count of Monte Cristo" was $18,000, while the second week of "Peck's Bad Boy" at the Roxy was $25,850, a nice profit for that house.

## *Leo Bulgakov in Town*

Leo Bulgakov, Walter Connolly and Fay Wray arrived from Hollywood yesterday. Bulgakov recently completed "White Lies" for Columbia and is here to stage "Night Remembers" in conjunction with Leslie J. Spiller. Spiller and Bulgakov produced and directed the stage version of "One Sunday Afternoon."

## *"Choice" to Music Hall*

"Lady by Choice" is slated to go into the Music Hall sometime next month. No date has been set on the Columbia film.

# Stay Asked on Use Of Majestic Name

(*Continued from page 1*)

than $100,000" building up and advertising a distribution organization. It charges that Herman Gluckman, as president of Majestic Pictures, caused Majestic Prod. Corp. to be formed for the purpose of reaping the benefits, good will and utility of the Pennsylvania company. It also charges that the use of the name "Majestic" by the new company is illegal and without the consent of all stockholders. Lucchese is represented by Frank Fogel, Philadelphia attorney, and Otterbourg, Steindler & Houston of this city are associate counsel.

A general denial is made in the answer just filed by Majestic Pictures Corp., which also points out that the complainant has not demanded that the defendant's board of directors take action on the relief sought.

Gluckman could not be reached yesterday for comment on the suit.

## *Assert Long Island Combine to Continue*

(*Continued from page 1*)

combine in Long Island, the three-circuit pooling deal will continue, it was stated by one of the circuit members yesterday.

"The move to pool the theatres in Long Island was not to cut down rentals," it was said, "but to eliminate excessive protection and a general price war."

The arrangement is for the benefit of all, including exchanges, the official asserted.

## *Allied Production Plans Are Dormant*

(*Continued from page 1*)

he doesn't hesitate to say that Congressional action on block-booking, the increased music tax and the code is being sought, Samuelson declares that the procedure is being held secret.

"We are not telegraphing our blows before they are delivered," he says. "We've had our lesson from shooting our mouths off prematurely."

## *Hit Music Tax Deal*

Philadelphia, Oct. 19.—The American Society of Composers, Authors & Publishers is "not entitled to increase its rates at all at this time," the Independent Exhibitors Protective Ass'n of this city, declares in its current bulletin in which dissatisfaction is expressed over the terms of the recent compromise on music tax increases arrived at between A.S.C.A.P. and the Exhibitors' Emergency Committee.

## *Glucksman Sails Oct. 27*

Jacob Glucksman sails Oct. 27 for Argentina, Brazil, Chile and Europe. He will be gone about three months on business.

## *Trans-Lux Opens Oct. 25*

The newest link in the Trans-Lux circuit of theatres, located at 561 Fulton St., Brooklyn, opens Thursday night. The house seats 500.

## *Two Rewarded by Radio*

Hollywood, Oct. 19.—Anne Shirley has been given a new contract by Radio, while Betty Grable has been signed to a termer by the studio.

# RKO Secures An Extension On 6% Notes

(*Continued from page 1*)

sought, calls for payment of maturities in the amount of $25,000, plus interest, on the first of each month beginning Sept. 1, 1934, up to and including Feb. 1, 1937, and $50,000 on the first of each month beginning March 1, 1937, and ending May 1, 1938.

Thus RKO obtains a 45-month period instead of the original five-month term in which to retire the $1,500,000 obligation. RKO may, at its convenience, accelerate the payments by increasing the amounts at its own discretion.

Regarded as a consideration in the agreement, although not made a part of it, is a two-year deal between Consolidated and RKO under which Consolidated obtains 60 per cent of the RKO print work, the remaining 40 per cent being retained by Pathe. Consolidated held an option on the printing deal which it exercised in conjunction with the gold notes agreement.

### Hearing Set for Oct. 26

A court hearing on the agreement has been set for Oct. 26 before Federal Judge William Bondy. If court approval is obtained at that time, the agreement provides that RKO shall pay to Consolidated the past due payments for Sept. 1 and Oct. 1, last, within five days after the approval is given and, with the Nov. 1 maturity which would then be due, the payments would aggregate $75,000, plus interest.

No court opposition to the agreement is anticipated as the arrangement is regarded as highly satisfactory to RKO and creditors of the company. The $1,500,000 of gold notes outstanding, secured by virtually all of RKO's investments in its going subsidiaries, are regarded as the company's most vital and immediate financial obligation. The generous extension of the maturities is believed to relieve RKO of its most urgent financial problem. The transaction was negotiated by A. H. McCausland, Irving Trust reepresentative in RKO, and H. J. Yates, Jr., of Consolidated. Among the securities pledged by RKO as collateral on the $1,500,000 gold notes, is a large amount of voting stock in RKO and subsidiary companies, held by Chemical Bank as trustee. This stock may be voted by Consolidated under certain contingencies.

Consolidated acquired the notes by purchase from Chemical and C. I. T. some time ago. They were then outstanding in the amount of $1,825,000, but a first payment of $25,000 and a second of $300,000 of principal amount was made by RKO to Consolidated prior to the opening of the negotiations which resulted in the present agreement.

## *Half Radio Shorts Done*

Hollywood, Oct. 19.—Radio's shorts program for 1934-35 is more than 50 per cent completed, it is reported by Lee Marcus, short subject production head. The list contains eight series.

# Normanly Sees Business Jump For New Year

(*Continued from page 1*)

tend the convention of the American Bankers' Ass'n. as a representative of the Bank of Italy.

Normanly said a tremendous amount of theatre reconditioning equipment replacements will follow reorganization of Paramount and F.W.C. This has been neglected, he said, because circuit operators have hesitated to incur heavy expenditures while they have been in receivership.

Industry conditions are generally favorable, he said, because of improved grosses which reflect the production of box-office pictures. The general industry map is bright, he declared, with the exception of a few areas suffering from local setbacks, due to drought or other factors.

His bank's experience with film financing during the past year has been entirely satisfactory, he said.

The Legion of Decency campaign has been a factor in bringing about a better quality of product, Normanly declared. This applies to all companies, with the exception of a few independents.

Normanly looks for the Federal housing program to stimulate conditions generally. Higher commodity prices around the first of the year will be a stimulating factor, in his opinion. The only uncertainty, he said, is inflation which is only a possibility now, but may be launched if the Administration considers an emergency requires it.

Fears over the election of Upton Sinclair as governor of California are groundless, he said, because in the last two weeks popular sentiment has veered away from him to the conservatives. He scoffed at the reports studios would quit California if Sinclair were elected.

After the bankers' convention in New York, Normanly will spend 10 days conferring with industry heads, and then visit Detroit and Chicago.

## *Loew Refuses Deal On Bronx Clearance*

Efforts to settle amicably the clearance situation affecting Trio-Consolidated's Forum and Fleetwood and Loew's victory in the Bronx have failed, with Loew's refusing to reduce the existing protection on the independent circuit's two houses.

The case has caused much comment in local quarters with Campi itself stumped on making a decision. At the last Code Authority session Division Administrator Sol A. Rosenblatt stepped into the breach and ordered the case decided one way or another. J. Robert Rubin, alternate for Nicholas M. Schenck, asked for another delay on the ground that several Loew men were going to make a personal survey of the situation. Rosenblatt agreed and the case was held until next Friday's session.

After the Loew party investigated the clearance situation, the circuit then told Trio-Consolidated it would not do anything about the matter. Rosenblatt will insist that the case be determined on Oct. 25.

## *Actor Pact Turned Down by Producers*

(*Continued from page 1*)

result, the proposals advanced by both sides are being forwarded to Division Administrator Sol A. Rosenblatt for final decision.

In the meantime, officials of the Screen Actors' Guild are planning to present to members a resolution asking the American Federation of Labor for a separate charter for their organization. Since Actors Equity holds a charter covering the entire amusement field, it is argued it might be compulsory for the Guild to become affiliated with Equity, with autonomy granted screen acting.

The matter has not yet been placed before Cantor, head of the Guild. Kenneth Thomson, vice-president, has announced that, regardless of Rosenblatt's decision, the Guild will continue its efforts to obtain an A. F. of L. charter.

## *Board to Meet Again On Shusterman Film*

Failing to get together on the product to be allocated Aaron Shusterman of Red Bank and Perth Amboy, N. J., as a result of an overbuying decision in his favor against Walter Reade, members of the New York grievance board yesterday adjourned uutil this morning to designate the pictures.

Action by the board marks the first time it will sit on a Saturday and open the local board offices for a meeting. Reade intends to appeal the decision as soon as the product is designated.

## *Detroit Clearance Hearing Up 9 Hours*

Record for longest single hearing on a clearance and zoning appeal goes to the Detroit schedule. Starting at 2:30 o'clock on Thursday, a committee comprised of Edward Golden, chairman; Gradwell Sears and Julius Charnow heard exhibitors and distributors discuss the various provisions of the 18-page plan until midnight.

The Los Angeles schedule holds the record for the number of days given to a single schedule. The hearings on this plan lasted three days.

## *More Are Named to G-B Selling Force*

More additions to the Gaumont British sales force were made public yesterday by George W. Weeks, general sales manager of the company.

The appointments are as follows:

George Davidson, salesman, Detroit; Russell Borg and Joseph F. Woodward, salesmen, Kansas City; Fred E. Wagoner, sales manager, Indianapolis; Walter Wessling, sales manager, Portland, Ore.; J. M. Harris, salesman, and Russell G. Mortensen, booker, St. Louis; Eli Ginsberg, salesman, and Joseph Toner, booker, Philadelphia.

## *Flash Preview*

*Elinor Norton*— . . . has much unnecessary footage contributing little to a plot already weak and leaving this one tepid as entertainment.

*This film will be reviewed in full in a later issue of* MOTION PICTURE DAILY.

# "Mrs. Wiggs" Denver Smash With $7,000

DENVER, Oct. 19.—"Mrs. Wiggs of the Cabbage Patch" nearly ran away with the bulk of the first run business here last week. The $7,000 take at the Denham was $3,000 over par.

"Barretts of Wimpole Street" was the only other first run to get into the real money. It garnered a strong $3,500 at the Paramount.

Total first run business was $24,250. Average is $20,500.

Estimated takings for the week ending Oct. 18:

**"ROMANCE IN THE RAIN" (Univ.)**
ALADDIN—(1,500), 25c-35c-50c, 6 days. **Gross:** $1,750. (Average, $2,500.)

**"MRS. WIGGS OF THE CABBAGE PATCH" (Para.)**
DENHAM—(1,500), 25c-35c-50c, 7 days. **Gross:** $7,000. (Average, $4,000.)

**"MADAME DU BARRY" (Warners)**
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $6,000. (Average, $6,000.)

**"SIX-DAY BIKE RIDER" (F. N.)**
ORPHEUM—(2,600), 25c-35c-50c, 7 days. **Gross:** $6,000. (Average, $6,000.)

**"BARRETTS OF WIMPOLE STREET" (M-G-M)**
**(Second Run)**
PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $3,500. (Average, $2,000.)

## *Skouras Heads East To Speed FWC Setup*

(*Continued from page 1*)

if details can be worked out in New York.

Charles Skouras, Charles Buckley and Edward Zabin do not arrive in New York until Monday. They are stopping at several key points en route, probably Denver, Kansas City and Milwaukee to visit operating heads of F.W.C. subsidiaries and confer on reorganization plans which affect these companies.

Reports have been current for the last few weeks that F.W.C. and its subsidiaries would be reorganized by the end of November with each of the present operating heads to continue as presidents of newly formed companies, to be controlled by a holding company, of which S. R. Kent will be president.

Spyros Skouras, it is said, will continue as operating head of all F.W.C. subsidiaries.

Reorganization conferences with Chase Bank officials and Hughes, Schurman & Dwight will be held by Charles Skouras and Buckley, upon their arrival from the coast. Skouras was here several months ago on the plan, but returned west with minor details to be worked out.

Kent gets back Monday from the south where he has been vacationing. He also will take part in the reorganization talks, it is said.

## *Depinet Back Monday*

Ned E. Depinet is due back at his desk Monday morning following a week of conferences with RKO Radio executives at the studio. Depinet is making the return trip by plane.

## *Powers Is Stumping*

William T. Powers, F. W. C. attorney, running for attorney-general of New York state, is on a stumping tour upstate.

# "Cristo" Goes To Fifth Week In Pittsburgh

PITTSBURGH, Oct. 19.—There was a marked fluctuation in grosses here last week, with profits ranging as high as $2,500 and losses hitting as much as $10,000, the latter in the case of the Penn.

The biggest thing in town continues to be "The Count of Monte Cristo" at the Fulton, where a gross of $6,800 was chalked up in the picture's fourth week. This take gave the film a fifth week, establishing an all-time record run for this house, and there remains the possibility that it will go even beyond five weeks. In a month, the picture has played to more than 98,000 persons and has grossed almost $30,000.

At the Warner, "The Age of Innocence" and "Kansas City Princess" gave the house its best gross in more than a year, the combination geeting $7,500 while "Now and Forever" sent the Stanley up $1,500 above par at $10,500. The Pitt, with "Girl in Danger" and the "Harlem on Parade" unit, was the only house with a stage show to turn a profit, doing around $6,200.

Total grosses in six first run houses were $51,250. Average is $56,500.

Estimated takings for the week ending Oct. 18:

**"NOTORIOUS SOPHIE LANG" (Para.)**
ALVIN—(2,000), 25c-40c, 6 days. Stage: Johnny Perkins, Al Gordon's Dogs, Diane and Del Campo, Carl Freed's Harmonica Harlequins and Alvin Streamlinettes. **Gross:** $8,250. (Average, $10,000.)

**"COUNT OF MONTE CRISTO" (U. A.)**
FULTON—(1,750), 15c-40c, 6 days. 4th week. **Gross:** $6.800. (Average. $4.500.)

**"OUTCAST LADY" (M-G-M)**
PENN—(3,300), 25c-75c, 6 days. Stage: Fokine Ballet and Grace Hayes. **Gross:** $12,000. (Average, $22,000.)

**"GIRL IN DANGER" (Col.)**
PITT—(1,600), 15c-40c, 6 days. Stage: "Harlem on Parade" with Buck and Bubbles and Ada Brown. **Gross:** $6,200. (Average, $6,000.)

**"NOW AND FOREVER" (Para.)**
STANLEY—(3,600), 25c-50c, 6 days. **Gross:** $10,500. (Average, $9,000.)

**"AGE OF INNOCENCE" (Radio)**
**"KANSAS CITY PRINCESS" (Warners)**
WARNER—(2,000). 25c-40c, 6 days. **Gross:** $7,500. (Average, $5,000.)

## *Three New Delivery Units Join National*

Three new film delivery units have joined the National Film Carriers Ass'n., Inc., James Clarke, president, stated yesterday. They are Northwest Film Delivery Service of Seattle, Amsler and Waltz of Columbus and Theatre Transport Co. of Toledo.

The additions make a new total of 30. Clarke left for Philadelphia after a one-day trip here.

## *Irvin Cobb to Tour In Sinclair Fight*

HOLLYWOOD, Oct. 19.—After making a sensational radio speech against Upton Sinclair, Irvin Cobb has secured a 10-day leave from his M-G-M writing contract to stump for Governor Merriam up and down the coast.

In the meantime producers, distributors and exhibitors are putting up a united front against Sinclair.

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## Fox Brooklyn Suit Ups List To 13 on File

### *Warners, Vitaphone Are Among Defendants*

A flank attack in the patent war has been instituted by William Fox in Federal Court in Brooklyn, it was discovered Saturday. Another double printing infringement suit asking an injunction and an accounting is on file there against Warners and Vitaphone.

This brings the total of suits to 13 in the fight of American Tri-Ergon, controlled by Fox, to force recognition from and payment of royalties by all American users of his double printing and flywheel patents. All the suits so far are on the double printing patent. The defendants are: Amer-Anglo Corp., Columbia, Consolidated Film Industries, First Division, M-G-M and M-G-M Distributing

(*Continued on page* 15)

## Industry Surveys Fight on Sinclair

Los Angeles, Oct. 21.—First results of the industry's state-wide campaign via the screen against the election of Upton Sinclair are beginning to be counted here, although in operation but a week.

With the production colony itself now thoroughly aroused, other industries are joining in the fight to defeat Sinclair, believing the work is essential for the best interests of the state. Sinclair's intimation two weeks ago at San Francisco that, if elected, the state would engage in production as well as exhibition, is credited with having aroused Hollywood to a point

(*Continued on page* 6)

## *Theatres Sidetrack Texas Tax Proposal*

Dallas, Oct. 21.—Proposals to tax theatres 10 per cent for the purpose of raising an $8,000,000 fund for the Texas centennial in 1936 seem to have been sidetracked through a swift move by the Theatre Owners' Protective Ass'n.

The association decided to circulate petitions among patrons and run trailers on the screens. Later its members contacted a committee of prominent Texans in charge of the celebration and worked out a trade whereby the committee agreed to drop the tax plan in return for trailer help from exhibitors.

# Erpi Seen Bucking Fox By "Hill-Dale" Sound

### *Firm's Indicated Course Advanced in Statement By H. G. Knox*

That Erpi regards its "hill-and-dale" method of vertical cut disc recording as a valid and ready substitute for the Tri-Ergon double print patent and that producers have already given Erpi definite indication that they are "seriously considering" its use "for all or part of their talking picture" production, is made evident in an official Erpi statement released Saturday with the comment of H. G. Knox, Erpi vice-president in charge of engineering, on the new recording method.

Industry observers interpret the Erpi statement as a definite indication of the strategy to be pursued by the electric in its counter-offensive in the William Fox patents engagement. The Knox statement not only makes the flat claim of "superior quality" for "hill-and-dale" sound recording over film recording, but also suggests that it may prove to be more economical than recording on film throughout.

Knox's statement was couched in the form of comment on "the widespread praise of the unusual sound

(*Continued on page* 15)

## *Move on Foot to Combine About 50 New York Indies*

A move is on foot by a number of local exhibitors to merge about 50 independent houses into one big circuit. Under the plan, a new corporation would be formed and each of the original operators and owners apportioned a certain percentage of stock for their interests.

Although the plan is in the embryo stage, it was discussed at the last I. T. O. A. session when the Greater New York product situation was aired. No action was taken, since it was held that this was not an organization matter, but a move on the part of numerous individuals in the unit.

The idea behind the proposed merger is to build up buying power for protection of the small exhibitor. Certain I. T. O. A. members already have expressed approval of the plan and

(*Continued on page* 6)

## Start Talks Here on New Deal in FWC

Preliminary conferences to complete reorganization plans for Fox West Coast will get under way today with arrival of Charles Skouras, trustee; Charles Buckley, attorney, and Edward Zabin.

Over the week-end, Skouras and Buckley conferred with Elmer C. Rhoden, operating head of Fox Midwest, during train switches in Kansas City. Rhoden had been in New York for about three weeks on product deals and left for his headquarters Friday and is due back Wednesday when the Kansas City and Denver clearance and zoning schedules are up for

(*Continued on page* 6)

## *Hayden, Stone Will Repeat Fox Met Bid*

Hayden, Stone & Co. will make a new bid for Fox Metropolitan Playhouses assets early this week, it was learned on Saturday.

The first Hayden, Stone bid of $4,500,000, rejected by the Fox Met bondholders' committee a week ago. provided for a new financing program which is believed to have been unsatisfactory to the committee. The new draft of the bid will incorporate a stock issue, it is understood, but will avoid objections voiced by the committee to the earlier proposal.

## Code Advisory Boards' Fate Is Looming Near

Whether or not the three local advisory committees are to be dropped will be discussed at a meeting of the main New York clearance and zoning committee on Thursday. Some members of the main board feel that the work of the lower boards is a waste of time in that litigants, after presenting arguments, repeat testimony and charges at hearings before the main body.

It is also held too much time is taken up by advisory boards in hearing complaints and some of the exchange men on these committees are objecting to sitting. One or two have

(*Continued on page* 6)

## *World Chamber Asks Abolition of Quotas*

Paris, Oct. 21.—A resolution denouncing the quota system as "defeating the normal requirements of international trade by introducing an arbitrary element of rigidity" was passed by unanimous vote here by the Council of the International Chamber of Commerce, made up of representatives of 30 countries. The American delegation was headed by Thomas J. Watson of New York, president of the International Business Machines Corp. and chairman of the American com-

(*Continued on page* 6)

## Seals Given to 19 Films; 14 Shorts

Hollywood, Oct. 21.—A total of 19 features, 14 shorts and episodes from two serials have received certificates of approval from the Production Code Administration during the period from Sept. 26 to and including Oct. 17. This makes a total of 168 features and 155 shorts passed by the administration since July 15.

Columbia heads the list with four features and four shorts. Monogram received certificates for two features; Liberty, one; Universal, two and one

(*Continued on page* 17)

## *Lee Now in Charge Of G-B in America*

With Mark Ostrer, chairman of the board, and Jeffrey Bernerd, general manager on the high seas bound for England, Arthur Lee is now in complete charge of Gaumont British in America.

Ostrer plans to return shortly after

(*Continued on page* 6)

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## Shirley Temple Sued

HOLLYWOOD, Oct. 21.—Elinor O'Reilly and Gene Mann, claiming to be agents, have sued Shirley Temple for the purpose of getting a Supreme Court definition on the status of what they say is their agency contract. They say they secured a personal appearance contract for Shirley calling for payments of $7,500 weekly.

## To "Tone Down" Pictures

ST. LOUIS, Oct. 21.—Assurances that the "Hollywood Unvarnished" series of pictures now being run in the *Globe-Democrat* will be "toned down" have been given a delegation of theatre men by Lansing Ray, publisher of the paper, but he has refused to withdraw the pictures.

## Warren, Dubin Signed

HOLLYWOOD, Oct. 21.—Harry Warren and Al Dubin, composers of the majority of the song hits in the Warner musicals, have been given a five-year contract.

## To Screen "Kid Millions"

A trade showing of "Kid Millions," with Eddie Cantor, will be given at the Astor at 11 a.m. tomorrow for exhibitors and circuit representatives.

## "Du Barry" Opens Wed.

"Madame Du Barry," with Dolores Del Rio in the title role, opens at the Strand Wednesday morning.

# Insiders' Outlook

MEN and companies in this industry, in one manner of speaking, get their appraisal by their deportment in print. There are companies, finding voice on the published page through the giddiness of their press agents, which make extravagant claims about box-office performance, newsreel beats and a wide assortment of goings on. At this end, it never takes long to pin and label those who lean heavily in the direction of exaggeration which is a pleasant week-end manner of putting it. . . .

▼

However, steeled in the careful curriculum of the American Telephone and Telegraph Company, you get the extreme other side of the picture in the always cautious and guarded public statements handed out by Western Electric and Erpi. This is a rather circuitous way of directing attention to a Saturday development which points up a move of considerable potential, if not actual, import in the messy patent situation brought to some sort of a head by the recent refusal of the United States Supreme Court to review a lower court's findings against Erpi and its licensed companies where the flywheel and double printing patents, American Tri-Ergon held, are concerned. . . .

▼

It has been this column's experience then that, when Erpi talks which it does little enough, it's apt to say something. Well, H. G. Knox, company vice-president in charge of engineering, did talk on Saturday. By reading with merely a modicum of diligence, the impression became clear-cut that Erpi considers its line in the patent fight unbroken and, as a matter of fact, solidified by a method of disc recording known as the "hill and dale." Knox, naturally, makes no mention of the Tri-Ergon patent on double printing. He couldn't and wouldn't. But note the statements that fall on either side of his quotes:

> "Columbia's experience (with 'One Night of Love') has definitely demonstrated the usefulness of vertical cut recording of motion pictures for talking pictures. It not only affords an opportunity to record and reproduce the full volume range with superior quality, but also may prove a more economical method than recording on film throughout."

▼

Knox leaves himself an out, but the indicated line of procedure on Erpi's part, which means the part of its licensed companies, at the same time becomes clear. There may be a change. That's always possible. Yet, all of this tends to make the supposition something stronger than supposition that Erpi is preparing to weather any patent storm with its faith in the "hill and dale" method and on its belief, further, that disc-recorded sound later transferred to film will not impinge on the double printing patent 90 per cent owned by William Fox. . . .

▼

One additional statement culled from Knox's comment appears additionally significant. This is where he states:

> "Paramount is using vertical cut recording in 'Enter, Madame,' and the inquiries we are receiving from other producers indicate that they are seriously considering the advantages of this scientific development as a better and cheaper process for all or part of their talking pictures."

All of which can be no idle talk, since Erpi rarely, if ever, has gone in for conversation on the loose. . . .

KANN

## Issues on Big Board Down

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 37¾ | 37⅜ | 37⅜ | + ⅛ | 200 |
| Consolidated Film Industries, pfd | 15 | 15 | 15 | ..... | 100 |
| Eastman Kodak | 104¼ | 103 | 103 | —1 | 900 |
| Fox Film "A" | 13⅜ | 13⅜ | 13⅜ | ..... | 100 |
| Loew's, Inc | 30⅞ | 30½ | 30⅞ | ..... | 1,600 |
| Paramount Publix, cts | 4¼ | 4⅛ | 4¼ | — ⅛ | 2,400 |
| Pathe Exchange | 1⅛ | 1⅛ | 1⅛ | — ⅛ | 100 |
| Pathe Exchange "A" | 13½ | 13½ | 13½ | — ¾ | 100 |
| RKO | 2⅜ | 2¼ | 2¼ | — ⅛ | 1,500 |
| Warner Bros | 4⅞ | 4¾ | 4⅞ | ..... | 600 |

## Trans Lux Off ⅛ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Trans Lux | 1⅞ | 1⅞ | 1⅞ | — ⅛ | 100 |

## Paramount Broadway Bonds Up Half

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 6⅞ | 6⅞ | 6⅞ | — ⅛ | 4 |
| Loew's 6s '41, ww deb rights | 103 | 102¾ | 102¾ | + ¼ | 8 |
| Paramount Broadway 5½s '51 | 44 | 43⅝ | 44 | + ½ | 8 |
| Paramount F. L. 6s '47 | 58¾ | 58¾ | 58¾ | ..... | 5 |
| Warner Bros. 6s '39, wd | 60 | 59⅞ | 60 | ..... | 3 |

# ◀ Purely Personal ▶

JULES E. BRULATOUR, EDDIE CANTOR, DANIEL FROHMAN, GEORGE JESSEL, SAM H. HARRIS, WILLIAM A. BRADY and ED. SULLIVAN have their acceptances in for the Friars' Club testimonial dinner to POSTMASTER GENERAL JAMES A. FARLEY, Nov. 4, at the Astor.

ANITA LOUISE, one of the leads in "Madame Du Barry," heads east from Hollywood today on the new 60-hour Los Angeles-New York Union Pacific limited. She will make a personal appearance at the Strand. HENRY HULL is aboard the same train.

CELIA VILLA, daughter of the late PANCHO VILLA, has been signed by SAM SAX for a one reel Vitaphone short.

BUDD BARSKY has postponed his trip to the coast until Wednesday.

A. H. SCHWARTZ is back from Lake Placid.

## Fight on St. Louis Auditorium Failure

ST. LOUIS, Oct. 21.—A last stand effort to prevent use of the Municipal Auditorium by the "Ziegfeld Follies" by sending a delegation of exhibitors before the Board of Estimate has failed. Mayor Bernard F. Dickmann and City Comptroller Louis Nolte insisted the city would carry out the contract.

Fred Wehrenberg headed the delegation, accompanied by Harry Greenman, Harold W. Evans, Paul Beisman, Charles Cella, Harry Koplar, David Nelson and Louis Ansell.

## Princess, Montreal, To Be Sold for Tax

MONTREAL, Oct. 21.—According to official notice in the *Quebec Gazette,* publication of the Provincial Government, the Princess Theatre is to be sold at public auction to satisfy a claim of $24,148.48 by the City of Montreal for unpaid taxes.

The notice is signed by Sheriff Omer Lapierre of Montreal and the theatre will go under the hammer early in December, it is stated. The listed name of the owner is the Canadian Theatre Co., Ltd.

## Theatre Insurance Is Ordered by Moss

Theatres must carry liability insurance to protect patrons in case of injury under a ruling issued by License Commissioner Moss. He has directed Minsky's, Brooklyn, to meet a $324 judgment obtained by Joseph Rockstein, 2077 E. 12th St., who was injured in a fall.

## Hardy in a Hospital

HOLLYWOOD, Oct. 21.—Oliver Hardy is in St. Vincent's Hospital. He has had his tonsils yanked. This winds up "Babes in Toyland," in which he is featured with Stan Laurel. The film, which was in production eight weeks, a record for the Hal Roach lot, has been sent to the cutting room.

# CAPRA

# *is coming!*

FULTON OURSLER, Editor in Chief of LIBERTY Magazine in a recent telegram to MR. CAPRA said in part:

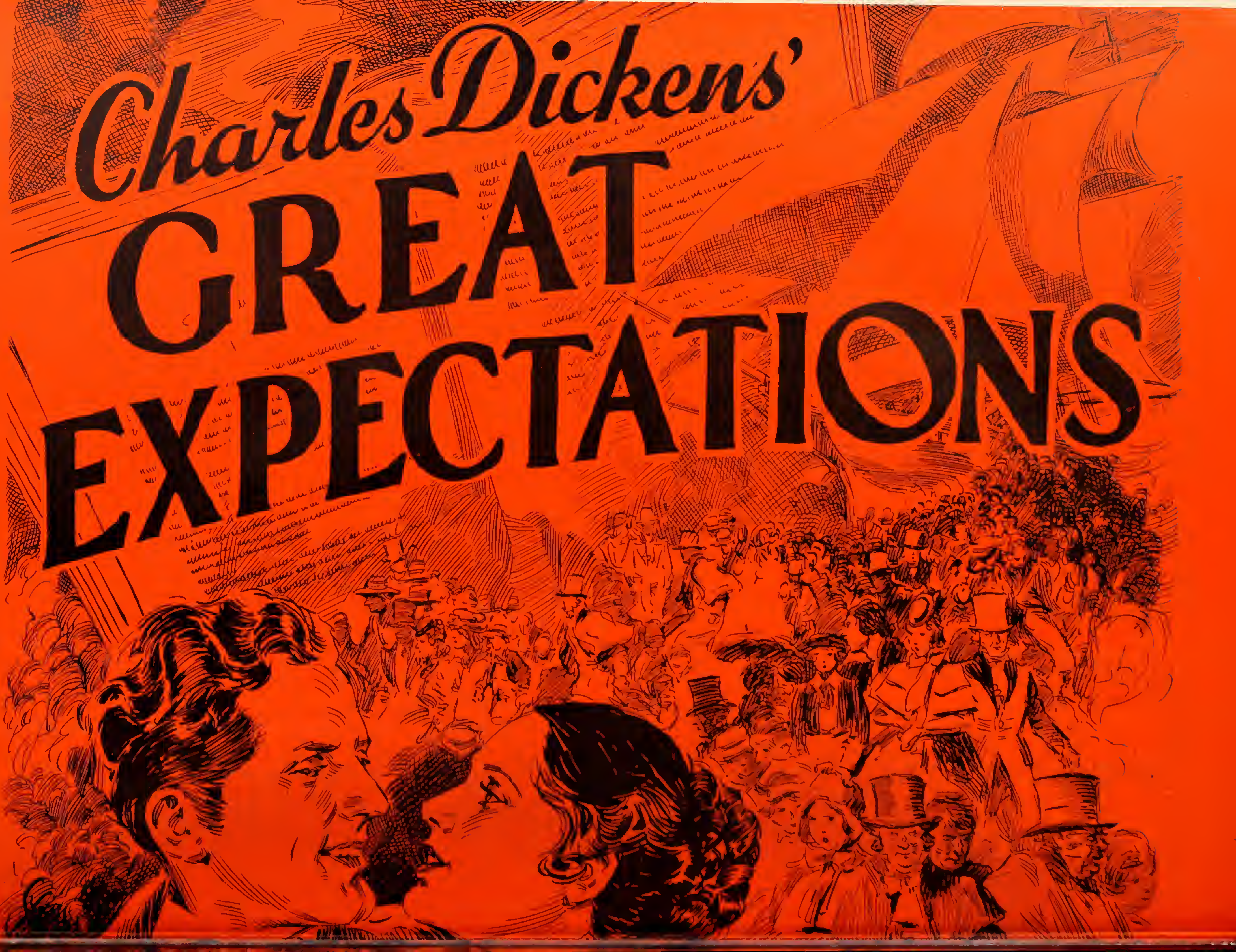
> *"It is a good thing to honor outstanding merit and distinction in any art and these qualities are yours in the art of dramatic pictures. May you live long and flourish like the Green Bay tree to give the public more of the FRANK CAPRA type of pictures."*

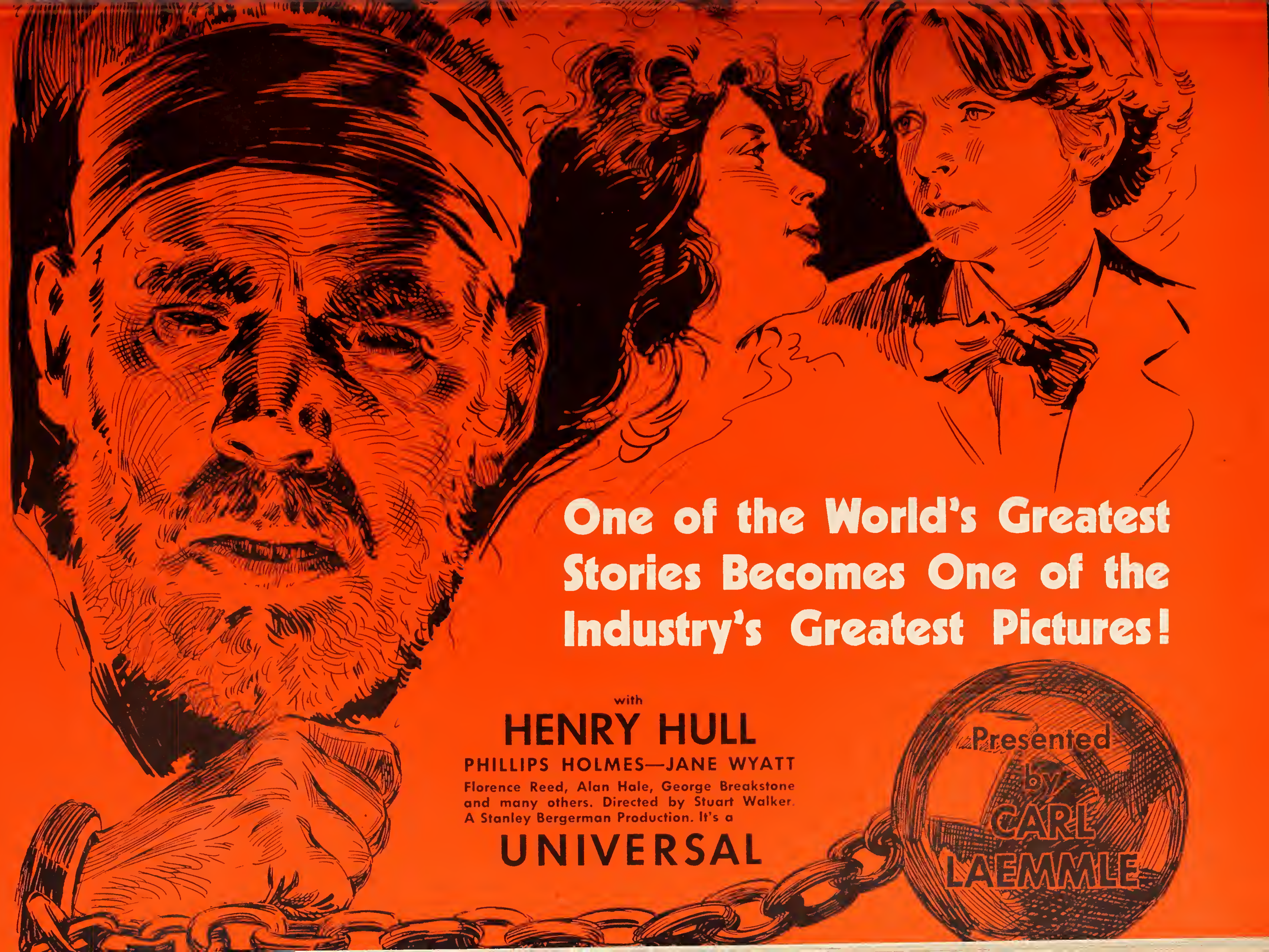
The sentiment expressed by Mr. Oursler is the sentiment of the public at large.

The genius of FRANK CAPRA crystallized in any particular motion picture makes that picture a notable event in any year.

His next effort is upon us; its title is: BROADWAY BILL; its author, ROBERT RISKIN who also wrote IT HAPPENED ONE NIGHT and LADY FOR A DAY; its stars are WARNER BAXTER and MYRNA LOY; and its cast an imposing one as one expects it to be in a CAPRA picture.

**A COLUMBIA PICTURE**


Charles Dickens'
GREAT
EXPECTATIONS



# One of the World's Greatest Stories Becomes One of the Industry's Greatest Pictures!

with

**HENRY HULL**

PHILLIPS HOLMES—JANE WYATT

Florence Reed, Alan Hale, George Breakstone and many others. Directed by Stuart Walker. A Stanley Bergerman Production. It's a

**UNIVERSAL**

# Code Advisory Boards' Fate Is Looming Near

*(Continued from page 1)*

suggested that the sessions be held after business hours so that branch heads can spend more time on product deals.

If the recommendation is made to drop the sub-committees, the main board will establish a ruling that each litigant will be allowed only 15 minutes to present testimony.

## *Texan Worried Over Overbuying Appeal*

Fears that Jefferson Amusement Co. of Beaumont, Tex., will invade towns of from 8,000 to 15,000 population if an overbuying decision against the company is reversed by Campi on appeal were expressed by Jack Lilly, president of Greenville Theatre Corp., prior to his return to Texas.

Lilly stated that the Dallas grievance board's decision in favor of the Greenville company which filed the overbuying complaint against Jefferson was unanimous and if Code Authority reverses the verdict of the local board Jefferson will bottle up independents in towns ranging from 8,000 to 15,000.

"A theatre must have a split of major first run product in small towns and cannot exist without it," Lilly said. He said he also feared a price war between "A" and "B" houses if independents cannot get major films.

"If we cannot get top line product we will be forced to cut admissions to meet competition from theatres showing major output. Subsequently the 'A' houses will reduce their prices to meet ours until we are licked," he asserted.

"Independents in Texas are vitally interested in the action of Campi on this case," he added. "We have been in Greenville for 15 years. Along comes Jefferson, builds a new theatre in the town and takes away major product. If they can do this in Greenville and get away with it they will continue the same procedure elsewhere," Lilly said.

Code Authority will hand down a decision on this appeal on Oct. 25.

## *Settles Ad Complaint*

Pittsburgh, Oct. 21.—Acting as an industrial agency, the local grievance board has adjusted a premature advertising complaint brought by Warner Bros. Circuit Management Corp., operating the Columbia, Sharon, against Peter M. Pegadiotes, operating the Capitol, Farrell. The clearance board has dismissed a complaint filed by the Palace, Johnsonburg, protesting clearance between it and the Strand, Ridgeway; St. Mary's, St. Mary's; and the Temple, Kane.

## *Provo, Seattle Cases Up*

Six individual appeals from clearance and zoning schedules will be heard today by a special Campi committee. Tomorrow hearings will be held on clearance plans for Portland, Salt Lake City and Provo, Utah, and Seattle. On Wednesday the Kansas City and Denver schedule will be reviewed.

# *Move on Foot to Combine About 50 New York Indies*

*(Continued from page 1)*

future conclaves to crystalize it are in prospect.

Reports have been current from time to time of moves between independent exhibitors to band together to strengthen the buying means of the small theatre owner. Local exchanges look unfavorably on such a move, as indicated last week when efforts were made to break up the pooling arrangement of Joseph Seider, A. H. Schwartz and George Skouras on Long Island.

In Chicago and Detroit cooperative buying organizations have been in existence for some time. In the latter city there are two, one with Ray Moon as head of Cooperative and the other with George Trendle as president of United Detroit Theatres Service Corp.

Recently, Consolidated Amusements and Springer & Cocalis, operating a combined total of more than 60 houses, merged as Trio-Consolidated. The amalgamation worked beneficially for Consolidated, which for some time had been experiencing difficulty in buying for its 14 houses.

## *Never Misses Start*

**Buffalo, Oct. 21.—A former important manufacturing executive, retired in his early 60's, is the Lafayette Theatre's No. 1 fan. In the four years the house has been operated by A. Charles Hayman, this man has been on hand each opening day in advance of ushers and cashiers. He has missed just one week—the third of the "One Night of Love" engagement. He saw the Grace Moore picture twice, however.**

## *Shusterman May Get 125 Reade Pictures*

Aaron Shusterman will be given around 125 major pictures by the New York grievance board as a result of an overbuying decision handed down in his favor against Walter Reade last week.

Members of the local board met Saturday on the number of pictures to be allotted Shusterman and adjourned the session until today when the amount and distributors affected will be listed.

According to indications Saturday, Shusterman will get about 70 for his Red Bank house and approximately 50 for his Perth Amboy theatre.

## *Weshner West One Year*

Milwaukee, Oct. 21.—Dave Weshner this month celebrates his first anniversary as general manager of the Wisconsin division of Warner theatres. Weshner is a director of the M.P.T.O. of Wisconsin and Upper Michigan and a member of the grievance board.

## *'Barnum' Home Premiere*

World premiere of "The Mighty Barnum," 20th Century production with Wallace Beery in the title role, has been set for Bridgeport, Conn., home of the Barnum & Bailey Circus. The picture is now in an advanced stage of production.

## *Reinhardt at Warners*

Hollywood, Oct. 21.—Max Reinhardt is back from the San Francisco run of "Midsummer Night's Dream" and has taken an office at Warners. Reinhardt and William Dieterle, the director, will start testing players for important roles.

## *Team Crawford-Powell*

Hollywood, Oct. 21.—M-G-M has lined up the co-starring team of Joan Crawford and William Powell for the top spots in "Reckless." Franchot Tone and May Robson will also have important parts. Victor Fleming will direct.

## *Rosenblatt In and Out*

Division Administrator Sol A. Rosenblatt was in town over the week-end and left for Washington late last night. His trip had nothing to do with business.

## *Lee Now in Charge Of G-B in America*

*(Continued from page 1)*

the first of next year. Bernerd's plans for returning next month are indefinite, he said prior to sailing. He may not visit America again for some time, the trip being contingent on conferences with G-B officials in London late this week.

Michael Balcon, production head, accompanying Ostrer and Bernerd, returns in February, when he will visit the coast.

## *Buffalo Hipp. on Duals*

Buffalo, Oct. 21.—Although masquerading in the advertising as an "added attraction," the Hippodrome has gone double features again, at least temporarily, "Caravan" and "You Belong to Me" are the pictures. The Great Lakes, with "Madame Du Barry," also is giving billing to "La Cucaracha."

## *Buffalo to Aid Kid Films*

Buffalo, Oct. 21.—Buffalo theatres will co-operate in the M.P.P.D.A. plan to release a series of shorts for children, to be shown at matinees, which will use sequences from popular films. This cooperation will depend on public support, however, Jules H. Michael, M.P.T.O. zone chairman, asserts.

## *Walpole Going Abroad*

Hollywood, Oct. 21.—Hugh Walpole will leave Hollywood next month for a trip to England which will keep him away for several months. Walpole will return in the spring to resume his writer's contract with M-G-M.

## *Fox in Warner Houses*

Milwaukee, Oct. 21.—Fox is temporarily managing the Venetian, State, Riviera and Kosciuszko, neighborhood houses dropped by Warners, until involved building and lease deals are ironed out.

# Start Talks Here on New Deal in FWC

*(Continued from page 1)*

hearing before a Campi appeal body. During Rhoden's stay here he conferred with Spyros Skouras on the Midwest situation and also had talks with John C. Flinn on the clearance plan.

S. R. Kent, who will play an important part in the conferences with Chase National Bank and Hughes, Schurman & Dwight on F.W.C. reorganization, arrives from the south tomorrow. William T. Powers, F.W.C. attorney in the east, is due back today from a stumping tour upstate. He is running for attorney general of New York State on the Republican ticket.

According to present indications, a foreclosure sale of F.W.C. properties is expected within the next six weeks. Trustees of the circuit have appropriated $150,000 for 100 per cent settlement of claims up to $30,000.

## Industry Surveys Fight on Sinclair

*(Continued from page 1)*

of concerted action against the Democratic candidate more, even, than his declaration of income tax policy.

Sinclair's program calls for an approximate tax of 20 to 30 per cent on incomes ranging from $100 per week to $50,000 per year and of 50 per cent on incomes over that amount, in addition to other taxes now imposed.

The film colony is reported to be contributing liberally to Gov. Merriam's campaign fund, the list including numerous regular as well as independent Democrats.

## *World Chamber Asks Abolition of Quotas*

*(Continued from page 1)*

mittee of the International Chamber of Commerce.

The council proposed that the quota system be modified pending its possible abolition.

## *Radio Signs Assistants*

Hollywood, Oct. 21.—Pursuant to the new policy generally adopted by the major producers, Radio this week placed three assistant directors under six months' contract. They are Jimmy Anderson, Dewey Starkey and Eddie Kelly. The old procedure at many of the major studios was to employ assistant directors on a picture to picture basis.

## *Flynn Takes K. C. Center*

Kansas City, Oct. 21.—Nuge Flynn, one-time major exhibitor and now in the florist business, has taken over the New Centre, which he will operate for colored on a policy of stage shows and pictures at 15 cents. Flynn at one time operated the Globe, large downtown house, since razed.

FOX FILM
PRESENTS

# AMERICA'S FIRST ACTOR

IN A

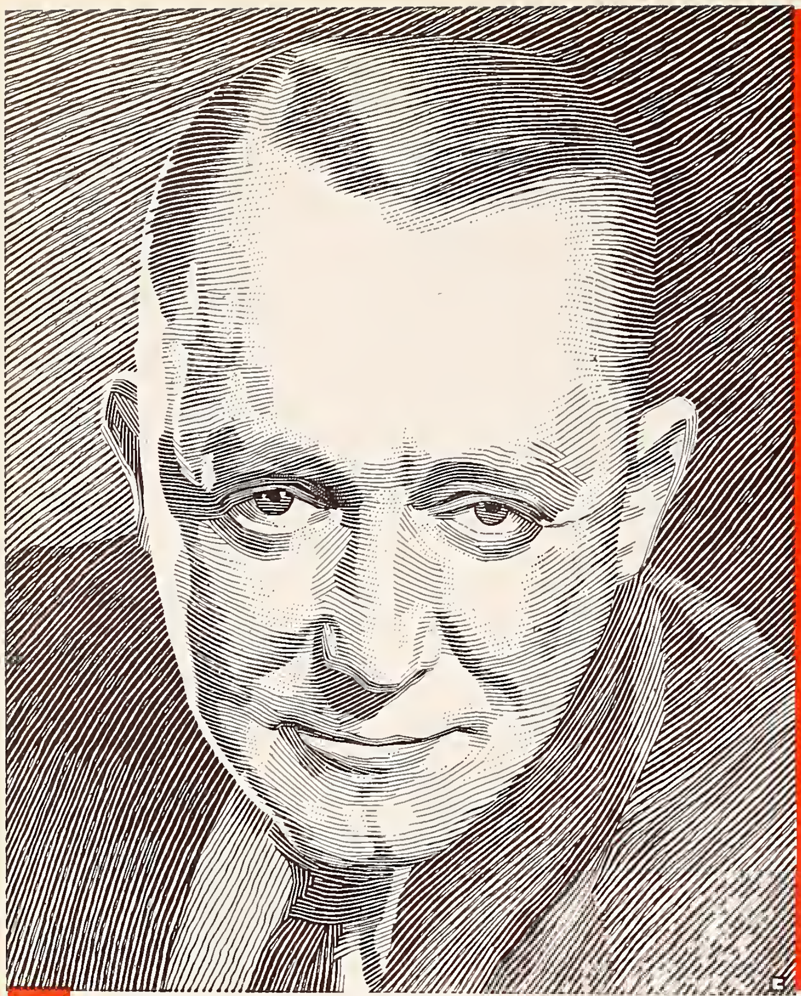
# SHOWMAN'S SPECIAL

PRODUCED BY

SHOWMEN

FOR

SHOWMEN



# GEORGE M. COHAN

## The Man Who Knows What The Public Wants

George M. Cohan is America's first actor. And its most successful showman. Because he knows what the public wants.

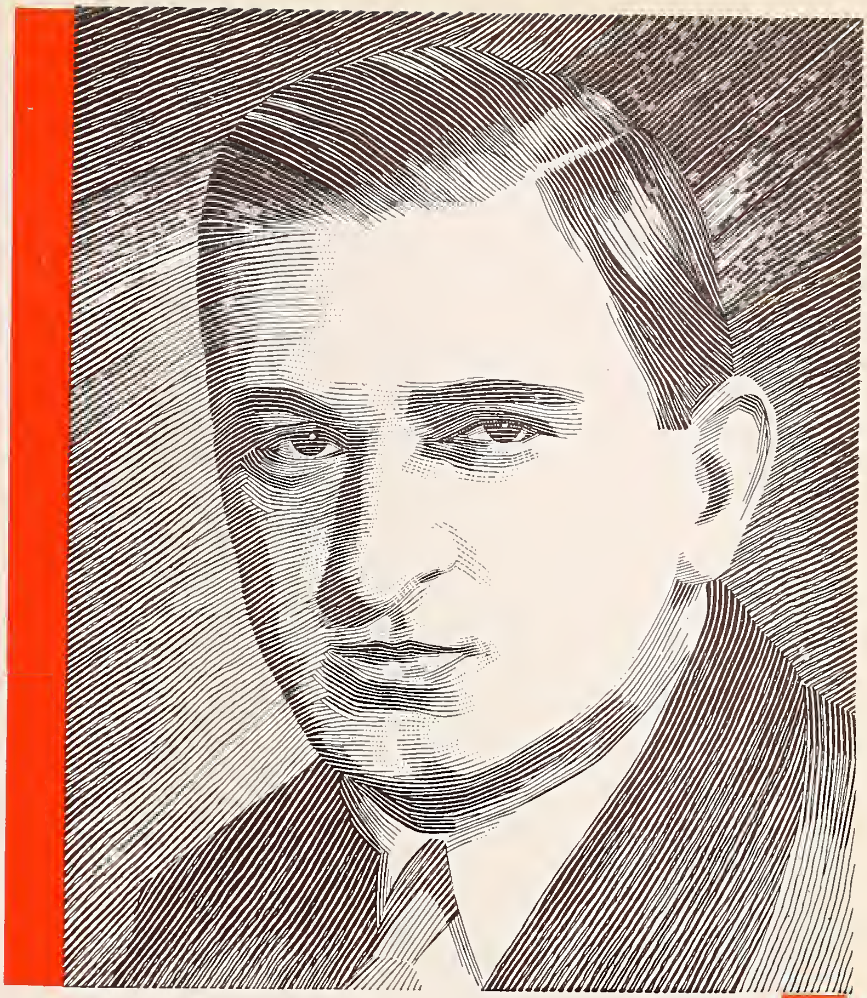
The public has paid exactly $93,824,762.75 to see his shows and whistle his songs; a staggering tribute to the genius of George M. Cohan, producer; playwright; song writer; director; actor; dancer; showman. But above all, in tribute to the Cohan personality

Last season he starred for the Theatre Guild In Eugene O'Neill's "Ah! Wilderness." For 36 consecutive weeks. The big outstanding success of New York. And for good measure. Every Sunday night on the radio. Coast to coast.

This season he goes on the road. With "Ah! Wilderness." And also returns to the radio.

He will also be seen in one big picture for Harold B. Franklin. "Gambling." Based on his great stage success. He will be seen as the public wants to see him. As himself

Fox



# HAROLD B. FRANKLIN

## The Man Who Knows What The Exhibitor Wants

The exhibitor knows what the exhibitor wants. Nobody better. And Harold B. Franklin is an exhibitor. He has operated more theatres than any man living. Paramount Circuit. Fox West Coast Circuit. R. K. O. Circuit. Coast to coast. Shooting-galleries to Radio City.

Franklin has also gone into production. Plays. Pictures. On the stage he will present—in association with Arch Selwyn, Charles B. Cochran and Arthur Hopkins—these international stars: Elizabeth Bergner, Yvonne Printemps, Lucienne Boyer, Frances Starr, Eva La Gallienne.

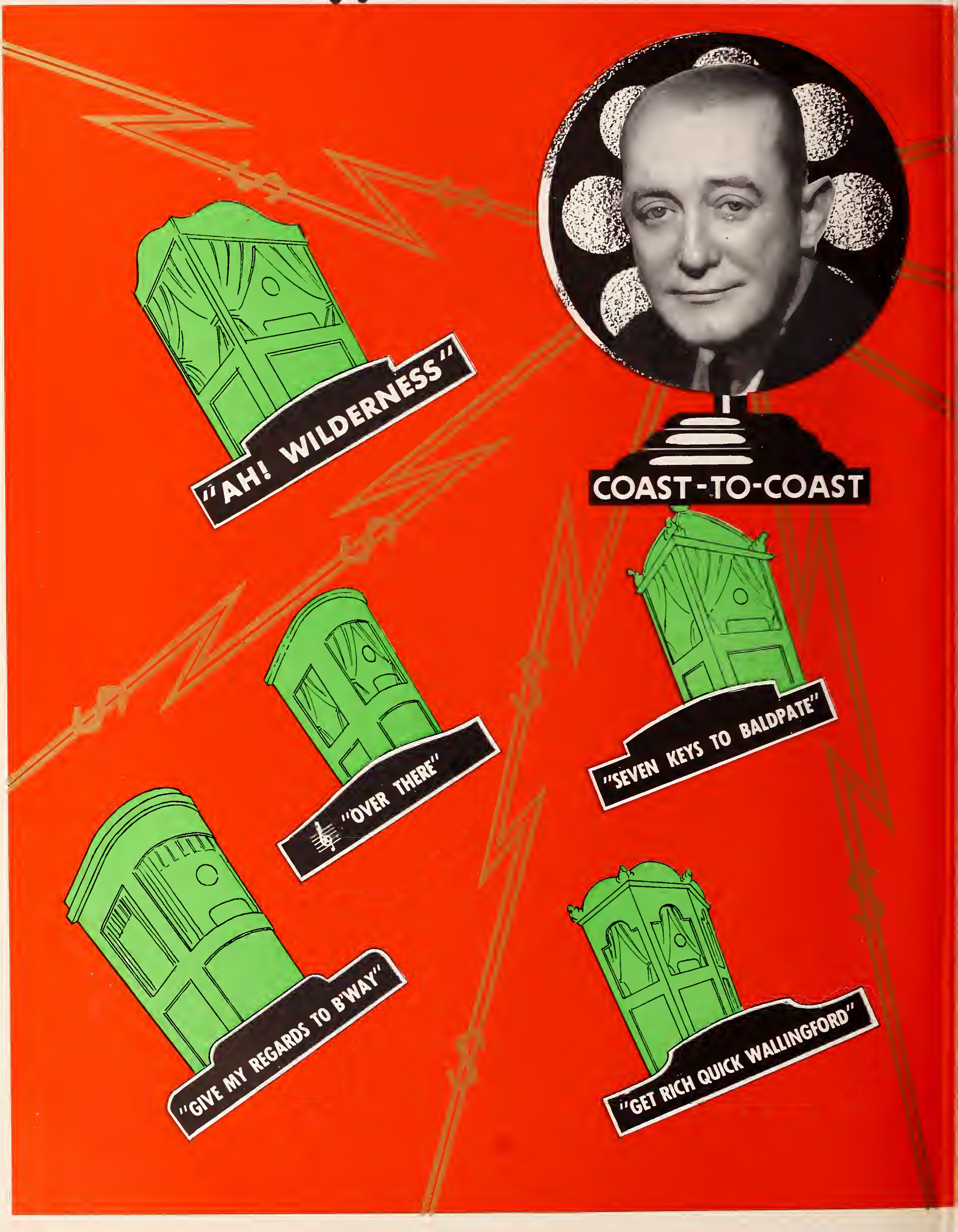
On the screen, his first production through Fox Films, will be George M. Cohan in one of his greatest stage successes, "Gambling."

Cohan on the air, in drama, musical comedy, vaudeville, owes his success mainly to the Cohan personality. It's that personality, pure and unadulterated, that Franklin will present.

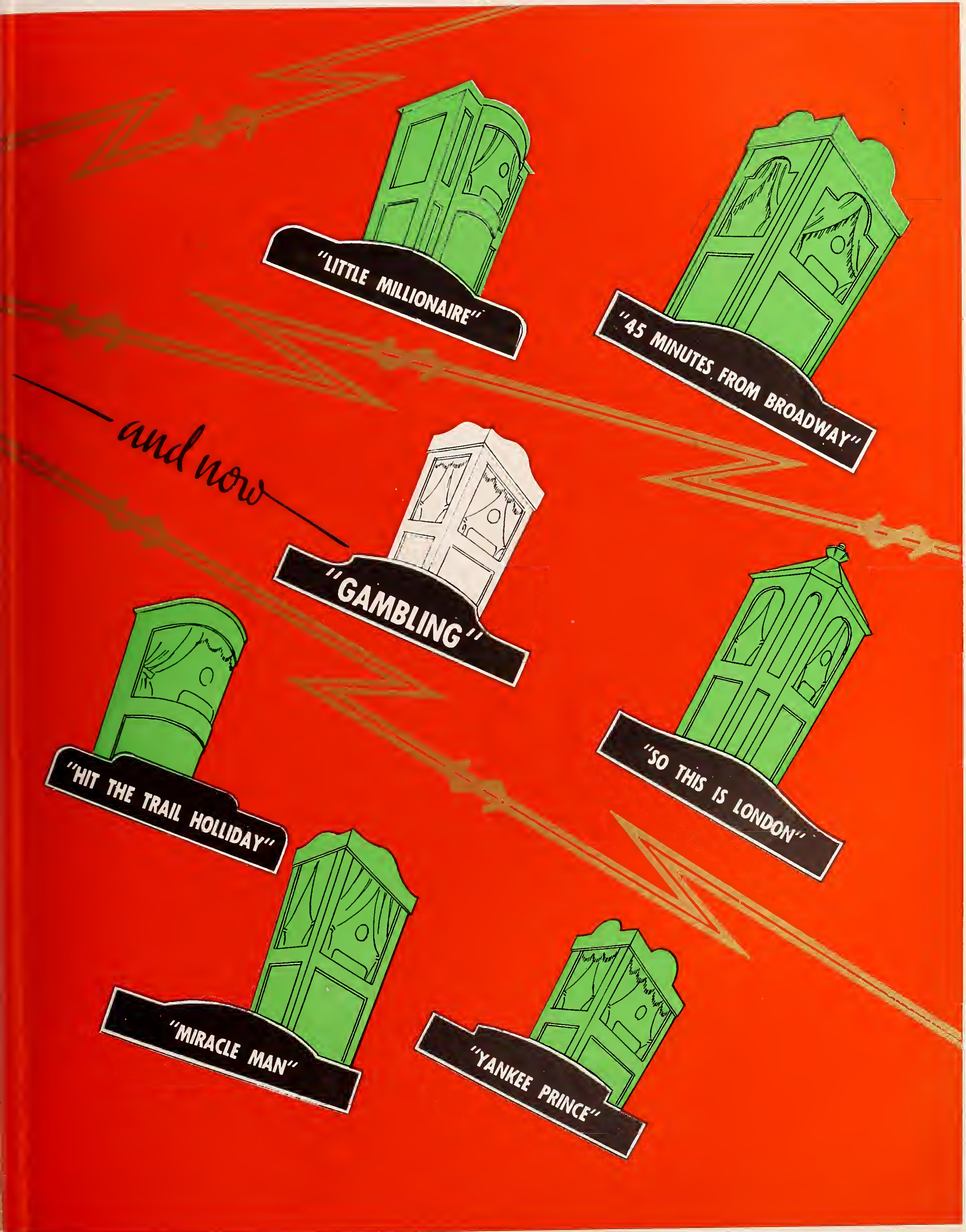
Cohan is a showman. Franklin is a showman. They're combining their showmanship to make a showmen's production. For showmen.

Fox

# Any Box Office in America is Home


"AH! WILDERNESS"
COAST-TO-COAST
"SEVEN KEYS TO BALDPATE"
"OVER THERE"
"GIVE MY REGARDS TO B'WAY"
"GET RICH QUICK WALLINGFORD"

# Sweet Home to George M. Cohan


"LITTLE MILLIONAIRE"
"45 MINUTES FROM BROADWAY"
and now
"GAMBLING"
"SO THIS IS LONDON"
"HIT THE TRAIL HOLLIDAY"
"MIRACLE MAN"
"YANKEE PRINCE"

**FOX FILM**
PRESENTS

# GAM

COHAN COMEDY!
COHAN *SPEED!*
COHAN ROMANCE!
COHAN *PUNCH!*

**★ 8 MONTHS ON BROADWAY**

**★ 12 MONTHS COAST-TO-COAST**

DIRECTED BY
ROWLAND V. LEE

GEORGE M. COHAN'S
*MILE-A-MINUTE* MYSTERY MELODRAMA!

# BLING

AMERICA'S FIRST ACTOR

## GEORGE M.
## COHAN

WITH
**WYNNE GIBSON**
**DOROTHY BURGESS**
AND A SUPERB SUPPORTING CAST

FOX

A **HAROLD B. FRANKLIN** *Production*

# TO MY FELLOW EXHIBITORS

A lifetime of effort in the operation of theatres has gone into the presentation of George M. Cohan in "Gambling."

It's my belief that exhibitors know plenty about pictures — and I've tried to translate that belief into action.

George M. Cohan in "Gambling" is the result. Mr. Cohan is a showman. We've tried to make a showmen's picture for showmen. For you.

It was made to measure up to Sidney Kent's most exacting standards.

We have made it for the box-office. Because any box-office in America is home sweet home to George M. Cohan.

Yours for the box-office

Harold B Franklin

Printed in U. S.

# Polish Gov't To Register Distributors

WASHINGTON, Oct. 21.—All establishments selling or leasing films in Poland must be registered with the industrial authorities before Oct. 28, according to a report to the U. S. Department of Commerce from Warsaw.

In the application for registration, the name and the exact address of the enterprise must be indicated, turnover during 1930-1933, and total remittances abroad for the license authorizing the exhibition of films must be shown.

### Czech Houses Still Off

WASHINGTON, Oct. 21.—Attendance in film theatres in Czechoslovakia continues to decrease, according to a report to the U. S. Department of Commerce from Commercial Attache Sam E. Woods in Prague.

The reasons for the drop during the first half of 1934 have been the decreasing purchasing power of the public in general and the shortage of American product in particular.

Using the yield of the entertainment tax as a criterion, and the monthly average for 1929 as 100, attendance dropped from 101 in January to 49.3 in June 1934. In the same period, 1933, the decrease was from 101.3 to 63.3.

### Dutch Attendance Gains

WASHINGTON, Oct. 21.—Theatre attendance in the Netherlands increased more than five per cent during the first six months of 1934 over the same period of 1933, according to a report to the U. S. Department of Commerce from American Consul F. Van Den Arend in Amsterdam.

During August the relative position of American films, as registered by Amsterdam first runs, was again less favorable than the preceding month. The percentage of American films shown started dropping in June, at which time the French and British positions improved.

### Greek Imports on Rise

WASHINGTON, Oct. 21.—Over 300 features have been purchased by Greek exchanges for release during the 1934-35 season, according to a report from Commercial Attache K. L. Rankin at Athens to the U. S. Department of Commerce.

Compared with the 248 features during the 1933-34 season, this increase of about 20 per cent is not generally considered as justified by any prospective gain in box-office receipts for the coming season.

Prices were generally rather high, owing to keen competition among importers. American film producers operating in Greece are reported to have closed some satisfactory contracts.

### New House for Haiti

WASHINGTON, Oct. 21.—Port-Au-Prince, Haiti, will soon have a new theatre, according to a report from American Vice Consul Carl Breuer to the U. S. Department of Commerce. The new house, to be constructed on the Champ de Mars, will have a seating capacity of 1,200-1,500 and will be air conditioned.

### 5,500 Extras Work

**Hollywood, Oct. 21.—Employment of extras reached a four-year peak during the four weeks ending Oct. 15 with more than 5,500 employed. The talent ranged from 35 bathing girls to 300 French soldier types and 350 negroes. The studio permanent payroll was also increased by 97 names during that period.**

### Peru Finishes First

WASHINGTON, Oct. 21.—"Such Is Life" is the title of the first sound picture to be produced in Peru, according to a report to the U. S. Department of Commerce from Commercial Attache Julian D. Smith in Lima.

### Start Guatemala House

WASHINGTON, Oct. 21.—Work was begun about two weeks ago on a new theatre in Guatemala City, according to a report from Consul General O. Gaylord Marsh to the U. S. Department of Commerce.

## *Cleveland Men Hit Free Air Programs*

CLEVELAND, Oct. 21.—Cleveland exhibitors have protested to Mayor Harry L. Davis against rental of the Public Auditorium on Saturdays and Sundays to radio station WHK for a 10-week series of broadcasts open to the public. The sponsor is the Higbee Co., department store. The talent is to include the stars now appearing on the coast to coast network, starting with Eddie Cantor. Admission to view the broadcast will be a sales slip from the Higbee Co.

Local exhibitors contend this is unfair competition. The auditorium seats 15,000, was built with taxpayers' money—including taxes paid by owners of theatres. The Auditorium, they feel, should not be put into direct competition with them.

## *Canton Operators Sign*

CANTON, O., Oct. 21.—Union operators at the three first run and six second run houses here have been granted a 20 per cent increase under a new contract just signed. This makes the town 100 per cent union. The contract also provides for payment of overtime for longer hours than specified by the code.

All houses here are in operation except the Grand Opera House.

## *Pioneer Pictures Formed*

ALBANY, Oct. 21.—Pioneer Motion Pictures, Inc., Queensborough, has been chartered with capital of 200 shares no par value to exhibit films. Roland Tardiff, Constance Tardiff and Robert O. Smith are directors and subscribers.

# *Erpi Seen Bucking Fox By "Hill-Dale" Sound*

(*Continued from page* 1)

quality" which, Erpi reports, is being received in connection with Columbia's "One Night of Love," the songs of which were recorded by the "hill-and-dale" vertical cut disc method and subsequently re-recorded from disc to film.

"Columbia's experience," the Knox statement declares, "has definitely demonstrated the usefulness of vertical cut recording for talking pictures. It not only affords an opportunity to record and reproduce the full volume range with superior quality but also may prove a more economical method than recording on film throughout. Paramount is using vertical cut recording in 'Enter Madame' and the inquiries we are receiving from other producers indicate that they are seriously considering the advantages of this scientific development as a better and cheaper process for all or part of their talking pictures," Knox concludes.

The new method, the Erpi statement relates, was developed by Bell Telephone Laboratories "for the definite purpose of providing recording and reproducing of high quality for all disc purposes. It was expected in the course of the development work," the statement concludes, "that the field would probably be limited to phonograph records and electrical transcriptions for broadcasting."

# Fox Brooklyn Suit Ups List To 13 on File

(*Continued from page* 1)

Corp., Monogram, Reliance, Talking Pictures Epics, 20th Century and Universal, in addition to the two against Warner and Vitaphone in Brooklyn.

Why one of the suits was filed in Brooklyn and the other 12 in New York was not explained by Ward, Crosby & Neal, patent attorneys, who are handling eight of the cases. Congestion of court calendars may have something to do with it.

Neither of the two law firms will discuss their further moves, but it is known that further suits are contemplated.

## *Has Munitions Picture*

Topical Films, Inc., is readying a feature length picture, "Dealers in Death," for an early November release. The film is a treatise on the munitions industry and its international ramifications, with many of its scenes taken in England, France, Germany and Czechoslovakia.

## *Newton, Ia., Rialto Open*

NEWTON, Ia., Oct. 21.—The Rialto, closed for seven years, has opened on a part time basis under the management of George P. Hundling of the Capitol.

New York's Newest Sensation

THE SPIRITS OF RHYTHM

featured with

GEO. M. COHAN

in

"GAMBLING"

appearing nightly at

THE ONYX

72 West 52nd St., N. Y. C.

## Byrne Is Dismissed From Ontario Board

Toronto, Oct. 21.—Following the political upheaval in Ontario Government circles, E. J. Byrne, veteran member of the provincial board of censors, has been dismissed by order-in-council. Byrne thus follows Major J. C. Boylen, chairman of the board for 11 years, who was recently "permitted to resign."

Under the economy wave of the new Liberal Government, the expenses of the Ontario Censors have been cut 60 per cent., according to announcement by Premier Mitchell Hepburn. But no move has been made to cut the cost of censorship for distributors. The personnel of the new board has been reduced from six to three. "And it's more efficient," declared the premier.

## Appeals Court Rule Awaited on Pickets

Sherboygan, Wis., Oct. 21.—The U. S. Court of Appeals in Chicago has taken under advisement the question of continuance of a temporary injunction granted the Rex here against the local operators' union and others.

Federal Judge F. A. Geiger of Milwaukee is calling the Federal court calendar and is expected to set a date for the hearing of the principal action in which the Rex Theatre Corp. prays for a permanent injunction to prevent picketing.

Judge Geiger issued the temporary injunction prohibiting picketing in May this year, and it has been in effect to the present.

## Expect Cole Will Be Reelected in Texas

Col. Harry A. Cole will in all probability be reelected head of Allied of Texas at the annual convention in Dallas on Nov. 18-19. The gathering place will be the Jefferson Hotel.

Cole has been in the chair for the past 11 years. He would like to retire from the presidency, but the members will not let him.

Sidney Samuelson, president of the national organization, is expected to attend. Cole, who has been conferring with Samuelson the last two days on legislative action planned by Allied, has left for Dallas, accompanied by Jack Lilly of Greenville, Tex.

## Mexican Unions for Boost in Wage Rate

By JAMES LOCKHART

Mexico City, Oct. 21.—Representatives of unions connected with the industry from a number of Mexican cities are meeting here for the purpose of organizing a national association, the aim of which will be to standardize wage scales throughout the country on a higher basis.

The labor leaders contend workers' pay is trivial compared with the income of theatres and other branches of the industry.

## New Music Hall Producer

Twenty-six-year-old Vincente Minelli, who rose from costume and set designer to art director of the Music Hall, will make his bow as a producer there next Thursday. The stage attraction for the week, a revue in four scenes, is Minelli's first production.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## "Anne of Green Gables"

*(Radio)*

Hollywood, Oct. 21.—This is a faithful translation of Mrs. L. M. Montgomery's novel, sympathetically revealing each player as a living character of this homespun tale. It mirrors the life and pleasant hardships of an orphaned girl, expertly played by Anne Shirley, who is surrounded by Tom Brown, O. P. Heggie, Helen Westley, Sara Haden, Murray Kinnell, Gertrude Messinger, June Preston, Charlie Grapewin and Hilda Vaughn. George Nicholls, Jr., in his first solo directorial effort, extracts all possible from the material at hand with the result delivering fine entertainment for general appeal.

The story is rich in romance with humor balancing pathos, all photographed beautifully by Lucien Andriot. Poetically inclined Anne Shirley finds herself adopted by a country family who, through their influence and neighbors, becomes the pivot for a gossiping community. Aloof from this talk, she surges through life in an imaginative world of her own. The situations are those designed to tug the heartstrings of the most cynical audience.

Aside from the past and present popularity of the novel, box-office draw must primarily come from commendable word-of-mouth advertisement as the film is shy on name values although the performances are good. Kenneth MacGowan produced. Reviewed without production code seal. Running time, 80 minutes.

## "Without Children"

*(Liberty Prod.)*

Hollywood, Oct. 21.—This is a somewhat spotty interpretation of Gertrude Orr's story suggested by Mrs. Wilson Woodrow's novel, "Eyes of Youth," but it has enough good qualities that, when properly edited, it should make fair program entertainment for youths and adults in any community.

It contains such seasoned players as Marguerite Churchill, Bruce Cabot, Evelyn Brent, Reginald Denny, Dorothy Lee, William Janney, Dickie Moore, Cora Sue Collins and Lillian Harmer all contributing their best to paint a word picture of modern, American domestic life. The picture at times scintillates with touches of smart comedy-drama, of human emotions and then with the other extreme of melodrama that evoked catcalls from the gallery.

The story depicts a happily married couple with two children, with the mother dedicating her life to the children and thus unconsciously neglecting to keep abreast of her husband, Cabot, an ambitious architect. Miss Brent, seeing this, induces him to accompany her to Paris where he achieves his ambition. Time lapses until the children are grown up and the father learns they are in trouble and returns hastily to America where his ex-wife, still faithful, accepts the reconciliation. The settings and photography are artistic. William Nigh directed. Previewed without production code seal. Running time, 85 minutes.

## "Elinor Norton"

*(Fox)*

Hollywood, Oct. 21.—The story, based on Mary Roberts Rinehart's "The State Versus Elinor Norton," loses most of its original punch in its transfer to the screen. The picture, as previewed, has much unnecessary footage contributing little to a plot already weak and leaving this one tepid as entertainment.

The story deals with Claire Trevor, whose husband, Hugh Williams, is an eccentric, jealous Englishman. Just as a divorce is imminent Williams goes to war. During his absence Miss Trevor falls in love with Gilbert Roland. At this point Williams returns very ill mentally.

Miss Trevor sees her duty and leaves with her husband for a ranch in the west where she hopes to nurse him back to health. Roland follows and after a confession scene involving the eternal triangle, Miss Trevor gets a divorce and marries him. The cast seems to be in the throes with far-fetched situations and stilted dialogue. The direction by Hamilton MacFadden is uneven, but the photography by George Schneiderman is okay. Production code seal No. 302. Running time, 70 minutes.

## Finish "Tailspin Tommy"

Hollywood, Oct. 21.—Universal has completed the "Tailspin Tommy" serial starring Maurice Murphy, and it shaped up so well the studio is talking a deal for a new one.

## "Bum Voyage" New Title

Hollywood, Oct. 21.—Roach has changed the title of the current Thelma Todd-Patsy Kelley comedy from "The Skin Game," to "Bum Voyage."

# Short Subjects

## "Frankie and Johnnie"

*(DuWorld)*

This British short is an interpretation of the famous ballad, with Charles Laughton and his wife, Elsa Lancaster, as the two lovers. It has been simply and effectively produced by Sascha Geneen, who also directed. Added entertainment value derives from the fact that the roles of Frankie and Johnnie are played in character. Laughton and Miss Lancaster inject humor into their rendition when the occasion warrants it. Running time, 8 mins.

## "Red Republic"

*(Radio)*

A further insight into the development of new Russia is here shown through the eyes of the camera of Margaret Bourke-White. The film opens with views of the oil fields of Baku and takes the audience up through the vineyards of Georgia, past the great dam of the Dnieper and into the schools of Moscow. Very interesting. Reviewed without production code seal. Running time, 9½ mins.

## "It's the Cats"

*(Columbia)*

Andy Clyde is asked by the boss to speak in his stead at a dinner given by a group of women interested in a "home for homeless cats." Andy walks into the wrong banquet room. His address is hardly begun when he is thrown out. Then he drunkenly stumbles into the right place, but is given the bounce because his identity is unknown. Clyde's antics provide several good chuckles. Inez Courtney and Dorothy Grainger are also in the cast. Code seal No. 240. Running time, 19 mins.

## "If This Isn't Love"

*(Radio)*

This short, with Walter Woolf. Dorothy Lee and Hazel Forbes, is almost equal to many features in production value and surpasses many in entertainment. Woolf meets Miss Forbes, falls in love with her only to be repulsed and becomes entangled with Dorothy Lee. It all works out in the end to the satisfaction of all concerned. Woolf sings several numbers well. Production code seal, No. 47. Running time, 21½ mins.

## "Bric-A-Brac"

*(Radio)*

In this, his latest, Edgar Kennedy, with the aid of his wife and her family, go to the mountains to build a cabin while he is on his vacation. Their methods of construction should turn many an audience hilarious, particularly when Kennedy starts work on the chimney. The whole enterprise collapses at the end and it is probable that the majority of audiences will be in the same state, but from laughter. Production code seal, No. 169. Running time, 19 mins.

## Week-End Vaudeville

RKO's Richmond Hill goes to a policy of Saturday and Sunday vaudeville in addition to pictures beginning Oct. 27. Direct competition is Loew's Willard, which operates on a straight film policy.

# Seals Given to 19 Films; 14 Shorts

(Continued from page 1)

serial; Fox, three; Principal, one and one serial; Radio, three features and two shorts; M-G-M, one feature and one short; United Artists, one; Invincible, one; Warners, two shorts; First Division, two shorts; Roach, two shorts, and Educational, one short.

Titles of pictures approved follow:

### *Columbia*

(*Features*)

"Against the Law," "The Captain Hates the Sea," "Fugitive Lady," "Wolves of Catclaw."

(*Shorts*)

"Malysia," "The Concert Kid," "Screen Snapshots" No. 14-2, "Council on Defense."

### *Educational*

(*Shorts*)

"Boosting Dad."

### *First Division*

(*Shorts*)

"Hymn in the Sun," "Spangled Cave."

### *Fox*

(*Features*)

"Elinor Norton," "Hell in the Heaven," "Bachelor of Arts."

### *Invincible*

(*Features*)

"Port of Lost Dreams."

### *Liberty*

(*Features*)

"Without Children."

### *M-G-M*

(*Features*)

"What Every Woman Knows."

(*Shorts*)

"Bosko's Parlor Pranks," "Opened By Mistake," "You Bring the Duck."

### *Monogram*

(*Features*)

"Girl of My Dreams," "Successful Failure."

### *Principal*

(*Features*)

"Chandu of the Magic."

(*Serials*)

"Chandu," episodes 9-10-11-12.

### *Radio*

(*Features*)

"Anne of Green Gables," "Gridiron Flash," "Kentucky Kernels."

(*Shorts*)

"Ticket or Leave It," "How to Break 90 at Croquet."

### *United Artists*

(*Features*)

"Kid Millions."

### *Universal*

(*Features*)

"Great Expectations," "Cheating Cheaters."

(*Serials*)

"Tailspin Tommy," episodes 4-5-6-7.

### *Warners*

(*Shorts*)

"Rythm in the Bow," "Those Beautiful Dames."

## *Chicago Legion Puts 132 on Its New List*

CHICAGO, Oct. 21.—In another full page advertisement in papers here the newest lineup on pictures by the Chicago Council of the Legion of Decency lists 132 pictures as approved. A second group lists 120 films not approved for children and neither approved nor disapproved for adults.

The third classification of banned pictures totals 45.

## *Hollywood Personals*

Hollywood, Oct. 21.—Dick Powell building a home in Toluca Lake. . . . Phillip Reed entertaining visitors from New York. . . . A year ago Paramount let Kathleen Burke go. Today she is back for the lead in "Lives of a Bengal Lancer." . . . Marlene Dietrich interrupting her entrance into the Paramount cafe long enough to congratulate Bing Crosby on his latest radio broadcast. . . . J. P. McEvoy suffering an eye infection. . . . Walter Connolly may skip his annual trip to New York this year. . . . Joe Morrison back from New York. . . . Hamilton MacFadden to direct "Charlie Chan in Paris" for Fox. . . . All the noise at Paramount the other day came from Harry Revel's yellow sweater and belt. . . . Lloyd Bacon and Earl Baldwin gathering material for Warners' "Flying Marines." . . . The waistlines on George Raft's new suits come clear up to here. . . . Arthur Richman collaborating with Edwin Knopf on adaptation of "Broken Soil" for Goldwyn. . . . Jack Conway to direct "Repeal" for M-G-M. . . . Una O'Connor's beach home suffering from "surf wounds." . . . Marguerite Churchill refused leads in two pictures to accompany her husband, George O'Brien, to Europe. . . . Queenie Smith ready to begin her contract with Paramount. First role in "Mississippi" with Lanny Ross.

## *K. C. Church Group To Make Film Study*

KANSAS CITY, Oct. 21.—Cooperating with the Federal Council of Churches in its film campaign, the Kansas City Council of Churches will sponsor a group study over a period of weeks which is designed to mark a "new approach" to the question of the church and films.

The course will be conducted by the Rev. I. E. Deer, executive secretary of the Kansas City Council, and is open to everyone. Meetings will be held one night weekly.

A file of information on films will be available free in the office of the Council of Churches to those who desire critical estimates of current productions.

Estimates of the various national previewing groups will be on file, and a list of the approved and disapproved films issued by Catholic publications will likewise be used by the local Protestant organization.

Local Protestant churches observed today as a day set by the Federal Council of Churches for the consideration of the subject.

BUFFALO, Oct. 21.—Letters have been sent 200 Buffalo Protestant clergymen by the Buffalo General Ministers' Ass'n, urging their participation in the campaign against indecent films.

## *Decency Move Stays Active in Virginia*

RICHMOND, Oct. 21.—While the censors say films now being examined are better and that only a few objectionable elements are found in any of them, the drive started by the Legion of Decency in behalf of cleaner pictures continues to attract attention in Virginia.

One Presbyterian body, however, refrained from taking action, but the Richmond Ministerial Union adopted a recommendation recently to obtain lists of pictures suitable to be seen by families. Dr. F. W. Burnham acted as chairman of a committee in a request to Richmond newspapers to publish the lists at weekly intervals.

## *Mench in Akron Portage*

AKRON, Oct. 21.— C. J. Mench has been named manager of the Portage here, which is operated by the Summit Theatres, Inc. The house was formerly the Park.

## *K. C. Theatres Join Housing Campaign*

KANSAS CITY, Oct. 21.—Local exhibitors are cooperating wholeheartedly with the Federal Housing Administration in its campaign to stimulate better housing. Besides displays in the lobbies, theatres are distributing campaign material as their contribution to the movement.

The I. T. O., meeting at the Variety Club, adopted a resolution endorsing the campaign and pledging cooperation after hearing F. H. A. officials explain its objectives.

# "Divorcee" Omaha Wow; Gets $7,100

OMAHA, Oct. 21.—"The Gay Divorcee" at the Brandeis came near smashing a house record set by "Little Women" a year ago by hitting the cash gong for $7,100, over par by $3,600. It was held over for a second week, the first holdover here in months.

Part of the local response is attributed to the fact that Fred Astaire got his start here.

"Mrs. Wiggs of the Cabbage Patch" and "Have a Heart" were good at the Orpheum at $9,500.

Total first run business was $30,500. Average is $22,500.

Estimated takings:

### *Week Ending Oct. 17:*

**'CHARLIE CHAN IN LONDON" (Fox)**
**"THE LEMON DROP KID" (Para.)**
WORLD—(2,200), 25c-40c, 7 days. **Gross:** $3,750. (Average. $3,500)

**"CHAINED" (M-G-M)**
PARAMOUNT—(2,800), 25c-40c, 7 days. **Gross:** $9,800. (Average, $8,000)

### *Week Ending Oct. 18:*

**"THE GAY DIVORCEE" (Radio)**
BRANDEIS—(1,500), 20c-25c-35c, 7 days. **Gross:** $7,100. (Average, $3,500)

**"MRS. WIGGS OF THE CABBAGE PATCH" (Para.)**
**"HAVE A HEART" (M-G-M)**
ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $9,500. (Average, $7,500)

## *Norwalk Moose to Build*

NORWALK, O., Oct. 21.—Plans have been drawn for a 1,000-seat theatre to be erected here by the Moose Lodge, which organization now operates the Moose, the only house here.

HOW DO YOU BUNDLE?
—not in a porch swing!
—not in a parked car!
—not on the stair steps!

● *You'll never guess! But see* Paramount's "THE PURSUIT OF HAPPINESS." Starring FRANCIS LEDERER, Joan Bennett, Charlie Ruggles and Mary Boland. Directed by Alexander Hall. Prints now available at all Paramount Exchanges.

# Variety Club Chatter

## Albany

ALBANY, Oct. 21.—Tent No. 9 has inaugurated a new series of social activities by having "Distributors' Night" on Thursdays, ushered in by Paramount headed by Barker EASTMAN. Dancing, entertainment and a series of bridge games provided an interesting evening. Warners' exchange and theatre department followed the idea last week, with M-G-M and Fox taking subsequent weeks.

The clubrooms were the scene of much activity during the broadcast of the World's Series. The radio donated by Barker HALLIGAN worked overtime.

The outcome of the recent golf tournament brought forth several challenges by local aspirants for the golf crown to Barkers PIELOW and SAUBER. All challenges have been accepted, and to date the boys who finished one and two in the tournament are still undefeated. This week will find SAUBER and PIELOW matched against Barkers SHEA and DARE of RKO and Fox, respectively.

Ping Pong is holding considerable interest with Barker STANLEY GOLDBERG of Paramount, club champion, being swamped with challenges. He is taking on all comers.

The Hallowe'en party will afford the barkers and their guests an evening of frolic and festivity, and this event is being looked forward to with much anticipation. ALEX SAYLES is in charge of arrangements.

Several barkers, headed by Chief Barker BUCKLEY, attended the Yale-Columbia game in New Haven.

Universal's new salesman, LOUIS J. LIESER, has made application for membership. It will receive consideration at the next meeting. LIESER was recently transferred here from Philadelphia.

## Cincinnati

CINCINNATI, Oct. 21.—Chief Barker ALLAN S. MORITZ and Canvasman IKE LIBSON represented the Cincinnati tent at the Pittsburgh frolic.

The local club is shy one more member in the person of A. J. MEININGER who has gone with B. & K. at Chicago.

NAT S. LEFTON, Cleveland Tent No. 6, was a visitor at the local club quarters last week.

Tent No. 3 is outstanding in the matter of members' families. STAN C. JACQUES is the father of twin girls in their early teens, while GLENN CORBETT is "double father" to a pair of boys. A. J. HOLT has twin granddaughters.

Congratulations are in order for Barker MIKE SPANAGEL. It's a boy, who, however, has some sisters.

Chief Barker ALLAN MORITZ is learning the art of boiling eggs, while the Mrs. is sojourning in Buffalo.

FRANK W. HUSS, JR., has returned from a 60 days' vacation in Canada, although his hay fever returned as soon as he reached his native shore.

Local membership is deploring the loss through transfer of Barker R. W. THAYER, who has been assigned to the Ross-Federal office on the west coast

## Cleveland

CLEVELAND, Oct. 21.—Variety Club has organized a Wednesday "Ladies' Day." Auction and contract bridge tournaments will be held with prizes to be awarded at the end of 10 weeks. There will also be Keeno hearts and rummy games for those who do not play bridge. There will be a "queen for a day" every alternate Wednesday. MRS. FRANK DREW, wife of the club's president, was the first "queen," MRS. NAT HOLT and MRS. NAT WOLF will be "queens" for the next meeting. Following them will be MRS. I. J. SCHMERTZ and MRS. M. B. HORWITZ.

In preparation of the first annual ball to be held at the Statler Hotel on Nov. 3, NAT HOLT, general chairman of entertainment, has named the following heads of sub-committees: FRANK DREW, banquet chairman; NAT WOLF, entertainment chairman; HARRY E. LONG, music; M. B. HORWITZ, finance; NAT LEFTON, greetings; FRED MEIER, program; JACK SHULMAN, decorations; EDWARD FLANIGON, special events; GEORGE ROBERTS, dance; I. J. SCHMERTZ, door chairman; HARRY SACHS, tickets, and WARREN WADE, radio.

## Detroit

DETROIT, Oct. 21.—Col. WALTER SCOTT BUTTERFIELD was honored at the club luncheon last week. He was presented with the life honorary membership.

Many notables in civic life were present, including E. D. STAIR and MALCOLM BINGAY of the *Detroit Free Press;* EDGAR GUEST, poet on the same sheet; FRANK A. PICARD, candidate for U. S. Senator, and JOHN H. HARRIS, Pittsburgh.

The affair was held in the Italian Room of the Book, scene of many of Detroit's swanky affairs.

## Pittsburgh

PITTSBURGH, Oct. 21.—MIKE CULLEN, manager of Loew's Penn, has been elected chief barker of the Variety Club, for 1935. CULLEN succeeds HARRY KALMINE.

Other officers elected were: FRANK SMITH, first assistant chief barker; ART LEVY, second assistant chief barker; DR. L. BEINHAUER, treasurer; JAMES G. BALMER, secretary; directors, WILLIAM GARDNER, C. J. LATTA, GEORGE D. TYSON, JOE BLOWITZ, STEVE COX, AL BARNETT.

HAROLD LUND and DR. A. WISE were selected to represent the Pittsburgh tent at the national convention.

JOHN H. HARRIS, chairman of the banquet committee, announced a complete sellout for the banquet.

More than 800 showmen attended and many noted stars and celebrities, including JOE E. BROWN, TED HUSING, SOL ROSENBLATT and CHRISTY WALSH.

## Washington

WASHINGTON, Oct. 21.—The weekly luncheon of Tent No. 11 had JOSEPH P. MORGAN and HARDIE MEAKIN as kings for a day.

Among the entertainment features were IRENE BEASLEY, who got the audience to do the singing instead of doing the warbling herself; ELEANOR POWELL, who demonstrated tap dancing without musical accompaniment; and ED LOWERY, noted vaudevillian, whose stories were hugely enjoyed.

Local enthusiasm ran high for the annual Variety dinner and ball in Pittsburgh. Four of the local barkers traveled to the Smoky City.

But higher yet is the enthusiasm for the first annual dinner and ball of the local tent.

Chief Barker JOHN J. PAYETTE heads the committees, with A. JULIAN BRYLAWSKI the chairman of the general committee assisted by J. LOUIS ROME as vice-chairman and NAT B. BROWNE as secretary.

The following committees have been appointed to handle the details:

Entertainment—CARTER T. BARRON, chairman; H. E. LOHMEYER, I. RAPPAPORT, WILLIAM K. SAXTON, NAT STIEFEL, GUY WONDERS, L. B. SCHLOSS.

Publicity—LOU BROWN, chairman; NELSON B. BELL, WILLIAM C. EWING, DON CRAIG, ANDREW R. KELLEY, EDWARD de S. MELCHER.

Advertising — FRANK LAFALCE, chairman; E. J. HALEY, N. GOLDSTEIN.

Reception—RUDOLPH BERGER, chairman; FULTON BRYLAWSKI, J. A. BURNS, ARTHUR A. DETITTA, ROBERT ETRIS, JOHN FIRNKOESS, HYMAN P. ROME, A. LICHTMAN, I. WEINBERG, L. THALHEIMER.

Seating—JAMES B. FITZGERALD, chairman; A. BACHRACH, GEORGE GILL, DR. F. T. SHYNE.

Hotels and Transportation—CHARLES KRANZ, chairman; PHIL ERSHLER, R. E. WARN, ROY KNIGHT.

Program—SIDNEY B. LUST, chairman; NAT GLASSER, T. J. CLARK, DAN S. TERRELL, WILLIAM S. WILDER.

Finance—SAM A. GALANTY, chairman; L. GARMAN, C. E. MCGOWAN.

Out-of-Town Guests—HARRY HUNTER, chairman; HUNTER PERRY, EDWARD HEIBER, EDDIE JACOBS.

Printing — CHARLES SCHULMAN, chairman; ROBERT SMELZER, C. O. CLARK.

Decorations—GUY WONDERS, chairman; STEPHEN E. COCHRAN, HARDIE MEAKIN, A. J. PRATT, CHARLES ROTH, S. BENDHEIM, HERMAN A. BLUM.

Music—J. P. MORGAN, chairman; L. MAKOVER, C. H. OLIVE, ORANGELO J. RATTO.

For the selling of tickets the membership has been divided into 10 teams, the captains of which are (1) SAM BACK, (2) LOUIS BERNHEIMER, (3) HARRY S. BROWN, (4) FRANK DURKEE, (5) ROBERT M. GRACE, (6) ROBERT J. FOLLIARD, (7) SIDNEY B. LUST, (8) WILLIAM B. WOLF, (9) HUNTER PERRY, and (10) GEORGE A. CROUCH.

# Fischer, Chief Barker of Latest Tent in Milwaukee

MILWAUKEE, Oct. 21.—Officers of the recently organized Milwaukee Tent of the Variety club have been named as follows: George Fischer, chief barker; Dave Weshner, first assistant chief barker; Charles Trampe, second assistant chief barker; Sam Shurman, third assistant chief barker; H. J. Fitzgerald, wagon man; Ben Koenig, property man, and E. J. Weisfeldt, Ed Maertz, A. C. Gutenberg, J. O. Kent, Al Kvool, Art Schmitz, canvas men.

Committee chairmen have been named as follows: Weisfeldt, entertainment; Fitzgerald, ways and means; Weshner, publicity; Trampe, finance; Shurman, house, and Gutenberg, constitution and bylaws.

## Makes American Debut

HOLLYWOOD, Oct. 21.—Carol Coombe, who created the leading role in "Maedchen in Uniform" in the stage version in London, will make her screen debut here in Universal's "Straight from the Heart," which will feature Mary Astor and Roger Pryor.

## Midwest to Open Depot

OMAHA, Oct. 21.—Officials of the Midwest Film exchange will open a shipping depot in Des Moines to take care of Iowa exhibitors. Booking will still be done from the Omaha office.

## To Visit Connecticut

HOLLYWOOD, Oct. 21.—Anna Sten leaves here this week to attend the opening of her picture, "We Live Again," at the Music Hall Nov. 1 and to visit a number of tobacco farms in New England. The locale of her next picture, "The Wedding Night," will be a similar farm and she will spend some time among the growers.

## To Open at Lake Charles

LAKE CHARLES, LA., Oct. 21.—Bob Clemmons will open his new Ritz about Nov. 15. This will give Lake Charles five theatres.

## Stuart-Powell Co-Star

HOLLYWOOD, Oct. 21.—Warners have signed Gloria Stuart to co-star with Dick Powell in "Gold Diggers of 1935." The studio has also completed negotiations with Adolphe Menjou for an important role in the picture. Actual production has already started under direction of Busby Berkeley.

## Para. Picks "Car 99"

HOLLYWOOD, Oct. 21.—"Car 99" has been chosen by Paramount as the title for the four Carl Detzler short stories now being condensed into one continuity for the screen.

## End Portland Union Row

PORTLAND, Oct. 21.—After disturbances with both the operators and musicians, and picketing for four years, the Capitol has gone union again. Under the baton of Monty Banks, a five-piece union orchestra has been engaged.

## Fox Switches a Title

HOLLYWOOD, Oct. 21.—Fox has changed the title of Ladislaus Fodor's story, "A Woman Lies," to "Thunder in the Night." Joe May will direct the picture and Erich Pommer will produce it.

# "Richest" Is Philadelphia Hit, $19,000

PHILADELPHIA, Oct. 21.—Second runs and second weeks held down the total gross last week, but it still topped average. Helping the cause was $19,000 reaped at the Earle with "Richest Girl in the World" plus Guy Kibbee, Don Bestor and the Pickens Sisters on the stage.

The Gaumont British invasion got off to a good start with "Chu Chin Chow" landing an encouraging $15,500 at the Fox and "Power" holding up to the $7,000 mark at the Locust. Off in the week was "Scarlet Empress," which mustered only $8,500 at the Stanley.

Total first run business was $77,100. Average is $72,730.

Estimated takings for the week ending Oct. 18:

**"LAST GENTLEMAN" (U. A.)**

ALDINE—(1,200), 40c-55c-65c, 2nd week, 5 days. **Gross:** $5,500. (Average, six days, $7,000)

**"CLEOPATRA" (Para.)**
**(Second Run)**

ARCADIA—(600), 25c-40c-50c, 6 days. **Gross:** $2,100. (Average, $2,400)

**"THE BARRETTS OF WIMPOLE STREET" (M-G-M)**

BOYD—(2,400), 40c-55c-65c, 6 days, 2nd week. **Gross:** $11,000. (Average, $12,000)

**"RICHEST GIRL IN THE WORLD"**
**(Radio)**

EARLE—(2,000), 40c-55c-65c, 6 days. Stage: Guy Kibbee, Don Bestor and Orchestra, Pickens Sisters. **Gross:** $19,000. (Average, $12,000)

**"CHU CHIN CHOW" (Gaumont-British)**

FOX—(3,000), 35c-40c-65c, 6 days. Stage: "Arabian Nights" prelude. **Gross:** $15,500. (Average, $12,000)

**"NOW AND FOREVER" (Para.)**
**(Second Run)**

KARLTON—(1,000), 30c-40c-50c, 6 days. **Gross:** $3,000. (Average, $3,500)

**"POWER" (Gaumont-British)**

LOCUST—(1,300), 40c-55c-65c, 6 days. **Gross:** $7,000. (Average, $7,000)

**"SCARLET EMPRESS" (Para.)**

STANLEY—(3,700), 40c-55c-65c, 6 days. **Gross:** $8,500. (Average, $12,000)

**"LEMON DROP KID" (Para.)**

STANTON—(1,700), 30c-40c-55c, 6 days. **Gross:** $5,500. (Average, $6,000)

# "Mrs. Wiggs" Tops Buffalo, $18,100

BUFFALO, Oct. 21.—Columbus day holiday helped all theatres, particularly the Buffalo, where "Mrs. Wiggs of the Cabbage Patch" drew youngsters. Its take was $18,100 against a normal $14,300. "The Barretts of Wimpole Street" also topped average in its second week. Weather was fair and warm.

Total first run business was $47,200. Average is $44,800.

Estimated takings for the week ending Oct. 19:

**"MRS. WIGGS OF THE CABBAGE PATCH" (Para.)**

BUFFALO—(3,500), 30c-55c, 7 days. Stage: Landt Trio & White; Edgar Bergen; Carr Brothers & Betty; Three Little Words; Dorothy Crooker. **Gross:** $18,100. (Average, $14,300)

**"DEATH ON THE DIAMOND" (M-G-M)**
**"DESIRABLE" (Warners)**

CENTURY—(3,000), 25c, 7 days. **Gross:** $7,300. (Average, $6,000)

**"CLEOPATRA" (Para.)**

GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $8,600. (Average, $10,000)

**"THE BARRETTS OF WIMPOLE STREET" (M-G-M)**

HIPPODROME—(2,100), 25c-40c, 7 days, 2nd week. **Gross:** $8,200. (Average, $8,000)

**"THE HUMAN SIDE" (Univ.)**
**"THE LOVE CAPTIVE" (Univ.)**

LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $5,000. (Average, $6,500)

# "Cristo" Gets High $16,000 In Cleveland

CLEVELAND, Oct. 21.—Big money here went to "The Count of Monte Cristo," which took $16,000, over the line by $6,000, at Loew's State.

Two holdovers were also in the big money. "Judge Priest" was a big second week draw with $8,500 at Warners' Hippodrome and "The Barretts of Wimpole Street" did a fine $5,000 in its second week at Loew's Stillman.

Total first run business was $47,500. Average is $41,000.

Estimated takings for the week ending Oct. 12:

**"ONE MORE RIVER" (Univ.)**

ALLEN—(3,300), 20c-30c-40c, 7 days. **Gross:** $3,000. (Average, $3,000)

**"JUDGE PRIEST" (Fox)**

WARNERS' HIPPODROME—(3,800), 30c-35c-44c, 7 days, 2nd week. **Gross:** $8,500. (Average, $6,000)

**"BIG HEARTED HERBERT" (Warners)**

RKO PALACE—(3,100), 30c-40c-60c, 7 days. Stage: Paul Ash and Tom Gentry and his Ambassadors with cast of 25. **Gross:** $15,000. (Average with stage show, $18,000)

**"COUNT OF MONTE CRISTO" (U. A.)**

LOEW'S STATE—(3,400), 30c-35c-44c, 7 days. **Gross:** $16,000. (Average, $10,000)

**"BARRETTS OF WIMPOLE STREET"**
**(M-G-M)**

LOEW'S STILLMAN—(1,900), 30c-35c-44c, 7 days, 2nd week. **Gross:** $5,000. (Average, $4,000)

# *What N. Y. Critics Think*

## *"The Age of Innocence"*

*(Radio)*

*American*—It is a handsome production; well directed, exquisitely played, and nostalgically scented with the fragrance of sweet lavender.

*Daily Mirror*—The Edith Wharton novel has been transferred to the screen with great dignity and charm, serving as a tender love story for Irene Dunne and John Boles***

*Daily News*—***tenderly transferred to the screen.***But in spite of its lack of speed the picture never appears to lag.

*Evening Journal*—Characterizations, costumes and furnishings blend into a thoroughly believable picture of the mauve decade, and the mood, once established, is deftly sustained through a story that interprets understandingly the conventions and standards of another era.

*Herald-Tribune*—***a dignified, stately and picturesque version of Katharine Cornell's decidedly dull drama of several seasons ago, "The Age of Innocence." Although Mr. Moeller succeeds in capturing all the possible charm of the laborious dramatization of Edith Wharton's novel about New York in the '70s and Miss Dunne performs attractively in the Cornell role, I fear that the film edition remains unfortunately lacking in exhilaration.

*Sun*—***entirely satisfying***Atmosphere and secondary characters are delightful and vivid. Perhaps it is the lack of emotion in the handsome but quite placid principals which keeps the film from catching on fire. It should have***

*Times*—***has been managed with all possible dignity and sincerity. The players stagnate expertly against the suffocating background of fashionable New York in the solemn Seventies.***Yet the photoplay at the Music Hall leaves the spectator curiously cold and detached from the raging emotions of the story.

*World-Telegram*—It is as fresh and lovely, moving and engrossing on the screen as it was between covers, a superior picture, admirably acted by its entire cast and superbly directed by Philip Moeller, of the Theatre Guild.

## *"The Last Gentleman"*

*(United Artists)*

*American*—A charming picture, at once gay, tender and tearful, serves as the delightful vehicle which again brings that distinguished thespic gentleman, George Arliss, within our cinematic ken. It is the best of his less pretentious productions.***

*Daily Mirror*—George Arliss plays another great role and provides more great entertainment with this human, sparkling comedy.***

*Daily News*—The production is fine all the way through, from the splendid acting of the star and cast down to the last detail of the interesting and appropriate sets. Sidney Lanfield's direction is expert and his cast works harmoniously together.

*Evening Journal*—With his customary charm and skill, George Arliss adds still another memorable characterization to his list of distinguished screen portraits.

*Herald-Tribune*—Mr. Arliss is too busy being charming and antiquely elfin to have much time left in which to give a good performance but minor roles are well played by Miss Oliver, Miss Janet Beecher, Edward Ellis, Donald Meek and Ralph Morgan.

*Post*—"The Last Gentleman," being a study of character, derives almost entirely from Mr. Arliss's performance. Sidney Lanfield's direction has endowed the picture with touches of sly humor and an authentic New England atmosphere.

*Sun*—George Arliss puts on a one-man show*** proving once more that a vivid personality and a shrewd sense of showmanship can out-balance a weak story any day. "The Last Gentleman" is pure and simple Arliss, a grand exhibition of the screen's most amusing character actor in top-notch form. That, by the way, is just about all it is. Sometimes it seemed enough.

*Times*—The new photoplay finds both Mr. Arliss and the dialogue writers in excellent spirits.***Mr. Arliss drops into this featherweight comedy with a genuinely ingratiating gayety.

*World-Telegram*—The return of George Arliss to light comedy is in itself a matter for huzzas; that he should have been so fortunate as to find a good comedy is a circumstance which calls for loud and lusty cheering.

## *"The Man of Aran"*

*(Gaumont British)*

*American*—A saga of the sea, awesome in grandeur, terrifying in beauty, storms over the screen of the Criterion to the wail of the banshee and the eerie, moaning melodies of Gael. Fascinating in its reality, breath-taking in its magnificence, "Man of Aran" is a cinematic epic filmed with an artistry seldom achieved, rarerly encountered.

*Daily News*—In photographic art, stark realism, and in compelling simplicity it is a photoplay the like of which only rarely visits Broadway.***does not equal other English imports in many respects, but it is a piece of filmcraft likely to enjoy a deserved welcome to these shores.

*Evening Journal*—***one of the most magnificent and remarkably vivid photographic studies yet seen on the screen.

*Herald-Tribune*—***a beautiful and striking chronicle of life in Ireland's wild western islands.***another distinguished point in Mr. Flaherty's career as a real artist of the screen.

*Post*—Certainly it would be hard to match the beauty and thrilling terror of the sea as Flaherty has matched it in this picture. For "Man of Aran" is a study in moods and contrasts, and on the fierce, lean shores of the Aran Islands it shows the pitiless balance between life and death which man is forced to maintain as the price of his survival.

*Sun*—The director has realized to the full not only the startling, fascinating beauty of black battered rock and a sea dashing sky-high above it, he has caught the courage, the stark simplicity of the few who have made of this island a home.***It can not only stand equal to any of Flaherty's works—it towers above them.

*Times*—***has made a memorable film*** It is bare, cruel and authentically real; it is ardent with life, and it represents the pure cinema at its best.***immediately joins the great tradition of "Grass," "Tabu" and Mr. Flaherty's own "Nanook."

*World-Telegram*—***a beautiful and stirring film.***

## *"The Merry Widow"*

*(M-G-M)*

*American*—The exquisite, haunting melodies of the "The Merry Widow," echoing down a quarter century, stir to thrilling, sparkling life in the thrush-like throat of Jeannette MacDonald upon the screen of the Astor Theatre, where the latest Lubitsch triumph glows in all its glory. Scintillant, splendid, it is a production that is robed in beauty, bedecked with the dezzlements of laughter and romance, a delight alike for eye and ear and heart and soul.

*Daily Mirror*—"The Merry Widow" is an excellent film, sparkling, gay and exhilarating. It launches the Fall season of "super special productions" most auspicously.

*Daily News*—Now Ernst Lubitsch has taken the familiar story and the more familiar but still entrancing tunes and has devised something delightfully fresh and thoroughly entertaining. . . .

*Evening Journal*— . . . Sumptuous sets, the delightful Franz Lehar music and decorative ballets. . . . Co-starring Maurice Chevalier and Jeannette MacDonald, it's a handsomely mounted romance-with-music that has the advantage of some amusing Lubitsch comedy deftly put over by George Barbier, Una Merkel and Edward Everett Horton.

*Herald-Tribune*—Under the brilliant guidance of the mighty Ernst Lubitsch, "The Merry Widow," that sturdy veteran among the operettas, emerges as a debonair and witty photoplay that reveals the master of cinema high comedy in his brightest mood.

*Post*—Those of you who go to the Astor to see a recapitulation of "The Merry Widow" will find little to refresh your memories. . . . The picture is completely dominated by the directorial genius of Herr Lubitsch. He has not attempted anything in the way of revival. The plot outline of the original work has been adhered to, and the music is essentially that of Lehar, yet the picture emerges with the freshness and originality of a creative work.

*Sun*—Whatever it may have been in its heyday, "The Merry Widow" is now a frothy little farce, sumptuously costumed, elaborately set and extremely uneven as entertainment. . . . On the whole, good musical comedy entertainment. There are some dull stretches, however, and a complicated plot to slow it up.

*Times*—It is a good show in the excellent Lubitsch manner, heady as the foam on champagne, fragile as mist and as delicately gay as a good-natured censor will permit.

*World-Telegram*—Here and there, thanks to Ernst Lubitsch's luminous direction, the film is sprightly and amusing enough. Moreover, it is deservedly sung and played by the lovely Jeanette MacDonald and Maurice Chevalier and a lot of other good people who are in it.

## *"Happiness Ahead"*

*(Warners)*

*American*—It is loaded with laughs, fragrant with dewy-eyed romance and gay with tantalizing tunefulness. It's a happy hit. *** (Josephine Hutchinson) ***emerges from her debut as an unqualified success, possessing personality, a wistful charm, a whimsical gaiety and a high order of histrionic ability.

*Daily Mirror*—This charming little romance with music suggests "It Happened One Night" and "Servants' Entrance." She (Josephine Hutchinson) is a new type.

*Daily News*—***a pleasant little comedy with music.***Miss Hutchinson's is an auspicious debut, not that she makes a smashing hit in her first screen role, which she does not, but because she shows great promise as stellar screen material.

*Evening Journal*—***the film emerges as an amiable little romance dotted with songs.

*Herald-Tribune*—***a frail little comedy ***Miss Hutchinson's first screen appearance reveals her as a pleasant heroine and her debut probably can be set down as satisfactory, though not sensational.

*Post*—Though Mervyn LeRoy has exercised his directorial art to enliven the story with variety and pace "Happiness Ahead" remains resolutely routine. For the homespun thing it is, it offers an acceptable vehicle for Dick Powell, and little opportunity for Miss Hutchinson to show that her screen debut is in the nature of a sensation.

*Sun*—Mervyn LeRoy's handling of the frothy material is skillful enough to keep the tiny story always going. He's built up atmosphere and comedy, placed the songs where they are most needed. It is still far from a dramatic triumph; but it has a rather charming quality.***

*Times*—Out of the somewhat prosaic and homely materials of boy and girl romance which composes the fibre of "Happiness Ahead," he (Mervyn LeRoy) has manufactured a winning and agreeable film.

*World-Telegram*—***pleasant, heartwarming and entertaining and a new screen personality who is a distinct surprise and pleasure. The new screen personality is Josephine Hutchinson.***

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EASTMAN *Super-Sensitive*
*Panchromatic Negative*

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 96 NEW YORK, TUESDAY, OCTOBER 23, 1934 TEN CENTS

## Fox Theatres Petition for New Deal Out

### Withdrawn from Court; Resume Probe Nov. 8

The petition for reorganization of Fox Theatres Corp. was voluntarily withdrawn by ex-Judge Charles Kelby, counsel for petitioning creditors, at a hearing before Federal Judge Martin T. Manton yesterday.

Kelby stated that all claims filed against Fox Theatres would be examined on their merits by a special master on Nov. 8 and received Judge Manton's permission to reinstate the reorganization petition thereafter if deemed advisable by the valid creditors. Counsel for creditors of Fox Metropolitan Playhouses opposed the reorganization petition for Fox Theatres on the ground that it was filed

(Continued on page 7)

## Charles Skouras in For FWC Discussion

Charles Skouras and his secretary, Edward Zabel, arrived from the coast yesterday and immediately went into session with officials of Chase National Bank and Hughes, Schurman & Dwight on reorganization plans for Fox West Coast. The meeting lasted all day.

Charles Buckley, attorney for F. W. C., was delayed the last minute on the coast and did not accompany Skouras and Zabel. Buckley will come on later. The downtown meetings are expected to last several weeks.

## N. O. Exhibitors to Invite MPTOA There

New Orleans, Oct. 22.—Local exhibitors at a meeting to be held in the near future will draft a formal invitation to M. P. T. O. A. to hold its next annual convention here at Mardi Gras time next February.

It is understood that holding of the 1935 convention here was discussed at this year's gathering at Los Angeles and is viewed with favor by influential M. P. T. O. A. officers.

## Many Pastors Talk Films; Silent Here

Sunday was the day set for Protestant sermons on the subject of clean films throughout the country. For more than two months the Federal

(Continued on page 5)

## U. S. Supreme Court Refuses To Review Clearance Appeal

**Washington, Oct. 22.—Denying a petition of Fae Robison of the Seville Theatre, Inglewood, Cal., for review of the case, the U. S. Supreme Court today in effect affirmed a decision of the Ninth Circuit Court of Appeals in a suit brought by the exhibitor against First National, M-G-M, Universal, Fox and the Los Angeles Film Exchange Board of Trade, seeking to recover for damages alleged to have resulted from a rezoning of the house.**

**The suit charged violation of the Sherman Anti-Trust Act by the defendants in conspiring to refuse to furnish product in "fair competition" with a competitor and in arbitrarily shifting the Seville, but not other houses, out of the Inglewood zone and into Los Angeles.**

**A verdict in favor of the exhibitor, carrying a judgment of $35,336, was reversed by the Circuit Court of Appeals.**

## Chrysler Air-Conditioning Ready; F. B. Warren Gets It

Chrysler-made equipment for cooling, heating and ventilating theatres will be sold, distributed and installed exclusively in the United States by the Control Corp. of America, formed and headed by F. B. Warren. The company marks a return into business for himself of the veteran distributor who for the past six years has been a sales executive with Erpi.

Advent into the air-conditioning field was made recently by the motor manufacturer whose son, Walter P. Chrysler, Jr., as president heads Airtemp, Inc., the distributing organization which will itself handle all sales,

(Continued on page 6)

## Michigan Takes in 1933 $14,124,000

Washington, Oct. 22.—Michigan's 406 theatres last year had box-office receipts of $14,124,000 and expended $3,072,000 on payrolls, according to figures made public tonight by the U. S. Census Bureau.

The bureau's report showed 100 theatres in Detroit, with receipts of $7,143,000 and payrolls of $1,881,000; 17 in Flint with receipts of $656,000 and payrolls of $119,000; 21 in Grand Rapids with receipts of $606,000 and

(Continued on page 6)

## Actors Move to Ask An A. F. of L. Charter

Hollywood, Oct. 22.—A tentative proposal to obtain a charter in the American Federation of Labor, it was learned yesterday, is to be submitted to the board of directors of the Screen Actors' Guild. This is the first step toward combating the recent refusal

(Continued on page 6)

## Production Falls Off on the Coast

Hollywood, Oct. 22.—Production continues to recede, with a total of 36 features and eight shorts in work as compared to 38 features and six shorts before the cameras for the preceding week.

In addition, there are 20 features and 12 shorts in the final stage of preparation, while 51 features and 21 shorts are in the final stages of editing.

Warners continue to lead the field with eight features in work, two preparing and editing; M-G-M has

(Continued on page 6)

## Para. B'way Plan Opponents Active

The bondholders' plan of reorganization for Paramount Broadway Corp., the subsidiary owning title to the Paramount Building and Theatre in Times Square, was revealed yesterday to be still in a form displeasing to minority creditor groups.

A hearing on the plan and objections to it was postponed to Nov. 12 by Referee John E. Joyce at the request

(Continued on page 6)

## Paramount-Quittner Deal Going to Joyce

The agreement by which Paramount Publix pays to Edward Quittner $10,000 in settlement of the $5,100,000 Quittner anti-trust suit will be filed today with Referee John E. Joyce.

An application for an order from

(Continued on page 6)

## New Code Cost Plan Unfair, Says Johnston

### Rifkin Also Opposed to Burden on Indies

Monogram is the first independent to protest against the revised producer-distributor assessment plan announced by the NRA late last week. Both W. Ray Johnston, president of Monogram and a member of Campi, and Herman Rifkin, Boston franchise holder, have voiced dissatisfaction over the revised schedule. Johnston's protest was made in the form of an announcement to the press, while Rifkin's objections were sent to Code Authority, which is forwarding the letter to Washington.

All protestants against the new plan must file objections by Oct. 30 when a hearing will be in Washington. The schedule is out of Campi's hands now and future action rests with the Department of Research and Planning. Last week Harold S. Bareford, a

(Continued on page 7)

## Exhibitor Protests On Cancellation Up

Exhibitor objections to a provision in the 10 per cent cancellation clause in uniform contracts will be discussed by Campi's legal committee tomorrow. Theatre owners are protesting the clause on the grounds that distributors, after cancelling a picture in the higher brackets, substitute a lower rental film by raising the ante to meet the price of the cancelled film.

In other words, if an exhibitor cancels a picture priced at $250 in the

(Continued on page 7)

## Seating Code Goes Over Indefinitely

Washington, Oct. 22.—The National Recovery Administration today announced that the code for the public seating industry had been continued indefinitely, pending a determination whether the trade needs a more inclusive code.

The code was originally approved in July for a 90-day period, with a

(Continued on page 7)

## Richards Here for Saenger Conference

E. V. Richards, trustee and operating head of Saenger Theatres, arrived from New Orleans yesterday for conferences with the Paramount Publix trustees and their counsel on

(Continued on page 6)

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## Erpi Promotes Three

Three promotions have been made public by Erpi. W. E. Woodward has been advanced to acting sales manager of the southeastern division. H. O. Duke is now acting assistant sales manager in the same division without relinquishing his old post of credit and collection manager of the division. R. W. Horn has been appointed assistant sales manager of the northeastern division. He will be responsible for sales in the metropolitan area, New Jersey and the Hudson valley.

## "U" Starts 3 on Oct. 29

Hollywood, Oct. 22.—Universal will come out of the temporary production slump on Oct. 29, when three pictures will get under way.

Films slated for the camera on that date are "Straight From the Heart," starring Baby Jane with Kurt Neuman directing; "I've Been Around," starring Chester Morris, both B. F. Zeidman productions, and a serial, "Rustlers of Red Dog," top spotting Johnny Mack Brown and Raymond Hatton. Lewis Friedlander will direct.

## Carl Laemmle, Jr., Sails

Hollywood, Oct. 22.—Carl Laemmle, Jr., is en route to New York on board the *S. S. Santa Rosa,* which is scheduled to dock there Nov. 5. He sails for Europe a week later on a three months' vacation. He is accompanied by Harry Zehner.

## Sonotone Convention Told of New Devices

Dr. Hugo Lieber, president of Sonotone, yesterday announced three new developments of the company's hard-of-hearing apparatus as the first of a three-day second annual convention opened at the Park Central. He stated Sonotone is putting out a new single transmitter, which looks like a jewel instead of a piece of equipment; a new development in the group equipment field for theatres, churches, auditoriums and schools, and a new portable recording equipment whereby the human voice can be recorded and later reproduced for schools and colleges.

Talking before 350 representatives from the United States, London and Paris, Dr. Lieber said that a new era for the hard-of-hearing is at hand in that for the first time individuals having difficulty with their hearing can have devices fitted to their particular needs just as glasses are tested for persons having trouble with their eyesight.

An increase of more than double the number of dealers was announced when it was stated that the company now has more than 700 sales representatives in the U. S., compared to 350 last year. In the foreign field, an increase in dealers also was noted. Whereas the company had only six in 1933, it now has a total of 35.

It was estimated that sales for 1934 will run around $1,250,000, compared to $766,000 last year and $242,000 in 1932.

Dean Babbitt, vice-president and general sales manager, introduced the speakers. P. Oliver Goldsmith, London, and Jules LaFevre, Paris, representative, also attended.

## Theresa Helburn Signed

Theresa Helburn, playwright, director and member of the New York Theatre Guild Board of Management, has been signed by Columbia. Her contract calls for her to be present at the studio for eight months of the year to assist Harry Cohn in an executive capacity.

## Depinet, Mallard Delayed

Hollywood, Oct. 22.—Ned E. Depinet, RKO Radio president, and William Mallard, general counsel, were delayed in starting their return trip to New York this week-end. Present plans call for their departure tomorrow by plane, to arrive in New York Wednesday.

## Lewis and Others on Fast Burlington Run

Hollywood, Oct. 22.—Jack Lewis of Radio leaves here tonight for New York on the new Burlington Zephyr, the streamline test train that is set to make the trip in 60 hours.

Aside from newspaper representatives, Anita Louise and Henry Hull will represent Hollywood on the trip. Both players, while in New York, are scheduled to make personal appearances with their latest pictures, Miss Louise at the Strand where "Madame DuBarry" opens Wednesday and Hull at the opening of "Great Expectations" which will probably open at the Music Hall in the near future.

## Fan Club Federation Now Getting Started

Fan clubs are forming a federation —an international federation, no less. Eighteen of them are already in, the sponsors say, and others are being added. They claim to be "constructive forces."

"We aim to be the champions of the stars, to see that they get a square deal at the hands of the public and the press," says a statement by Gwen Troughton, president of the federation. "Now is our chance to ascend the throne which has long been withheld from us. With your active interest, this can easily be accomplished."

## To Meet Sophie Tucker

The American Federation of Actors is planning a welcome home party to Sophie Tucker on her return from England Nov. 1. A tug has been chartered to go down the bay to meet the *Manhattan,* on which she is returning, and a fleet of 15 cars will meet her at the pier for a parade up Broadway.

## Columbia Dividend Set

Columbia Pictures Corp., has declared a regular quarterly dividend of 75 cents on its preferred stock, payable Dec. 1, to stockholders of record Nov. 15.

## Kent Back from South

S. R. Kent, president of Fox, is back in New York from a vacation trip at White Sulphur Springs and returns to his desk this morning.

## Purely Personal

John C. Flinn, George Dembow, Sam Dembow, Ed Schnitzer, Nat Cohen, David Loew, Louis Phillips, Sam Rinzler and Mort Spring among the luncheoners at the M. P. Club yesterday.

Joseph J. Rosenthal, secretary of Consolidated Theatres, Ltd., of Canada, leaves for Montreal today and returns Friday. J. Arthur Hirsch, president, is now in Montreal.

Mervyn LeRoy, accompanied by Mrs. LeRoy, will leave for New York as soon as he finishes cutting "Sweet Adeline."

Berthold Viertel, director of "Little Friend," who came here to attend the opening at the Roxy, sails for England today on the *Washington.*

Faith Baldwin has completed a four-day contract with M-G-M on the coast and is due back in New York later in the week.

Harry C. Arthur gets back from the coast on Saturday. Jack Partington will probably wait until Arthur returns before heading west.

Stephen E. Fitzgibbon is en route back to Paramount's Joinville studio aboard the *Ile de France* after a visit of several days here.

Dr. Karl Fischel of the N.V.A. Sanitarium in Saranac, N. Y., was in town yesterday conferring with Harold Rodner.

Dave Palfreyman returned yesterday from a three weeks' survey of theatre conditions in the south and southwest.

Regis Toomey is on his way to the coast after a one-week stay in New York.

Seton I. Miller, writer, and Mrs. Miller arrived yesterday on the *Santa Lucia* from the coast.

Ferdinand Weyher's and Frank Wead's "Lady With a Badge" has been bought by Warners.

Louise Henry, M-G-M player, is in town for a six weeks' vacation. It's the first in a year.

Louis Weinzimmer of Progressive Poster returned yesterday from Pittsburgh.

Milton Weiss of M-G-M has been added to the A. M. P. A. publicity committee.

M. H. Hoffman, president of Liberty, reached the coast yesterday by plane after a week in New York.

Edward Rafferty returns from a midwest tour on Thursday.

Hal Roach has gone back to the coast after a week here.

Ed Kuykendall is due in town Thursday.

Dave Diamond plans to leave for the coast within the next few days.

Budd Barksy now plans to leave for Hollywood tomorrow afternoon.

## Magazines Change Hand

Macfadden Publications have taken over *Photoplay* and *Shadowland.* First issues under the new management will be under December issue. This gives Macfadden three fan magazines, the other being *Movie Mirror.*

## Trading Light on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 37¾ | 36 | 36 | —1⅜ | 500 |
| Consolidated Film Industries, pfd | 15¼ | 15 | 15 | ..... | 1,200 |
| Eastman Kodak | 103¾ | 102¾ | 102¾ | — ¼ | 400 |
| Fox Film "A" | 13¾ | 13⅛ | 13⅛ | — ¼ | 1,200 |
| Loew's, Inc. | 31½ | 30⅜ | 30½ | — ⅜ | 3,800 |
| Paramount Publix | 4⅜ | 4⅛ | 4⅛ | — ⅛ | 7,000 |
| Pathe Exchange | 1¼ | 1¼ | 1¼ | + ⅛ | 900 |
| Pathe Exchange "A" | 13½ | 13⅜ | 13⅜ | — ⅛ | 200 |
| RKO | 2¼ | 2¼ | 2¼ | ..... | 600 |
| Warner Bros. | 4⅞ | 4¾ | 4¾ | — ⅛ | 2,000 |

## Technicolor Off ⅛ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13⅛ | 12¾ | 12⅞ | — ⅛ | 600 |

## Warner Bonds Drop Half Point

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 7⅜ | 6⅝ | 7 | + ⅛ | 7 |
| General Theatre Equipment 6s '40, ctf | 7 | 7 | 7 | + ½ | 12 |
| Paramount F. L. 6s '47 | 58¾ | 58⅜ | 58⅜ | — ⅜ | 42 |
| Paramount Publix 5½s '50 | 58½ | 58⅜ | 58⅜ | — ⅛ | 22 |
| Warner Bros. 6s '39, wd | 60¾ | 59½ | 59½ | — ½ | 7 |

Chrysler

# AIR-CONDITIONING FOR THEATRES

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CHRYSLER
AMPLEX DIVISION

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The Chrysler-made equipment in this field will possess the quality and excellence of this mighty manufacturer's automotive output.

A special organization has been formed to bring the air-conditioning systems produced by Chrysler and marketed by Airtemp Incorporated into the theatres of the nation. *Turn for the Announcement—*

# *This*
# ORGANIZATION WILL SELL IT

AIRTEMP INCORPORATED
CHRYSLER
AMPLEX DIVISION

Control Corporation of America has been organized to sell, install and maintain the Chrysler-made air-conditioning system in the theatres of the United States. It has been organized and is headed by F. B. Warren, who for twenty years has been known to almost everyone in the field of theatre ownership and management.

Installations will begin in December in a group of the country's outstanding theatres. Between January and May 1, 300 installations will be available. One-half of these have been allotted to those states where summer is at hand by May. Each installation is a tailor-made job designed to meet the requirements of your theatre.

A national sales-engineering staff has been assembled to solve your specific problems. Price quotations of most attractive character will be made after a survey from the New York head office of Mr. Warren's organization.

## Control
## CORPORATION OF AMERICA

**250 West 57th Street**
**New York City**

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Authorized by AIRTEMP INCORPORATED, World Distributors of Air Conditioning Products of Chrysler Motors

# Six Films Set To Start At Twickenham

By BRUCE ALLAN

London, Oct. 22.—Six productions announced by Julius Hagen at the inauguration of the new floor at Twickenham will be distributed through Gaumont-British.

They are "A1 at Lloyds," the spectacular history of the famous shipping institution; "Squibs," with Betty Balfour; "The Morals of Marcus," with Lupe Velez; "Vintage Wine," with Seymour Hicks; "The Private Life of Sherlock Holmes," with Arthur Wontner, and "Oliver Cromwell," from the Richard Fisher story.

* * *

Cosmopolitan Picture Corp. is looking for a studio site at Sheffield. It plans the first modern plant in the provinces, though Sheffield made silents in the very early days. The scheme for a plant at Stanmore, near Elstree, put forward by Film Plays, Ltd., has been rejected by the local council.

* * *

Western Electric have now re-wired 388 British theatres previously equipped with other systems.

* * *

Poster and still displays for "The House of Rothschild" at Bristol have been disfigured by Fascist cranks who painted swastikas over the frames. Film continued to play to capacity.

* * *

Both Paramount and Gaumont-British secured news film showing the actual assassination of King Alexander. Versions shown eliminated the lynching of the murderer, which had been filmed in full, but include the sabre strokes with which Colonel Piolet felled him and Gaumont-British had a close-up interior of the car showing the dying king. Some London theatres had out special banners advertising these films which had a big press and were viewed by Scotland Yard officers trying to identify faces in the crowd.

* * *

Harry Eddington arrived with Barbara Kent, and stated that Garbo was willing to do a film in England, terms and story suiting. Among other things will confer with Al Santell, whose plans, following his parting with Toeplitz, are at present unsettled.

# *Brandon Tynan New Actors' Guild Head*

Brandon Tynan has been elected president of the Catholic Actors' Guild of America. Other new officers are: first vice-president, Gene Buck; second vice-president, Wallace Ford; treasurer, Rev. John F. White; secretary, Donald Brian; chairman of the executive board, Pedro De Cordoba; executive committee, Elizabeth Lonergan and Mrs. John Cross; chairman of the advisory board, Fred Timms. Father Leonard, pastor of the Actors' Church, will remain as chaplain.

Buck, who has served three terms as president, has been given a life membership in recognition of his services.

# *Looking 'Em Over*

## *"Pursued"*

*(Sol Wurtzel-Fox)*

The old story of lust and villainy in the Near East pops up again in "Pursued," which has sufficient color and capable acting to overcome its triteness of theme and win for itself a listing as moderate entertainment.

This time the villain is Victor Jory, whose word is law in the East Indian island where he rules the plantation seized by him after slaying Russell Hardie's father. When Hardie, who does not know the true facts of his father's death, arrives from the States to take over the plantation, Jory tries to get him out of the way. Temporarily blinded by the beating he receives from Jory's henchmen, Hardie is taken in by Rosemary Ames, a woman of easy virtue who performs in a native hot spot. She nurses Hardie, who idealizes her into something she is not. Both fall passionately in love.

The girl, fearful the youth will despise her when he recovers his sight and discovers the truth about her, makes arrangements to return to the States in the hope of redeeming herself. Her plans are blasted when Jory carries her off against her will. When Hardie regains his sight he is terribly disillusioned. Things are only made worse when he meets her at Jory's place. His enmity against the youth now sharpened by jealousy, Jory goes gunning for him. Hardie is saved when Miss Ames warns him. In the fight that follows Jory is slain. This paves the way for the reunion of the lovers.

Pert Kelton lends comedy to the story. Louis King directed.

Code seal No. 109. Running time, 70 minutes.

## *"Lost in the Stratosphere"*

*(Monogram)*

An entertaining melodrama in which two buddies are always after each other's new girl friend and climaxed by William Cagney winning out over Edward Nugent with June Collyer.

The story has as its background the army air corps with Nugent as first lieutenant and Cagney second lieutenant. Both get a great kick out of playing innocuous pranks on each other when a new girl enters the scene, but split between the pals comes when Cagney innocently falls in love with Miss Collyer, and vice versa. The heroine had come to visit her fiance, Nugent, who is out-of-town at the time, and is picked up by Cagney. Believing the informal acquaintanceship unimportant, Miss Collyer gives Cagney her maid's name and after a quick courtship they fall in love.

When Nugent returns from a flying expedition, he learns about the affair and ends his friendship with Cagney. Both are assigned to go up in a balloon bound for the stratosphere. The balloon gets into an electrical storm and Nugent knocks Cagney out cold after the latter has donned a parachute and throws him out. Cagney lands safely, but Nugent is later hurt when the balloon crashes. Nugent admits Cagney has won Miss Collyer and in planning other flights he thinks Cagney should stay at home. Satisfying entertainment.

Running time, 64 minutes. No code seal.

# *U. S. Films Lead in Finland's Theatres*

Washington, Ost. 22.—American pictures hold a dominant position in Finland, according to a report from Consul Cyril L. Thiel, in Helsingfors, made public by the U. S. Department of Commerce. About 75 per cent of all the films exhibited there are of American origin.

While the number of theatres has declined, box-office receipts have increased. This, it is stated, is due to improved business conditions.

# *Goldstone Is M-G-M Associate Producer*

Hollywood, Oct. 22.—Phil Goldstone has joined M-G-M as an associate producer. His first will be "Mala" and his second "Bottom of the Sea."

# *Schenck and Zukor To Be Ampa Guests*

Nicholas M. Schenck and Adolph Zukor will headline the Ampa guest roster at the meeting Thursday at the M. P. Club. It marks the first time Schenck and Zukor have consented to appear at the Ampa and President William R. Ferguson is credited with the coup.

Other celebrities are being lined up and will be announced today. A record turnout is expected.

## *Flash Preview*

*Lightning Strikes Twice*—A weak story keeps this one uninteresting although it has able cast portrayals.

*This film will be reviewed in full in a later issue of* Motion Picture Daily.

# Seattle Tips High $8,700 To "Priest"

Seattle, Oct. 22.—"Judge Priest" was an outstanding hit here last week at the Fifth Avenue. The $8,700 take was over normal by $1,700.

Grosses elsewhere were only mild. "Have a Heart," with a stage show, was slightly over average at $6,100 in the Paramount and "Gift of Gab" was $100 up on a $3,600 take at the Music Box.

Total first run business was $31,200. Average is $31,000.

Estimated takings for the week ending Oct. 20:

**"COUNT OF MONTE CRISTO" (U. A.)**
BLUE MOUSE—(950), 25c-40c-55c, 7 days, 2nd week of extended run from Music Hall. **Gross:** $3,850. (Average, $4,000)

**"JUDGE PRIEST" (Fox)**
FIFTH AVENUE—(2,450), 25c-40c-55c, 7 days. **Gross:** $8,700. (Average, $7,000)

**"DUDE RANGER" (Col.)**
**"MOST PRECIOUS THING IN LIFE" (Columbia)**
LIBERTY—(1,800), 10c-15c-25c, 7 days. **Gross:** $3,650. (Average, $4,000)

**"GIFT OF GAB" (Univ.)**
MUSIC BOX—(950), 25c-35c-50c, 7 days. **Gross:** $3,600. (Average, $3,500)

**"MADAME DU BARRY" (Warners)**
MUSIC HALL—(2,275), 25c-40c-55c, 7 days. **Gross:** $5,300. (Average, $6,500)

**"HAVE A HEART" (M-G-M)**
PARAMOUNT—(3,050), 25c-35c, 7 days. Stage: "Girls in Cellophane." **Gross:** $6,100. (Average, $6,000)

# *Many Pastors Talk Films; Silent Here*

(Continued from page 1)

Council of Churches of Christ in America has been sending out material to pastors upon which they were to prepare sermons, if they wished.

Monday's *New York Times, Herald-Tribune* and *American* made no reference on the pages devoted to Sunday sermons of any mention of films from pulpits here.

Dr. Worth M. Tippy, executive secretary of the council, said no check up was being made of the number of pastors who responded to the call. He estimated the number who had done so at between 25,000 and 50,000. He said he hoped that as a result of this work Better Films Councils would be formed in each religious district throughout the country. Distribution of pledges would be continued, he said, but no plans have been made for furtherance of the clean films drive.

## Sees Film Improvement

In her biennial report to the International Federation of Catholic Alumnae Mrs. James F. Looram of Elmhurst, Queens, says there has been an improvement in films since the inauguration of the Production Code Administration.

# *Para. Sets Two Titles*

"Me Without You" has been selected as the definite title of the musical based on the original, "One Hour Late," which Paramount is producing.

"Once in a Blue Moon" will be the release title of the Jimmy Savo feature being produced at the Eastern Service Studios for Paramount.

## Para. B'way Plan Opponents Active

(*Continued from page* 1)

of counsel for Paramount Publix trustees. The adjournment was granted over the objections of Malcolm Sumner, counsel for opposing Paramount Broadway bondholders. The trustees' counsel reported that conferences aimed at removing features of the reorganization plan which have been objected to are being continued and progress is being made.

Pending acceptance of the reorganization plan, Paramount Broadway's $44,000,000 claim stands against Paramount Publix.

## *Paramount-Quittner Deal Going to Joyce*

(*Continued from page* 1)

Joyce directing the Paramount trustees to produce books and records of the company's foreign subsidiaries for examination by Edwin L. Garvin, counsel for three Paramount bondholders, was put over to Oct. 29 for hearing. Garvin's petition charges that accountants retained by him to study the books had been refused information on salaries paid to executives associated with the foreign subsidiaries.

## *New Para.-Bank Delay*

A petition for examination of officials of Paramount Publix creditor banks, sought by trustees of the debtor under Section 21-A of the bankruptcy laws and scheduled for hearing yesterday before Referee John E. Joyce, was postponed to Nov. 12.

## *Richards Here for Saenger Conference*

(*Continued from page* 1)

a revision of the plan of reorganization for Saenger which, according to reports, may result in lessening the Richards stock interest in the new Saenger company.

Except to explain that the situation is still in the discussion stage and that he is unable to make public comment on what is the "concern of the trustees," Richards declined to discuss the current conferences. He will be here another three or four days.

It is understood that the Paramount trustees feel that Paramount should have more influential participation in the new Saenger company than is provided in the original plan of reorganization.

## *Cohen in on Para. Plan*

Emanuel Cohen, Paramount studio head, arrived from the coast yesterday for conferences in connection with the Paramount Publix reorganization. He expects to remain two or three weeks. Henry Herzbrun starts east tomorrow for the same purpose.

## *Disallow $50,000 Claim*

A claim of $50,000 filed against Paramount Publix by Liberty Prod. was disallowed and expunged in an order handed down yesterday by Federal Judge Alfred C. Coxe.

Economical HIGH INTENSITY ILLUMINATION FOR THE SMALLER THEATRES

**A.C.** National High Intensity A. C. Projector Carbons for the new A. C. High Intensity lamps. Designed for arc currents up to 80 amperes.

**D.C.** National SUPREX Carbons for the new D. C. High Intensity lamps. Designed for arc currents of 40-65 amperes.

ATTRACT NEW PATRONAGE WITH SNOW WHITE, HIGH INTENSITY SCREEN ILLUMINATION.

NRA CODE

NATIONAL CARBON COMPANY, INC.
Carbon Sales Division, Cleveland, Ohio
Unit of Union Carbide UCC and Carbon Corporation
Branch Sales Offices:
New York · Pittsburgh · Chicago · San Francisco

## *Chrysler Air-Conditioning Ready; F. B. Warren Gets It*

(*Continued from page* 1)

under the sales management of H. C. Jamerson, except in the theatre classification granted to Warren's company. For the manufacture of the equipment itself, in all fields of air-conditioning, there is the Chrysler-owned Amplex Corp. with its plant in Detroit.

Readiness to make immediate surveys and installations in theatres is stressed by Warren with the statement that equipments are available for quick delivery and that the executive operating staff of the Control Corp. has been named.

The head of the engineering staff will be Andre Merle, and all engineering and air-conditioning equipment problems will be under his direction. Merle's experience in air conditioning dates from his discharge from the military service in 1922. He served in the regular army with the First Division Engineers and with the French Colonial Army during the World War. He has had wide experience in all phases of air conditioning; industrial, commercial and transportation; theatres, department stores, banks. While with the Carrier Engineering Corp. he worked on the design and installation of such plans as the Chrysler and Lincoln Buildings, New York, and the J. L. Hudson department store, Detroit.

For the last three years he has been connected with Clyde R. Place, consulting engineer in air-conditioning and for Place has worked on the Rockefeller Center development including stores and theatres, and on the design of the new Government Archives Building in Washington. The value of the air-conditioning, cooling and refrigeration work under Merle's supervision on these developments alone exceeds $10,000,000, according to Warren.

### Names Additional Executives

William E. Harkness will be the traffic and contracting consultant. For 30 years he was with the American Telephone and Telegraph Co. and for years head of its radio activities. He was the builder and executive in charge of Station WEAF, later disposed of to National Broadcasting. For the last seven years he has been an executive of Erpi. He will be executive adviser to Warren.

Arthur E. Ralph, also for years with Erpi and prior to that with R. Hoe & Co., and Winchester Arms Co., will head Control's division of survey and installation as well as be assistant treasurer of the corporation. Ralph was plant engineer of Winchester Repeating Arms Co.

I. M. Magnus will be secretary.

Announcement of the personnel of the sales organization of Control Corp. of America will be made shortly. Installations will be handled on time payments to good business risks, it is declared.

Warren's return to personal operation within the theatre field comes after six years association with Erpi. He was one of the founders as well as vice-president in charge of sales and distribution of the original Goldwyn Co., later merged into Metro-Goldwyn-Mayer. He was the founder, general manager and his own sales manager of Associated Producers, the organization that embraced as its producer-owners Thomas H. Ince, George Loane Tucker, Maurice Tourneur, Mack Sennett, J. Parker Read, Jr., and Marshall Neilan.

Warren will retire from Erpi Dec. 31 He said yesterday Control Corp. is in no way connected with Erpi.

## Production Falls Off on the Coast

(*Continued from page* 1)

six, two and ten; Paramount, six, two and four; Fox, four, four and five; Universal, three, two and one; 20th Century, one, zero and zero; Columbia, one, three and six; Radio, one, one and eight; Roach, zero, zero and one, while the independents show a total of six, four and six.

In the short subject division M-G-M reports one before the cameras, four preparing and five editing; Roach, one, one and one; Universal, one, zero and one; Columbia, one, two and one; Radio, one, two and six, while the independents show a total of three, three and seven.

## Michigan Takes in 1933 $14,124,000

(*Continued from page* 1)

payrolls of $108,000; seven in Lansing with receipts of $377,000 and payrolls of $74,000; seven in Kalamazoo with receipts of $344,000 and payrolls of $69,000; 13 in Saginaw with receipts of $316,000 and payrolls of $58,000; eight in Jackson with receipts of $274,000 and payrolls of $61,000; four in Pontiac with receipts of $234,000 and payrolls of $40,000, and three in Dearborn with receipts of $53,000 and payrolls of $13,000.

## *All Seattle Sunday Shows Told to Stop*

Seattle, Oct. 22.—The Superior Court here has issued a writ of mandate requiring the closing of all Seattle and King county theatres and all other forms of amusement on Sunday. The writ is also extended to cover all grocery stores and drug stores.

No attempt was made by local officials to enforce the closing law yesterday, but all the defendants were directed to appear in court Friday to show cause why the Sunday closing should not become effective starting next week.

The suit appears to be an attempt to make the old Sunday closing law so unpopular that it will be repealed and beer sales on the Sabbath will be permissible.

Local theatres are scheduled to organize today to form plans to contest the court order.

## *Actors Move to Ask An A. F. of L. Charter*

(*Continued from page* 1)

of producers to accept the guild's new contracts and working hours.

The proposal was drawn up last week at a meeting in the home of Robert Montgomery, who represented the guild along with Kenneth Thompson and Arthur Byron, and Frank Gillmore, president of Actors' Equity Ass'n., and I. B. Kornblum, attorney for Equity.

The proposal for the charter will be presented to the guild at a meeting scheduled here tomorrow.

# New Code Cost Plan Unfair, Says Johnston

(*Continued from page* 1)

member of the code finance committee, conferred with NRA officials on the assessments, following which the plan was approved.

In his letter, Johnston expresses the belief every independent producer and distributor will protest. He adds:

"When the original figures were announced in July, numerous protests, I understand, came in from independent producers and distributors and it was announced that the figures would be thrown out. The result now seems to be that some of those protesting are to get an assessment several times higher than the original figures.

"A second assessment was prepared which was even more unfair than the first and this, I was told, was thrown out by the Government.

"As I understand it, people in the higher bracket doing business of $1,750,000 to $25,000,000 are to be assessed on a basic rate of .09 per cent to .19 per cent, while the little fellows doing from $10,000 to $875,000 are to be assessed on a basic rate of from .23 per cent to 1.20 per cent.

"I cannot believe that the Government will allow any such assessment basis to be put over on the little fellow. I have contended from the beginning that there is only one equitable basis of assessment, and that would be on the following basis:

"Assessment of distributors shall be based on the pro-rata percentage that each distributor's gross income from film rentals for the year 1933 bears to the total sum of $180,000, which is to be paid by the distributor members for their share of Code Authority costs."

Johnston left for the coast Saturday and will stop off at a number of key cities. He will not be back in time for the Washington hearing, but it is expected that Edward Golden, general sales manager of Monogram, will attend.

## Seating Code Goes Over Indefinitely

(*Continued from page* 1)

provision that a study be made with a view to the establishment of a more inclusive code comprehending those businesses competitive or potentially competitive in nature.

The NRA is also going ahead with another attempt to develop a code for the film and theatre equipment supplies trade and will hold a hearing Nov. 2. A code submitted by the Independent Theatre Supply Dealers' Ass'n. will be considered at the hearing.

## Exhibitor Protests On Cancellation Up

(*Continued from page* 1)

contract, he does not want the exchange to charge him $250 for a film in the agreement at $150. Exhibitors claim that it is their privilege to cancel without a substitute and that action of distributors in increasing a lower rental film to the figure of the one discharged from the contract is a code violation.

# They Voted Doubles Out

**San Diego, Calif., Oct. 22.—Nearly 15,000 fans, polled by the Fox here, are opposed to double features because they make the program too long.**

**The questionnaire, sent out by James O'Toole, manager of the house, revealed a number of interesting facts which will be kept in mind by O'Toole in future bookings.**

**Here are a few of the facts revealed in the poll:**

**A majority prefer society drama, with comedy running a close second, and musical comedy in third place.**

**The average family attends pictures about twice a week.**

**Preferences for male stars: Will Rogers, Clark Gable, William Powell and George Arliss as listed. In the female division: Norma Shearer, Joan Crawford, Mae West and Claudette Colbert.**

**Asked what actors patrons would like to see in star roles, the answers were: Male—Herbert Mundin, first; Charles Butterworth, second, and Nat Pendleton, third. Female—Kitty Carlisle, first; Toby Wing, second, and Maureen O'Sullivan, third.**

**Sex pictures were generally condemned.**

**Patrons suggested selection of best Broadway shows and best novels for production.**

**Two hours is maximum limit most theatregoers want to sit in theatres.**

## K. C. Indies Fight Revised Clearance

KANSAS CITY, Oct. 22.—Several independent exhibitors are protesting the revised clearance schedule and plan to go to New York for the appeal hearing on Wednesday.

The objection is understood to be setting back of runs charging low admissions. First run houses are in favor of this plan, since they want to raise scales to former levels.

Fox Midwest has endorsed the new setup as stabilizing the local situation. Elmer C. Rhoden, who recently returned from New York where he conferred with John C. Flinn on the plan, feels that as it stands now it will work advantageously to all.

Similar objections against setting back subsequent runs charging low admissions were voiced at the time the Los Angeles plan came up for hearing before Campi. Most of the objections were ironed out before the hearing was completed.

Since admissions are the basic guidance for clearance, it is felt by distributors that theatres charging higher prices should benefit. Such a plan, it is held, will help increase admissions in all parts of the country and stabilize the business.

## Reade Loses Films In 2 Jersey Towns

Walter Reade lost a second decision at the New York grievance board yesterday when it was decided Aaron Shusterman will get 138 pictures for his theatres in Red Bank and Perth Amboy, N. J.

Reade was brought before the board by Shusterman charged with overbuying on 1934-35 product. The board held that Shusterman will get 70 of Reade's allotment for the Strand, Red Bank, and 68 films for the Roky, Perth Amboy.

Leo Justin, who defended the Reade action, will submit two lists of 70 pictures each on the Red Bank situation and two lists of major product for Perth Amboy. When these lists are submitted, Shusterman will select the groups he wants.

The first case Reade lost before the local board was the complaint of the Roxy and issuance of cut-rate tickets at the Mayfair. Reade plans to appeal the latest decision.

## Cleveland's 20-Week Free Broadcast Off

CLEVELAND, Oct. 22.—A 20-week free broadcast by radio stars contracted for by a local department store has been cancelled through the combined efforts of local exhibitors. The free broadcasts were to have taken place in the 15,000-seat public auditorium every Saturday afternoon and every Sunday evening from 7 P. M. to 8 P. M.

# Fox Theatres Petition for New Deal Out

(*Continued from page* 1)

in bad faith and in an effort to realize on Fox Met assets, all of the common stock of which is owned by Fox Theatres.

Archibald Palmer, counsel for a group of Fox Met bondholders, led the attack against the Fox Theatres reorganization petition, attacking the validity of the claims of petitioning creditors. Through examination of A. C. Blumenthal late last week Palmer disclosed an advance plan to buy up Fox Theatres' assets if the reorganization petition was successful.

## Drops Larchmont Protest

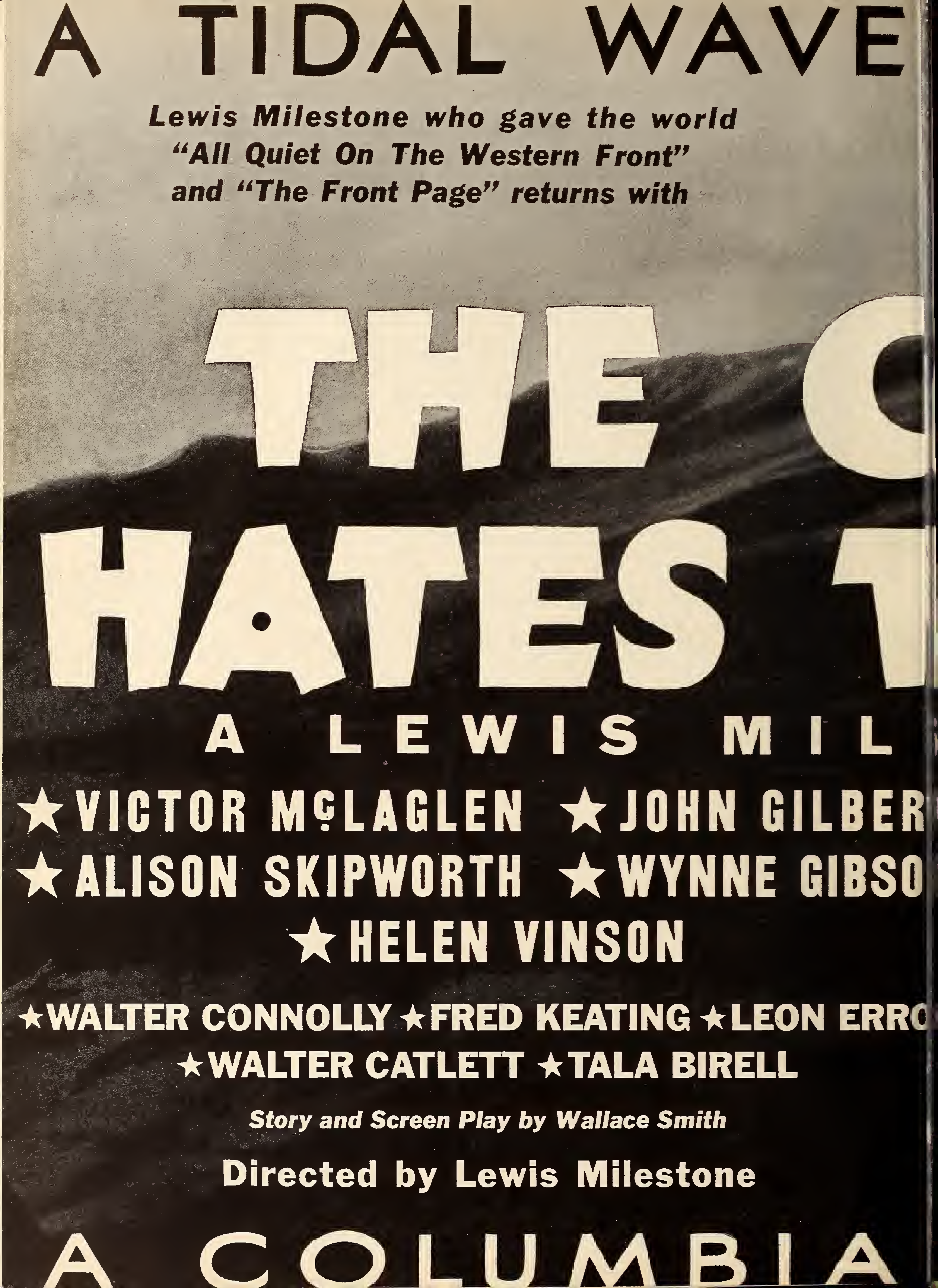
Complaint of the Larchmont, Larchmont, against Skouras' Capitol, Port Chester, N. Y., on clearance was yesterday withdrawn by the protestant after the defendant had proved that the Capitol had never taken clearance over the Larchmont house.

## "Happiness" at $21,500

"Happiness Ahead" took $21,500 at the Strand last week. "Case of the Howling Dog" was good for $14,000 at the Rialto.

Ye Olde Fashioned Gallant
Kissed Ye Lady's Hand—
But, brother, BUNDLING is
what was *really* on his mind!

BUNDLING will be re-introduced to America at the world premiere of PARAMOUNT'S "THE PURSUIT OF HAPPINESS" starring FRANCIS LEDERER, Joan Bennett, Charlie Ruggles and Mary Boland. Directed by Alexander Hall. At Radio City Music Hall on October 25th.



# A TIDAL WAVE

*Lewis Milestone who gave the world*
*"All Quiet On The Western Front"*
*and "The Front Page" returns with*

# THE C
# HATES T

## A LEWIS MIL

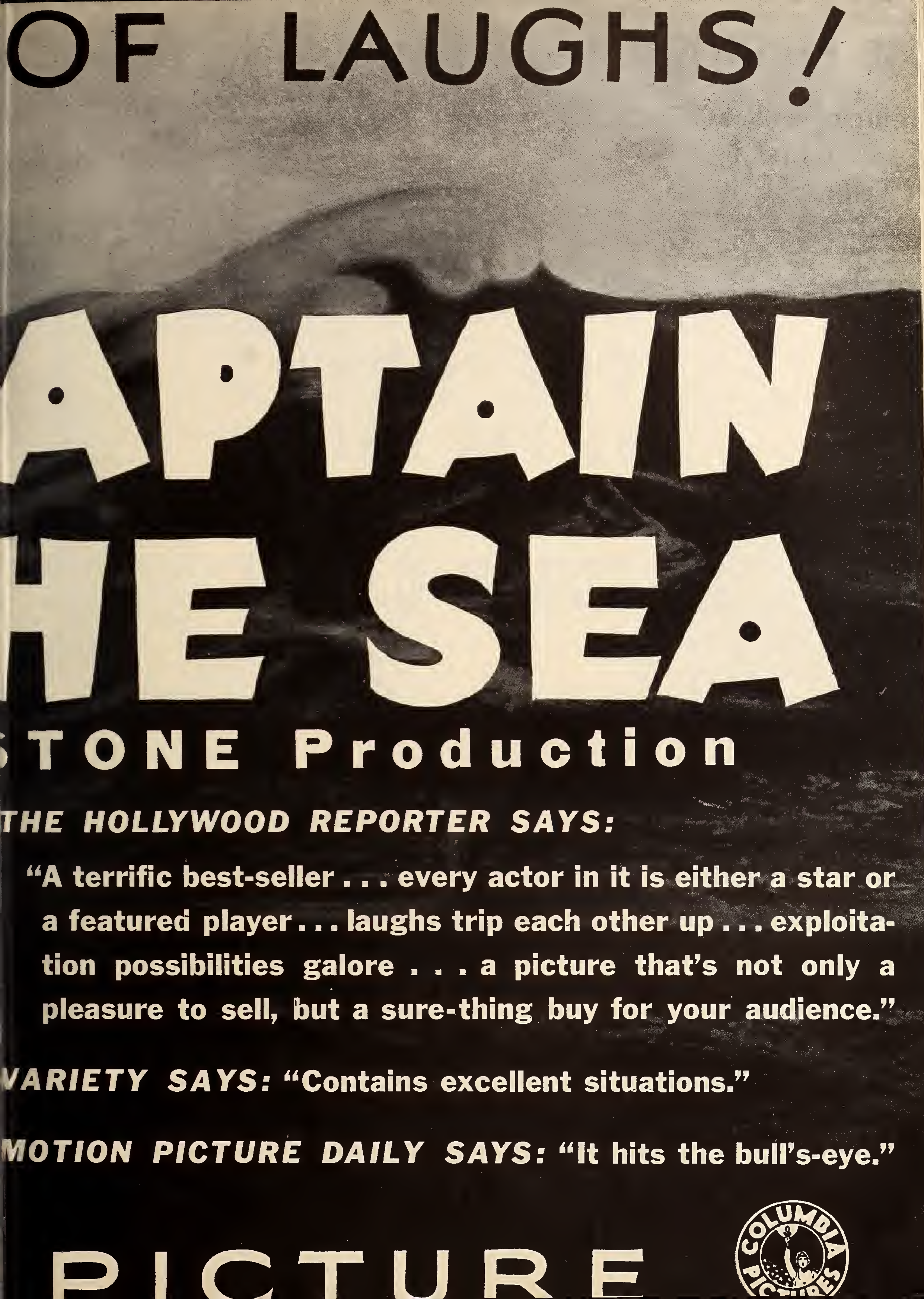
★VICTOR McLAGLEN ★JOHN GILBER
★ALISON SKIPWORTH ★WYNNE GIBSO
★HELEN VINSON

★WALTER CONNOLLY ★FRED KEATING ★LEON ERRO
★WALTER CATLETT ★TALA BIRELL

*Story and Screen Play by Wallace Smith*

**Directed by Lewis Milestone**

# A COLUMBIA



# OF LAUGHS!

# APTAIN HE SEA

## TONE Production

***THE HOLLYWOOD REPORTER SAYS:***

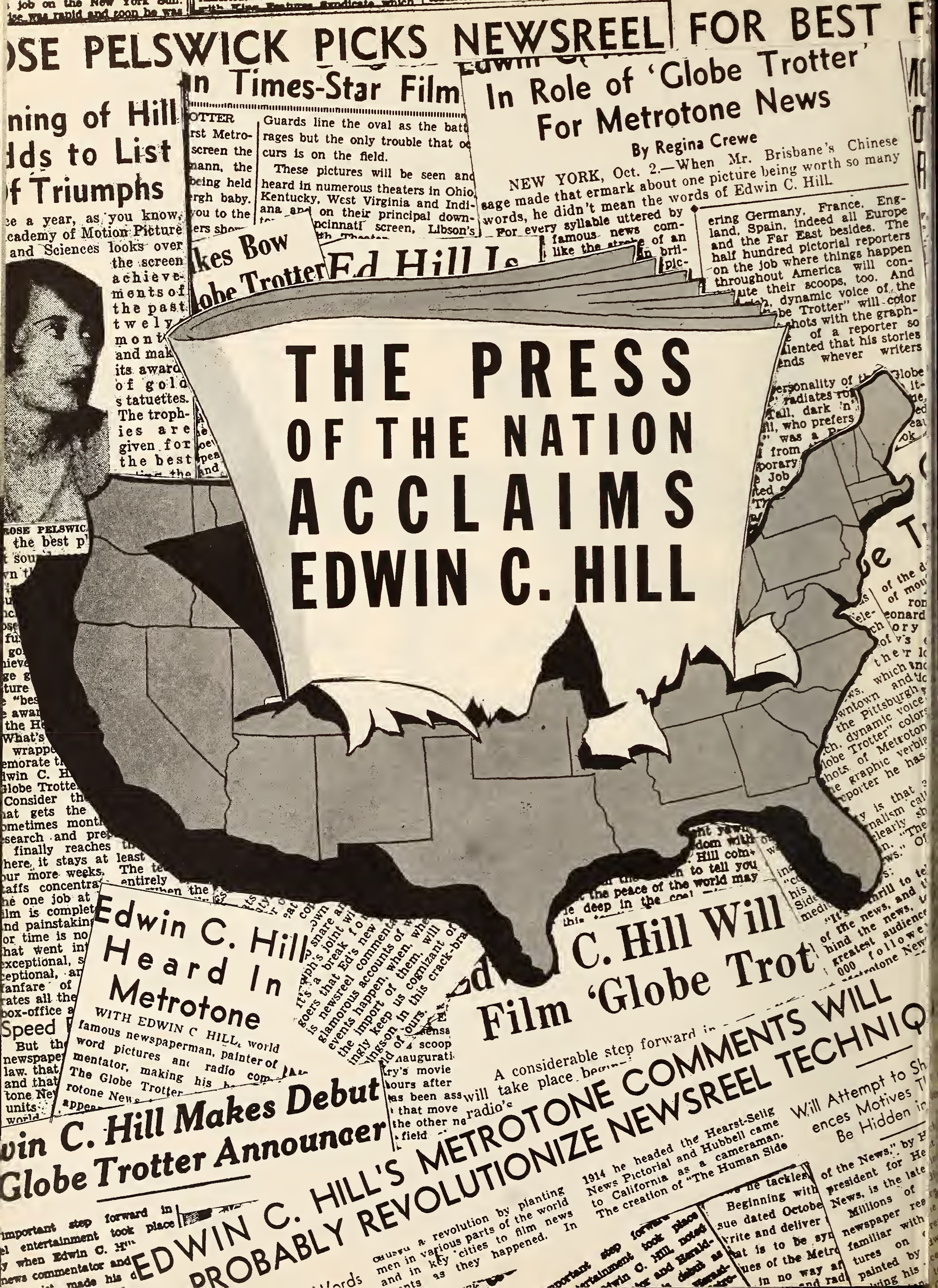
"A terrific best-seller . . . every actor in it is either a star or a featured player . . . laughs trip each other up . . . exploitation possibilities galore . . . a picture that's not only a pleasure to sell, but a sure-thing buy for your audience."

***VARIETY SAYS:*** "Contains excellent situations."

***MOTION PICTURE DAILY SAYS:*** "It hits the bull's-eye."

PICTURE

COLUMBIA PICTURES


ROSE PELSWICK PICKS NEWSREEL FOR BEST F
in Times-Star Film
In Role of 'Globe Trotter' For Metrotone News
By Regina Crewe
ning of Hill Adds to List of Triumphs
Takes Bow Globe Trotter
Ed Hill Is
Edwin C. Hill Heard In Metrotone
C. Hill Will Film 'Globe Trot
Edwin C. Hill Makes Debut Globe Trotter Announcer
EDWIN C. HILL'S METROTONE COMMENTS WILL PROBABLY REVOLUTIONIZE NEWSREEL TECHNIQ
Will Attempt to Show ences Motives T Be Hidden in

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The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 97 NEW YORK, WEDNESDAY, OCTOBER 24, 1934 TEN CENTS

## Business Need To Guide New Steps in Para.

### *Aimed to Lay Aside Law's Technical Obstructions*

With settlement plans in readiness for all but a few of the major problems standing in the way of submission of a plan of reorganization for Paramount Publix, a new policy based on business expediency, rather than legal technicalities, and aimed at hastening the end of the company's bankruptcy, is being adopted in the guiding reorganization quarters, it was learned yesterday.

The new policy, implying that legal caution within and obstruction from without has hindered completion of the Paramount reorganization plan, is expected to make submission of the plan a matter of weeks instead of months, according to an authoritative source,

*(Continued on page* 8)

## Say Czechoslovak Quota Ends Nov. 1

By J. K. RUTENBERG

BERLIN, Oct. 23.—Word was received today from Prague that the present Czechoslovakian quota on American films would be abolished Nov. 1.

The present setup calls for an import license of approximately $840 per picture with the additional stipulation that one Czechoslovakian film

*(Continued on page* 10)

## *Portland Clearance Attacked at Hearing*

Portland's clearance and zoning schedule was the target of objections launched yesterday by Allied of Oregon, Fox Rocky Mountain, M-G-M and independents in that territory at a code appeal hearing. Sidney E. Samuelson, president of Allied, represented both his organization's unit and independents, while E. L. Alperson,

*(Continued on page* 8)

## *Indications Point To N. O. for MPTOA*

Present indications point to the M.P.T.O.A. holding its next annual convention in New Orleans around February when the Mardi Gras is on. Mayor Walmsley of New Orleans has advised Ed Kuykendall he is willing

*(Continued on page* 8)

# First Flywheel Patent Suits Are Filed By Fox

### *Loew's, M-G-M, Warners Named in U. S. Court At Wilmington*

WILMINGTON, Oct. 23.—William Fox's industry-wide patent war broadened its front today with the filing of the first flywheel patent suits aimed at Loew's, Inc., M-G-M Distributing Corp. and Warners. The previous suits filed in New York and Brooklyn were on the double printing patent.

Plaintiffs in the cases filed today are the same as those in New York —American Tri-Ergon Corp. and Tri-Ergon Holding A.G., a Swiss company.

As in the New York cases, a temporary injunction is asked against continued alleged infringements and an order is sought for an accounting and payment of damages.

The bills of complaint recite the history of the patents and set forth that they were granted to Hans Vogt, Joseph Massolle and Josef Engle of

*(Continued on page* 8)

## *Tri-Ergon Starts Six More Double Printer Suits Here*

**Six more suits on the double printing Tri-Ergon patent were filed in the U. S. District Court for the Southern District of New York yesterday by William Fox, acting through the American Tri-Ergon Corp.**

**The actions were the same as those filed previously—pleas for injunctions and accountings.**

**Attorneys were Kenyon & Kenyon, who filed at the same time a request that their names be substituted for attorneys of record in the previous suits filed by Hirsh, Newman & Rease.**

## ITOA to Sign When Union Scale Is Set

After the local union situation has been straightened out and a basic operators' scale has been put into effect in Greater New York, the I. T. O. A. will sign the code, Harry Brandt, president, stated yesterday. The unit as a whole and most of its members have delayed signing because of differences over the labor situation.

First move of the I. T. O. A. after it officially goes on record in favor of the code will be for setting up a clearance and zoning schedule for this territory.

Independents have for years protested against clearances given major and powerful independent circuits and are now definitely set to establish a means of protection in this area. The only way this can be done, it was stated, is by calling in exhibitors from all zones and demanding a schedule.

Because of the protection demands

*(Continued on page* 8)

## Warner Phila. Spots to Pick Adults' Films

PHILADELPHIA, Oct. 23.—All Warner theatres in this territory are to designate family and adult pictures in the future, according to H. M. Warner. This will be done in newspaper ads with a large "F" for family type and "A" for films suited only for adults.

In explanation of the move Warner says: "We have found that parents are not as well informed on pictures as we are, and for this reason we intend to guide them in their selection of screen entertainment for themselves and their families."

Warner added that in his opinion the Production Code Authority is "doing a great job, ably and sincerely." In the course of production, however, many mature themes find their way into pictures, he said.

Adults want grownup themes, he said, but they also want to know

*(Continued on page* 10)

## *Expect Details of FWC Plan to Be Set in Week*

Details for reorganizing Fox West Coast are expected to be worked out within a week between Charles Skouras, trustee, and officials of Chase National Bank. Skouras is in New York conferring with his brother Spyros, S. R. Kent, president of Fox; bank officials and Hughes, Schurman & Dwight, attorneys.

While downtown meetings are scheduled to last for one week, it is possible the conferences may be extended indefinitely. This is the second

*(Continued on page* 10)

## Equity and Actors' Guild Talk Terms

HOLLYWOOD, Oct. 23.—Representatives of Equity and the Actors' Guild met last night to discuss further plans for affiliation of the guild with Equity. By the time Frank Gillmore leaves for New York next week he will have the complete text of the guild proposal to present to Equity's council.

After the council reaches a decision it will be presented here to the guild membership for a vote which will require a two-thirds majority to carry. Unless the guild can secure complete autonomy there is likely to be a split within the organization,

*(Continued on page* 10)

## *Indictments Close Memphis on Sunday*

MEMPHIS, Oct. 23.—Theatres here were closed Sunday following the indictment of six managers for violation of the Sunday blue laws. Indictments were returned against the Orpheum, Loew's State and Palace, Warners' Strand and the Rosemary.

The indictments came as a bombshell in local film circles and there is some speculation as to whether an effort will be made to continue the Sunday openings.

MOTION PICTURE
DAILY
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Subscription rates per year; $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

## Deplore Johnson Death

LONDON, Oct. 23.—Friends of the Bruce Johnsons here, deplore the death of Mrs. Johnson in the States. She was a familiar figure in the trade when her husband was general foreign sales manager of the original First National.

Bruce Johnson for some months has been operating an independent exchange in San Francisco, scene of much of his early activities in the industry.

## Wife's Estate to Bowes

Mrs. Margaret Illington Bowes, wife of Edward Bowes, managing director of the Capitol, left a gross estate of $30,580 and a net of $12,131 it was shown in a transfer tax appraisal Monday.

The entire estate goes to her husband. Mrs. Bowes died in Florida March 11.

## "U" Sets Its Schedule

HOLLYWOOD, Oct. 23.—Universal's release schedule for the remainder of the year was fixed by Carl Laemmle, Carl Laemmle, Jr., and James R. Grainger just before the younger Laemmle sailed for New York via the canal. Nine features are involved.

James R. Grainger, general sales manager of Universal, is expected back from the coast in two weeks. He is still in Hollywood.

# Insiders' Outlook

MANY exhibitors are still speculating on the reasons behind ASCAP's compromise of its new music tax levies. Why the Society should agree to an increase in rates amounting to 50 per cent and 100 per cent over the old rate is not readily understandable when it is remembered that the new schedule laid down by the organization called for increases of 300 to 1,000 per cent—increases which the exhibitor would be obliged to pay or face suits for infringement of copyright with attendant high penalties as fixed by the copyright laws. . . .

▼

Through the compromise exhibitors saved themselves, for the time being, at least, a major slice of the music tax increase originally planned. But what did ASCAP gain by the compromise? The answer most widely accepted is that the pending Federal monopoly suit against ASCAP and other music licensing organizations, instituted by the Department of Justice after the Society's original schedule of music tax increases had been announced, influenced the organization to modify its demands. . . .

▼

Exhibitor observers point out that the Society might have found itself at a distinct disadvantage when it came to court to defend itself against the government's charges if, at that time, it happened to be enforcing an arbitrarily adopted schedule of music taxes which represented increases as drastic as those at first proposed. Therefore, they view the compromise as desirable. Extending as it does for a one-year period only, the Society gains an immediate increase in collections and is not precluded from demanding new increases next year, by which time the Federal suit probably will have been disposed of one way or another. . . .

IF the government suit fails, a new demand would be simplified next year. If it succeeds, the Society has its present increase for the time being, anyhow. Meanwhile, more or less quietly but none the less effectively, the exhibitors are lining up legislative aid, pledged to work for a revision of the copyright laws which would make it impossible for the Society to fix up arbitrary increases in the future and, perhaps, modify the penalties for infringement. Exhibitor leaders see this as the only permanent solution of the problem unless the government's suit succeeds in a dissolution of ASCAP. . . .

▼

Over the airline: The Metro studio, contrary to usual policy, has had from two to four units working on a single picture. For instance, currently two are busy on "Repeal," two on "Backfield" and, since it went into production two weeks ago, three and also four on "David Copperfield." Hollywood opinion divides itself on the reason. One group maintains pictures may be made cheaper that way. Another coddles the idea that the plan is a design to meet release dates, an old something at M-G-M and a constant source of grief for Felix Feist and his sales aides. Not too old to tell is the inside yarn that Feist used to feel the company missed out on $500,000 every time the studio failed to meet an announced date. He may still view it that way. . . .

▼

Feels like the old days to have Fred Warren back on his own. There'll be a lot of fellows, with memories long, who will be glad to see the come-back even if it is in air-conditioning equipment and not pictures. . . . Film producers are falling this season, as they have in other seasons, for Broadway stage plays. Stage producers, wise to the shortage of adequate material, continue to keep creaking plays alive, resting on the knowledge film producers will nibble. An annual custom. . . . The major film interests are foursquare behind Merriam - for - California - Governor and are proving it to the tune of $100,000. The United Press reported from Hollywood yesterday that actors are being asked to contribute a day's pay to aid in the defeat of Upton Sinclair. Even if the studios get it, what's to prevent those so politically minded from voting Sinclair's way anyway? You tell us. . . . KANN

## Eastman Pfd. Up 2⅞ on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 36 | 35½ | 36 | ..... | 900 |
| Consolidated Film Industries | 3½ | 3½ | 3½ | + ¼ | 300 |
| Consolidated Film Industries, pfd | 15⅛ | 14⅞ | 15 | ..... | 700 |
| Eastman Kodak | 104¼ | 103½ | 103½ | + ¾ | 1,200 |
| Eastman Kodak, pfd | 143 | 142¾ | 143 | +2⅞ | 14,000 |
| Fox Film "A" | 13 | 12⅜ | 12½ | — ⅝ | 1,400 |
| Loew's, Inc. | 30⅞ | 30¼ | 30¼ | — ¼ | 4,600 |
| Paramount Publix | 4⅛ | 4 | 4⅛ | ..... | 5,200 |
| Pathe Exchange | 1¼ | 1⅛ | 1⅛ | — ⅛ | 500 |
| Pathe Exchange "A" | 13¼ | 13⅛ | 13⅛ | — ¼ | 300 |
| RKO | 2¼ | 2⅛ | 2¼ | ..... | 300 |
| Warner Bros. | 4¾ | 4⅝ | 4⅝ | — ⅛ | 2,200 |

## Warner Bonds Off Two Points

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 7 | 6⅝ | 6⅝ | — ⅜ | 10 |
| Loew's 6s '41, ww deb rights | 102⅞ | 102⅞ | 102⅞ | + ⅛ | 1 |
| Paramount F. L. 6s '47 | 57¼ | 57¼ | 57¼ | —1 | 2 |
| Paramount Publix 5½s '50 | 58 | 57¾ | 57¾ | — ⅝ | 8 |
| Pathe 7s '37, ww | 99 | 99 | 99 | +1 | 1 |
| Warner Bros. 6s '39, wd | 59 | 57½ | 57½ | —2 | 16 |

## Helen Hayes Wants To Do Comedy Rol

Preference for comedy roles wa expressed yesterday by Helen Haye in an interview with a MOTION PICTURE DAILY representative.

Miss Hayes has appeared in eigh pictures and the nearest approach t a comedy part was in "What Ever Woman Knows," she said. The star' contract with M-G-M has two mor years to run. She works in picture six months in the year, during whic she appears in two. Her next rol will be in "Vanessa," by Hugh Walpole. She leaves for Hollywood nex week and plans to return in Januar when she will go on the road in th leading role in "Mary of Scotland.'

## Goes to S. and C.

The 1,800-seat theatre which B. S Moss, former New York circuit head plans to build at 207th St. and Broadway, will be operated by Springer an Cocalis, its sponsor said yesterday Moss stated the house will represen a new idea in sound theatres an will differ from most existing house which he asserts were built for "sight not sound." He has two more in mind

## "Love" St. Louis Smas

ST. LOUIS, Oct. 23.—After a sensational four weeks at the Fox "On Night of Love" is to be transferre Friday to the Ambassador, anothe F. & M. house. This four-week sta is a record here.

## Gordon Mitchell Here

Gordon Mitchell of the M. P Academy is in town from Hollywoo in an effort to effect greater cooperation between the east and west o technical problems.

## Hear Engagement Is Of

According to word received by hi friends here yesterday, the engagement of Joseph M. Schenck, presiden of United Artists, to Merle Ohero has been called off definitely.

## Ricketson Coming Here

Rick Ricketson, operating head o Fox Rocky Mountain, is due in fro Denver next week for a few days during which he will confer with Spyro and Charles Skouras.

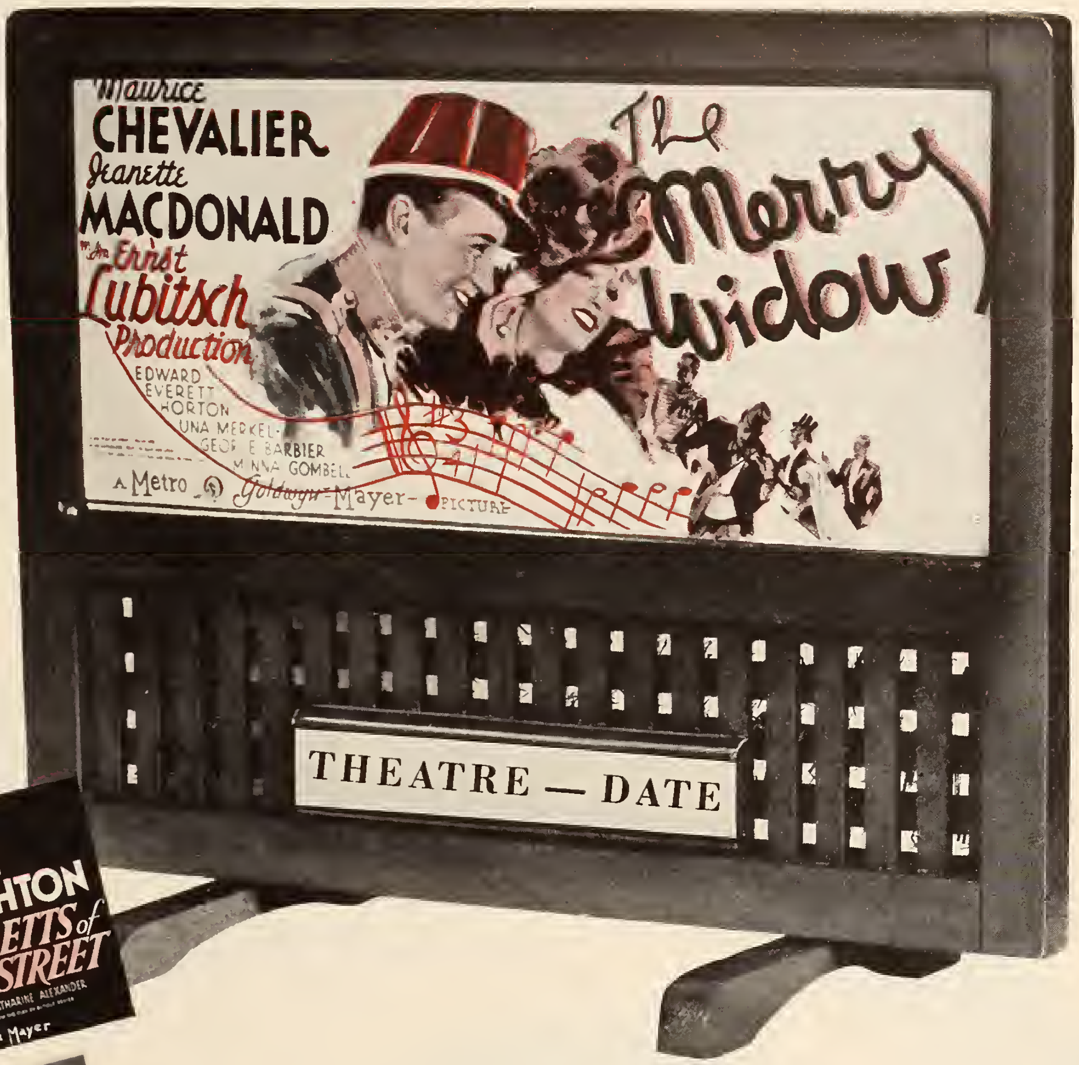
## Robert Scheck Gaining

BALTIMORE, Oct. 23. — Robert Scheck, president of the Philip J. Scheck Theatre Enterprises, is recovering rapidly from an operation for appendicitis at Maryland General Hospital.

# PRESENTING A BRAND NEW ACCESSORY—

A MINIATURE
24-SHEET STAND
FOR COUNTER
DISPLAY, WINDOWS,
LOBBY, ETC.

*—it measures 13¾" by 10¼" brightly painted in green, with slots for 24-sheet cards in full colors, the same as the lithographs!*


Maurice
CHEVALIER
Jeanette
MACDONALD
An Ernst Lubitsch Production
The Merry Widow
EDWARD EVERETT HORTON
UNA MERKEL
GEORGE BARBIER
MINNA GOMBELL
A Metro Goldwyn Mayer PICTURE
THEATRE — DATE

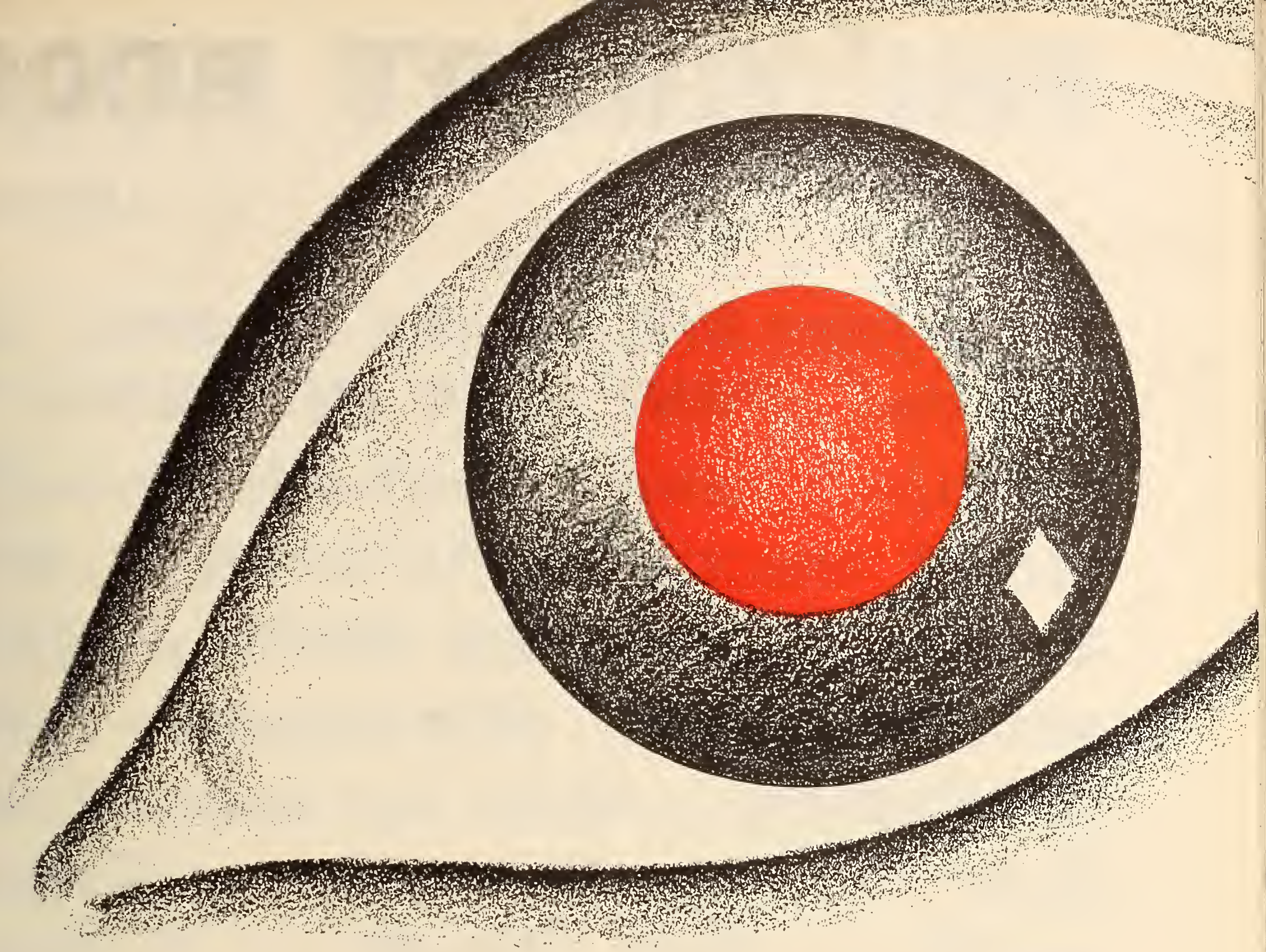
Norma SHEARER
Fredric MARCH
Charles LAUGHTON
The BARRETTS of WIMPOLE STREET
MAUREEN O'SULLIVAN
KATHARINE ALEXANDER
SIDNEY FRANKLIN
Metro Goldwyn Mayer
Helen Hayes
WHAT EVERY WOMAN KNOWS
BRIAN AHERNE · MADGE EVANS
Metro Goldwyn Mayer
Garbo
THE PAINTED VEIL
HERBERT MARSHALL · GEORGE BRENT
WARNER OLAND · JEAN HERSHOLT · KATHERINE ALEXANDER
Metro Goldwyn Mayer

When you see this gay little novelty sitting pretty in your M-G-M Branch Office, you'll want a flock of 'em for your favorite window locations. It takes your old pal Leo of M-G-M to step out of the beaten track and create something *new* in showmanship.

CARDS AVAILABLE
ON ALL M-G-M
ATTRACTIONS!

# "WARNER BROS. make the best MYSTERY PICTURES, too!" . . . .

This year watch Warners match their *musical* reputation in the *mystery* field! . . . We've watched the inexhaustible demand for mystery fiction. Now we're going to divert a share of these sure, steady profits to your box-office! . . . The biggest-selling mystery writers in the country have been signed to long-term contracts. And we're giving their stories the kind of productions that won for Warners the "Best Mystery Picture" medal for 1933 . . . Read these brilliant reports on our first new-season mystery and get ready to cash in on elaborate promotion plans for the Warner Mystery Group . . . to be announced soon!



"Thrill film makes hit. 'The Case of the Howling Dog' is lively and ingenious thriller. You will probably add Perry Mason to your list of pet screen policemen." . . —*World Telegram*

"Clever dialogue, lively direction, startling climax. Warren William outstanding."—*N. Y. American*

"Introduces a new detective character to the screen—Perry Mason. Smartly written—amusing entertainment. Warren William does a grand job." . . . . . . . —*Eve. Journal*

"Diverting mystery melodrama. Baffles and holds your interest." . . . —*Daily Mirror*

"Well-knit, swiftly paced, dramatically punctuated. A welcome contribution."—*N. Y. Times*

"Excellent transcription of a popular mystery tale. The excitement builds steadily."—*N. Y. Sun*

---

**Warren William as "Perry Mason" in**

## "THE CASE OF THE HOWLING DOG"

*will be followed by*

3 more Perry Mason stories by
ERLE STANLEY GARDNER
"The Case of the Curious Bride"
"The Case of the Lucky Legs"
"The Case of the Velvet Claws"

3 sensational stories by famous
MIGNON EBERHARDT
"The White Cockatoo"
"Patient in Room 18"
"While the Patient Sleeps"

"I Am A Thief"
"Murder in the Clouds"
"The Green Cat"
"Invitation to a Murder"
"Murder by an Aristocrat"

# THE GREAT HOLD

**(*What el***

***A cyclone has hit the country! Bo***
***pieces! "THE GAY DIVORCEE"***
***maker . . and everybody knows i***
**EIGHT RECORDS BROKEN . . . EIGH**
***Boston . . Held for three weeks .***
***second week . . Minneapolis . . He***
***Milwaukee . . Held for second wee***
***Held for second week . . Memph***
***week . . Fort Worth . . Extende***
***. . Extended time . . .***

★ ★ ★

**30 OPENINGS OVER THIS WEEK-END, EAST, WEST, NORTH, SOUTH . . Warner Houses, RKO Houses, Independent Houses . . . houses from all circuits and the story is the same . . . *name the top money picture for any of 'em and you'll find "The Gay Divorcee" has made it past history! . . .* LOOKS LIKE 100% HOLDOVER EVERYWHERE!**

**Chicago . . . *4 Star Reviews and the Loop traffic tied-up!* . . . Cleveland . . . *Outgrosses any show in five years* . . . St. Louis . . . *Continuous holdout* . . . Canton . . . *Turning away more than can get in . . . new five year record* . . . Richmond . . . *Outgrossing both "Rio" and "Little Women" breaking all house records* . . . Salt Lake . . . *Sensational opening and building* . . . Baltimore . . . *Name your own show . . Divorcee beats it! 5 Shows daily and they're still standing!* . . . Louisville . . . *First 3 days tops everything.* . . Indianapolis . . . *Rave reviews, cheers, applause and a record.* . . Cincinnati . . . *Crowds standing at midnight force extra shows. 3 days gross beats "Women" former title holder.* New Orleans, Los Angeles, Hollywood (simultaneous run), New Haven, Rochester, New Bedford, Washington, Providence, Fall River, Columbus, Houston, Atlantic City, Altoona, Seattle, Hartford, Albuquerque, Kenosha, Appleton, Zanesville, Charleston. . . ALL DANCING TO NEW RECORDS ON RAINBOW OF RHYTHM!**

# VER SENSATION

n we call it?)

**ifice records are being blown to**
**e year's smash melody money**
**AST WEEK . . EIGHT OPENINGS . .**
**OLDOVERS! . . .**

***maha . . Held for***
***r second week . .***
***. Kansas City . .***
***ooked for second***
***me . . Galveston***

## RED ASTAIRE
## INGER ROGERS

RS OF "FLYING DOWN TO RIO" IN THE
T SUMPTUOUS ROMANTIC HIT OF ALL SEASONS

# THE GAY
# IVORCEE"

with

## LICE BRADY

VARD EVERETT HORTON . . . . AND
F THE BEAUTIES OF HOLLYWOOD
CTED BY MARK SANDRICH . . . . DANCE EN-
LES STAGED BY DAVE GOULD . . . A PANDRO
ERMAN PRODUCTION . . . . . . . . . . . .

## RED-HOT WIRES FROM COLD-BLOODED SHOWMEN . . .

**"GAY DIVORCEE is all that you have dreamed and hoped it would be. Picture is outstanding and in my opinion undoubtedly will be one of year's greatest hits. In Fred Astaire your company has fresh sparkling personality who already can be classed as one of screen's foremost artists. Cannot see anything but smash business for this smash hit."**

***Charles P. Skouras,***
***Fox West Coast Theatres***

**"GAY DIVORCEE opening today indicates new record. Opening ahead of anything theatre has played yet. Excellent comment from audience. Thanks for another smash.**

***I. M. Rappaport, Baltimore, Md.***

**"GAY DIVORCEE doing sensational business, Palace Theatre, Canton. Finest musical I've seen in many a moon. Local critics raved. Regards,**

***George A. Delis, District Manager,***
***Constants Ohio Theatres***

**"GAY DIVORCEE opened day and date, RKO Hillstreet and Warner Bros. Hollywood today in heaviest rains since flood last New Years day. Despite this picture opened bigger than big. Deafening applause at every performance greeted every song number and at close of picture applause lasted fully several minutes. Comments marvelous. My opinion picture destined to be the biggest grosser you have had including 'Little Women' and 'Flying Down to Rio.' Best regards and keep them coming."**

***Jack J. Gross, Manager,***
***RKO Hillstreet Theatre***

RKO
RADIO
Picture

# Business Need To Guide New Steps in Para.

(*Continued from page 1*)

who, however, is still reluctant to name an exact date on which the plan can be filed.

The Kuhn, Loeb & Co. plan continues to stand as the only one which has the support of the three principal reorganization groups, which are the bondholders, stockholders and general creditors' committees, each representing a majority in number and amount of those having claims against Paramount Publix. The stockholders' committee, of which Duncan A. Holmes is chairman, and which represents more than 50 per cent of the Paramount shares outstanding, is understood to have wavered in its support for a time, but now stands solidly with the two other essential factors to reorganization in support of the Kuhn, Loeb plan.

### Wanted Smaller Assessment

The provision for a $2 per share assessment on stockholders, which will remain a part of the Kuhn, Loeb plan, met with opposition from the committee for a time, the feeling having been that a smaller assessment would suffice. Then came an offer from Hayden, Stone & Co. providing for a purchase of 50 per cent of the stock in the new company for $6,500,000, which tempted numbers of the shareholders, but which was ultimately rejected by the Holmes committee with its more than 50 per cent representation. The Hayden, Stone offer did not comprise a plan of reorganization for Paramount Publix, but related merely to the stock.

Among the problems affecting reorganization which are regarded as essentially solved for the purposes of submission of the reorganization plan are the Paramount Broadway reorganization involving a $44,000,000 claim against the debtor; the Allied Owners claim of $23,000,000; the creditor bank group claim of $13,600,000 and the Prudence Co. claims of approximately $1,400,000. The current supposition is that the Erpi claim of approximately $1,900,000 cannot be finally settled until the Tri-Ergon patents situation has been clarified, although a conditional agreement could be made, observers believe, for the purposes of submission of the plan of reorganization.

### Cash Position Favorable

Paramount's cash position, last reported at $15,600,000, continues favorable with business improving weekly. This is regarded as an important factor in submission of the plan, as any one submitted is certain to meet with some objections. With the company in a healthy financial state, its principal creditor groups—those supporting the plan—are certain to carry the greatest weight with the court which ultimately passes upon it.

The new Paramount Publix board is expected to be limited to about 12 members. While the principal creditor groups, bondholders, stockholders, banks and general creditors will be represented on the new board, the hope of the reorganization factors is that these groups may be brought together to agree mutually on desirable candidates, rather than each group insisting on its own candidate. Thus, instead of there being a distinct bondholder, stockholder or bank representative, or representatives, elected to the new board, it is hoped in reorganization quarters that all of these will be able to agree on candidates who may not have an affiliation of any kind with any of these groups. The general aim is to develop a board, small in number but great in ability.

# *First Flywheel Patent Suits Are Filed by Fox*

(*Continued from page 1*)

Germany, who assigned them to Tri-Ergon A. G. in 1924, and this company in turn assigned them to Tri-Ergon Music A. G., and also to Fox in 1928.

Fox presumably is owner of 90 per cent of the American Tri-Ergon Corp. and the Swiss Tri-Ergon company which he formed to exploit the patents.

These suits bring the total to 22, the previous suits, all on the double printer, in New York and Brooklyn, having been filed against Amer-Anglo Corp., Columbia, Consolidated Film Industries, First Division, M-G-M and M-G-M Distributing Corp., Monogram, Reliance, Talking Picture Epics, 20th Century, Universal, Warners and Vitaphone.

Those filed today were against Duo-Art Film Laboratories, Producers' Laboratories, Malcolm Laboratories Corp., A-G-R Laboratories, Inc., Filmlab, Inc., and Cinelab Laboratories, Inc.

Inclusion of Tri-Ergon Holding A. G. as one of the plaintiffs in the Wilmington suits filed yesterday stirred some speculation at first in the New York trade, as it had not been previously noted that there were two plaintiffs in each of the suits filed in New York and Brooklyn.

Swiss Tri-Ergon Corp. was incorporated at Dover, Del., a few days ago to deal in films and projection machines, and it was thought that this company had joined with Fox in the new Wilmington suits.

This turns out not to be the case. Incorporators of the new company are James H. Hayes of Green Farms, Conn.; Milton Diamond, New York attorney, and L. W. Howison of Long Island City.

Diamond explained yesterday that this new firm represents the 10 per cent of the American Tri-Ergon stock which Fox does not own.

When asked specifically if the purpose of the new company was to file suit against Fox for having failed to exploit the commercial possibilities of the patents during the six years he has controlled them, Diamond said: "That may very well be."

He refused to discuss further details of his plans.

## *Theatres Included*

**Filing of the first flywheel patent suits yesterday in Wilmington is construed in some quarters to indicate that William Fox intends to extend his patent fight to the exhibition end of the industry. Loew's, Inc., is named along with M-G-M Distributing Corp. and Warners.**

**The double printer patent suits filed previously in New York hit producers. Flywheel patents apply directly to reproducers.**

**The two law firms handling the suits, Ward, Crosby & Neal and Kenyon & Kenyon, refuse to discuss their plans in advance, but it is obvious new cases are being filed as fast as they can be prepared.**

## *Sales Cleanups Set For Para. Sessions*

Future policies, open problems and sales cleanups will be discussed at the three-day meeting of Paramount district managers in Hot Springs starting Friday, Neil Agnew, general sales manager, stated yesterday.

Home office representatives and eastern district men leave for the south tomorrow and return Monday. Emanuel Cohen, production head, may attend provided he can get away, it was stated.

## *Defer Para. Bank Suit*

A hearing scheduled for yesterday on the action of the Paramount Publix trustees directed at the $13,600,000 bank transaction with Film Productions Corp. in 1932 was postponed yesterday to Oct. 30 by Federal Judge Alfred C. Coxe.

## *Portland Clearance Attacked at Hearing*

(*Continued from page 1*)

buyer for F. W. C. and subsidiaries, acted for Fox Rocky Mountain, and F. M. Saunders, western division manager for M-G-M, represented his company.

On the committee were Neil Agnew of Paramount, Ed Kuykendall, president of the M.P.T.O.A., and Charles Casey of the Prudential circuit.

The Seattle schedule was attacked by Fox Rocky Mountain, Universal and M-G-M. Adolph Schimel, attorney for Universal, and E. T. Gomersall, acted for Universal.

The third clearance protest was that by Jack Swenson of the Angelus, Spanish Fork, Utah, against the Paramount, Provo, Utah.

## *Indications Point To N.O. for MPTOA*

(*Continued from page 1*)

to extend the necessary financial support to make the session a success. Huey Long also has promised to cooperate, it is stated.

Kuykendall yesterday returned from a 10-day tour of the south where he attended the Dallas exhibitors convention and the annual meeting of hotel owners in New Orleans. He said business is picking up in all towns he visited.

# ITOA to Sign When Union Scale Is Set

(*Continued from page 1*)

of the circuits, a move has been started by a number of small exhibitors to pool their interests into one big buying circuit. First indications were that about 50 houses would be lined up, but the movement has been gaining ground in the last week and it is now anticipated the total will come nearer to 100.

However, it is not expected that the new circuit will be ready to function until the next buying season.

Another meeting of NRA fact finding committee to set the basic operators' scale for the New York territory is scheduled shortly. Members of the committee are still engrossed in the work of classifying theatres, and not until this task is completed will the committee get together again on the union matter.

## *Colored First Run Fixed in St. Louis*

ST. LOUIS, Oct. 23.—The Odeon has been classified as a first run for colored patronage by the clearance and zoning board and will play product 14 days after the Capitol and seven days after the downtown Lyric. It gets seven days clearance over the next colored run.

The Irma is to get product 14 days after the Mikado and Tivoli, St. Louis Amusement Co. houses. The Wellston at Wellston, Mo., has been granted prior run over the Irma provided i plays its product within 10 days after it becomes available. An appeal has been entered in this case and existing contracts are being carried out pending a ruling.

Three cut-price complaints have been withdrawn from the grievance board without hearing. The three houses involved, Webster, here; Grand, Robinson, Ill., and Ritz, East Alton, Ill. have voluntarily ended the practice.

## *Speculators Curbed In Legitimate Code*

WASHINGTON, Oct. 23.—Activitie of ticket speculators are restricted chorus girls in road shows are given a $5-a-week raise and the minimum for chorus girls is set at $30 a week in the legitimate theatre code signed here.

Other minimum wages were raised depending upon the scale at the box office. Limits to rehearsal hours ar provided for the first time at not mor than eight consecutive hours, but thi provision is relaxed during the seven days preceding the opening.

## *Bank Nights Up Again*

KANSAS CITY, Oct. 23.—Code Authority will again take up the ban night situation when it considers appeals on cases decided by the loca grievance board against exhibitors i St. Joseph and Warrensburg, Mo., an Pittsburg, Kan.

## *Moross Back from South*

Sam Moross, field representative fo Campi, has returned from Atlanta an Charlotte where he spent two weeks

# "FILM DAILY" on NEWSREELS

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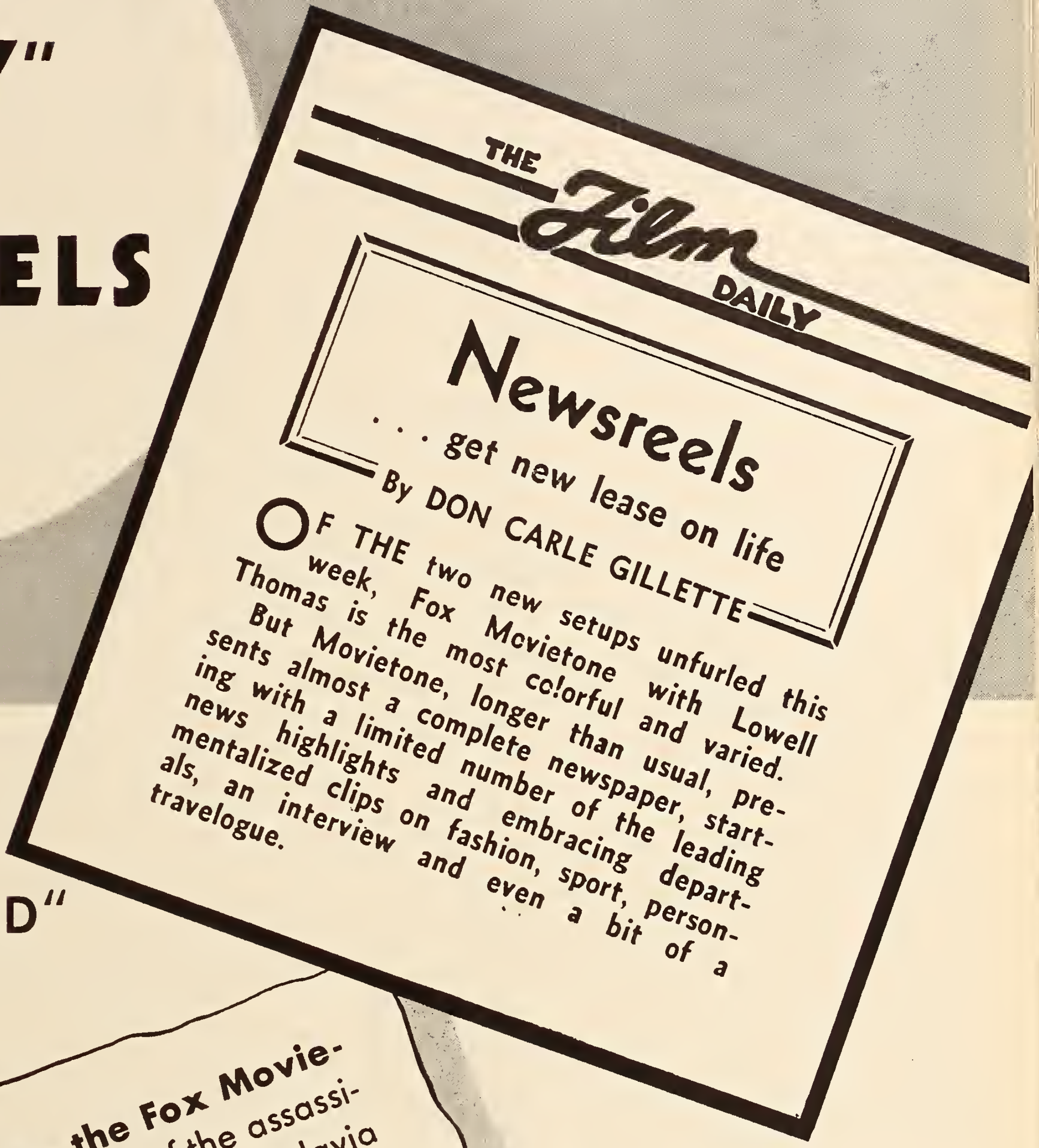

THE Film DAILY

## Newsreels

. . . get new lease on life

By DON CARLE GILLETTE

OF THE two new setups unfurled this week, Fox Movietone with Lowell Thomas is the most colorful and varied. But Movietone, longer than usual, presents almost a complete newspaper, starting with a limited number of the leading news highlights and embracing departmentalized clips on fashion, sport, personals, an interview and even a bit of a travelogue.

Chester B. Bahn
of the
"SYRACUSE HERALD"
on the
KING ALEXANDER
MURDER SCENES

"**By all means see the Fox Movietone newsreel record** of the assassination of King Alexander of Yugoslavia and M. Louis Barthou, French Foreign Minister. For completeness of coverage, and for intelligent editorial handling, **the Fox footage undeniably leads the field.**"

## *new* FOX MOVIETONE NEWS

*Everything new but the trade mark*

**Produced by Truman Talley**

**Edited by Laurence Stallings**

## Warner Phila. Spots To Pick Adult Films

(*Continued from page* 1)

what pictures are grownup fare, so that they can be guided in selecting pictures for their children.

Warner further declared that he hoped exhibitors in other sections of the country would see the wisdom of the move and follow the same idea. The new policy goes into effect here tomorrow.

## *Boston Priest Sees Boycott Need Ended*

BOSTON, Oct. 23.—"The need for a boycott of films is past," Rev. Russell M. Sullivan, S. J., personal representative of Cardinal O'Connell and leader of the movement for cleaner films, informed the Legion of Decency last night at its meeting, and again when speaking before the Boston City Federation of Women's Clubs.

"Whenever you deal with the film industry you will get a lot of promises, but the only results you will get will be the results of your own hard work and the pressure you bring to bear," he declared. "You must so organize as to form a constant threat to the film industry. I believe the need for boycott is past, provided an intelligent body of citizens stands always ready to be a continual threat."

Stephen P. Cabot, chairman of the New England division of the M. P. Research Council, described the appointment of a committee to bring about Federal legislation against block booking.

Censorship is essentially poor because it pulls down the good with the bad, Otis Skinner declared before the Community Church in Boston Symphony Hall. "Censorship is a community affair and each person should be a potential censor. Censorship should not be controlled by any religious denomination. If a bad play or a bad picture comes to your community, then, for God's sake, stay away from it," he advised. "I am particularly opposed to the cinema play that turns a gunman into a god. When crime in drama is clothed with glamor it becomes inartistic and immoral."

### Says No Force Being Used

NEW ORLEANS, Oct. 23.—The Catholic Church is not compelling any one "to abstain from motion pictures on the 'black list,' and those who stay away do it of their own free will," declared Rev. Martin Burge, S.J., in the second of a series of discussions on censorship.

Sunday had been set for general discussions of films by Protestant ministers here, but none of them mentioned the subject, so far as can be learned.

In the wake of the current discussion of films classes in photoplay appreciation have been established in grade schools.

Next development of the clean film movement is set for Nov. 14 when Mrs. Robert Gilman, president of the Federal M. P. Council, will come here to address the Louisiana Parent-Teachers' Ass'n.

## *Mrs. Gilman Renews Attacks in Detroit*

Detroit, Oct. 23.—Decrying distortion of facts in pictures, Mrs. Robbins Gilman, motion picture chairman of the National Congress of Parents and Teachers, told an audience of 110 persons at the Hotel Statler that "the United States is fast becoming the greatest misinformed nation in the world."

"Adults lose 37½ per cent of their information by attending pictures which are historically inaccurate," declared Mrs. Gilman.

She advocated abolition of blind and block booking and establishment of consumers' representation at the source of production.

## *Writers Hit Levy To Fight Sinclair*

HOLLYWOOD, Oct. 23.—The Screen Writers' Guild today placed itself on record as having no interest in politics when its board of directors and advisory council passed a resolution expressing protest against any moves on the part of studios to solicit one day's pay from employes to help the Merriam gubernatorial campaign.

The resolution also protests against the alleged activities of certain Sinclair leaders in circulating reports inferring that a group of well known writers is behind his fight to defeat Merriam.

"Many writers who are against Sinclair have refused to contribute through their employers in opposition to him because of implied coercion," says the resolution. "The Guild asks all members who have refused so to contribute to send their names to the Guild office. The Guild will watch for any possible future discrimination against them and will be prepared to protect them to the limit of the law."

## *Films Hit in Pastoral*

ATLANTIC CITY, Oct. 23.—The screen received its share of criticism in the triennial pastoral letter of the House of Bishops of the Protestant Episcopal Church, read today at the closing session of the general convention of the church here. The letter stated that the industry had suffered degeneration.

# *Expect Details of FWC Plan to Be Set in Week*

(*Continued from page* 1)

trip Skouras has made on the reorganization matter and from all indications he will return to the Coast this time with a completed plan.

Foreclosure sale in Los Angeles has not yet been set. All of the circuit's unprofitable houses have been weeded out and a new holding company will be formed to take in the five territorial operating subsidiaries.

## Last of Major Claims Against FWC Are Filed

LOS ANGELES, Oct. 23.—The last of the major claims standing in the way of the sale of Fox West Coast were filed in the bankruptcy court here today, with a hearing set for Nov. 8 by Referee S. W. McNabb.

One claim is for the settlement of final compensation for the trustees, Charles Skouras, William H. Moore and Charles C. Irwin. The trio are now asking for $156,410 jointly as a reasonable sum for their services. Adding to this $43,590 previously allotted by McNabb, they are demanding a total of $200,000 for their work up to Sept. 29 of this year.

The petition states that a private, not a public, sale is contemplated at a figure around $7,500,000 net to creditors, with the appraised value set by legally appointed accountants at $12,507,019.

Another claim was filed by the law firm of O'Melveny, Tuller and Meyers, which asks for final compensation of $169,500 in addition to $43,000 already allowed by McNabb.

## *Canton May Get Shows*

CANTON, O., Oct. 23.—There is a possibility of stage shows returning here if negotiations between Loew's and the musicians' union are settled. The local demands that the house use an orchestra in the pit regardless of whether a unit show carries its own musicians. Loew's is understood to oppose this, and are inclined to pass up stage shows entirely in preference to acceding.

Stagehands have signed a new contract with Loew's.

# *What N. Y. Critics Think*

## *"Now and Forever"*

(*Paramount*)

*American*—Jack Kirkland's pleasing little story follows the pattern, with a few scallops of his own thrown in for good measure, and with a star trinity of Mr. Cooper, Miss Lombard and Miss Temple, the film emerges good, if not too exciting entertainment.

*Evening Journal*— . . . entertaining . . . Shirley sings a song during the course of the proceedings, makes faces when Cooper gives her castor oil, gets off some amusing dialogue and generally confirms the impression that she's not only an enchanting baby, but also an astonishingly natural little actress. Her scenes with Cooper are especially delightful.

*Herald-Tribune*—The new Shirley Temple vehicle is a moderately pleasant sentimental melodrama about noble crooks and the reforming influences of a baby's smile. It has many engaging scenes and several that are less satisfying; it has a rather dawdling way of telling its story, and it is hardly a masterpiece of chilling realism.

*Post*—Paramount, is cunningly adapted to the amazing power, which Shirley, by a smile or a pucker, can exercise on the emotions; the range is a wide one, and the child's insistent appeal is never lost sight of.

*Sun*— . . . A delightful little piece, with Shirley Temple, Gary Cooper and Carole Lombard at their brightest.

*Times*— . . . Visually handsome and it is attractively played by Mr. Cooper and Miss Lombard. With Shirley's assistance it becomes, despite its violent assaults upon the spectator's credulity, a pleasant enough entertainment.

*World-Telegram*—Something worthy of your attention is at the Paramount this week—a human, emotion-stirring, well-acted entertainment called "Now and Forever." . . .

## Say Czechoslovak Quota Ends Nov. 1

(*Continued from page* 1)

will be accepted in return for every seven American pictures licensed.

It was also reported from Warsaw there will be a 50 per cent duty reduction on negatives, the positives of which are made in Poland.

George R. Canty, American Trade Commissioner handling films, leaves here today for Prague for further discussion of the quota question with Czechoslovakian officials. He returns in 10 days.

Despite rumors that have been prevalent here since early summer, it is not felt by members of the foreign department of the M. P. P. D. A. that the present Czechoslovakian quota will be reduced Nov. 1. A suitable arrangement between American producers and the Czechoslovakian government is looked for in the near future, however.

## Equity and Actors' Guild Talk Terms

(*Continued from page* 1)

with dissenters returning to the Academy fold from which they walked out last year.

The Academy, within the past three days, has received applications for reinstatement from several actors.

On the other hand, it is the sincere belief among leaders of the guild that there will be no serious objection from its general membership to the preliminary work of affiliating with the A. F. of L. as long as they can get sufficient autonomy.

Some predict that the real split will come when and if a strike is called to demand recognition for a new form of standard contract because of past failures of unionized labor in securing acceptance of its demands from studios.

## *Ray Curran Winner In St. Louis Golf*

ST. LOUIS, Oct. 23.—Ray Curran, office manager for U. A., and John Walsh of Progressive Pictures tied for top honors in the first Variety Club golf tournament. Curran won the toss.

Alvin Wolff was third. Ray Colvin won the net handicap, with Letc Hill second and Joe Garrison third. Emil Conrath won the blind bogey contest, with Charles Goldman second. The best over 100 golfers were George Wiegand, 107; Lou Elman, 110; Tony Metreci, 114; Charles Gregory, 114; Glenn Gregory, 118. Consolation prize went to Clayton Lynch.

## *Miss. Tax Is $217,666*

NEW ORLEANS, Oct. 23.—The amusement tax in Mississippi produced $217,666 in nine months against $135,009 in 1933. But everything is taxed in Mississippi in the line of amusements from circuses to carnivals, whether they are educational or not.

## *John Graham Joins U.A*

KANSAS CITY, Oct. 23.—John Graham, until recently B. I. P. representative here, has joined the United Artists sales staff.

# "Barretts" Is $27,000 High, San Francisco

SAN FRANCISCO, Oct. 23.—This wn went for "Barretts of Wimpole treet" in a big way at the Warfield. he $27,000 gross was over average $4,000, and the feature went into second week. It may even get a hird.

"Judge Priest" took a fine $7,000 at e St. Francis, "The Count of Monte risto" was up to $9,000 at the United rtists, and a dual, "Wake Up and ream" and "Desirable," took $11,500 t the Fox.

Total first run business was $79.500. verage is $83,000.

Estimated takings:

***Week Ending Oct. 16:***

**"AGE OF INNOCENCE" (Radio)**

GOLDEN GATE—(2,800), 25c-35c-40c, 7 ays. Stage: Band. **Gross:** $12,000. (Average, $13,000)

***Week Ending Oct. 17:***

**"WAKE UP AND DREAM" (Univ.)**
**"DESIRABLE" (Warners)**

FOX—(4,600), 15c-30c-40c, 7 days. **Gross:** 11,500. (Average, $11,000)

**"CARAVAN" (Fox)**

PARAMOUNT—(2,670), 15c-25c-55c-65c, 5 ays, 2nd week. **Gross:** $8,000. (Average, 11,000)

**BARRETTS OF WIMPOLE STREET" (M-G-M)**

WARFIELD—(2,700), 25c-35c-55c-65c, 7 ays. **Gross:** $27,000. (Average, $23,000)

***Week Ending Oct. 18:***

**"ONE NIGHT OF LOVE" (Col.)**

ORPHEUM—(3,000), 15c-30c-35c-40c, 7 ays, 7th week. **Gross:** $5,000. (Average, 9,000)

**"JUDGE PRIEST" (Fox)**

ST. FRANCIS—(1,400), 15c-35c-55c, 7 days. **Gross:** $7,000. (Average, $8,000)

**"COUNT OF MONTE CRISTO" (U. A.)**

UNITED ARTISTS—(1,200), 15c-35c-55c, 7 days. **Gross:** $9,000. (Average, $8,000)

# "DuBarry" $4,600 Draw in Portland

PORTLAND, Oct. 23.—"Madame DuBarry" was the percentage winner of he week here. Its $4,600 at Hamrick's Orpheum was over average by 1,600. A stage show helped.

"Belle of the Nineties" was in the ig money, too, going to $9,200, up y $4,200, at the Paramount. "Barretts of Wimpole Street" was still going strong at the end of the its third week with a $5,000 gross at the nited Artists.

Total first run business was $26,000. Average is $23,000.

Estimated takings for the week ending Oct. 19:

**"SIX-DAY BIKE RIDER" (F. N.)**
**"DEATH ON THE DIAMOND" (M-G-M)**

BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $5,500. (Average, $5,000)

**"DESIRABLE" (Warners)**
**"CRIMSON ROMANCE" (Mascot)**

HAMRICK'S MUSIC BOX—(2,000), 25c-35c, 7 days. **Gross:** $2,600. (Average, $3,000)

**"ONE MORE RIVER" (Univ.)**
**"ROMANCE IN THE RAIN" (Univ.)**

HAMRICK'S ORIENTAL—(2,040), 25c, 7 days. **Gross:** $2,000. (Average, $2,000)

**"MADAME DuBARRY" (Warners)**

HAMRICK'S ORPHEUM—(1,700), 25c-35c-40c, 7 days. Stage show. **Gross:** $4,600. (Average, $3,000)

**"BELLE OF THE NINETIES" (Para.)**

PARAMOUNT—(3,008), 25c-35c-40c, 7 days. Stage show. **Gross:** $9,200. (Average, $5,000)

**"BARRETTS OF WIMPOLE STREET" (M-G-M)**

UNITED ARTISTS—(945), 25c-35c-40c, 3rd week, 7 days. **Gross:** $5,000. (Average, $5,000)

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Lightning Strikes Twice"*

*(Radio)*

HOLLYWOOD, Oct. 23.—A weak story keeps this one uninteresting, although it has able cast portrayals. The direction fails to surmount the story. Typed as a comedy-mystery, laughs are its main assets, while the picture rates only program classification.

The yarn has the mistaken identity theme featuring a murder which has never occurred and the mysterious disappearance of two cops with the usual "buttinsky" reporter and a lot of people rushing in and out of doors. Ben Lyon and Thelma Todd carry the romance. The plot centers on two vaudeville performers who enter Lyon's home while he is absent but arriving before the scheduled appearance of Miss Todd's aunt (Laura Hope Crews) and her father (John Hale). Mysterious gunfire follows and the cops arrive expecting a murder.

Everybody is put on the spot with Lyon suspected of dirty work at the crossroads, but he is exonerated when the people alibi his activities. The blowoff discloses the explosions were Lyon's butler shooting at cats while the cops fell into a storm drain.

Good performances are turned in by Lyon, Miss Todd, Pert Kelton, Hale, "Skeets" Gallagher and Miss Crews. Ben Holmes' direction garners some laughs. Production code seal, No. 352. Running time, 66 minutes.

# *Looking 'Em Over*

## *"The Broken Melody"*

*(Olympic)*

A rambling, disjointed affair is this British production from the Twickenham studios. Even so it might have succeeded in squeezing through in this country were it not for the vagaries of the producers in allowing actors to speak with English accents in a picture set in Paris and peopled with French characters. The accents are not marked, but they are enough to shatter all illusion of reality. The players behave more like subjects of King George than like Parisians. What saves the production from mediocrity is its musical score, which is melodious.

The film has a banal story to tell. A youthful composer (John Garrick) is won away from his sweetheart (Merle Oberon) by a stage star (Margot Graham). When he discovers his wife in the arms of her lover (Austin Trevor) he kills the man. He is sentenced to Devil's Island. Escaping, he returns to Paris, where under a new name he starts life anew with Miss Oberon, his first wife having died during his imprisonment.

Now a success as a composer, Garrick is recognized at the theatre by the official in charge of the penal colony at the time of his escape. To make a happy ending possible, the official, touched by Garrick's efforts to straighten out his life, allows him to remain a free man. The acting is no more than adequate.

Bernard Vorhaus directed. No code seal. Running time, 68 minutes.

## *"The Oil Raider"*

*(Mayfair)*

There's dirty work again at the oil well—in "The Oil Raider" this time. This production, possessing plenty of action, ought to please the youngsters. Adults are likely to find the incidents in this tale of villainy a bit too stiff to swallow without quibbling.

Buster Crabbe is the hero of the piece, which relates his struggle to hold on to an oil claim. He comes close to losing the property when the man who is staking him (George Irving) loses his shirt in the market and refuses to advance Buster any more dough in accordance with a stipulation in a written agreement between them. Irving thinks that in this way he may be able to seize 100 per cent interest in the well and uses an enemy of Crabbe as his tool in his scheme to delay work at the well.

The discovery of Irving's duplicity hurts Crabbe no end since he happens to be in love with the man's niece (Gloria Shea). Things look pretty black for the young fellow when the well starts to gush. So does the rest of the picture. Everything is smoothed out between Crabbe and Irving. And there is sunshine all around at the end.

No code number. Running time, 59 minutes.

# "Servants" Is Heavy Grosser As Hub Booms

BOSTON, Oct. 23.—With a holiday and a snowy week-end to keep football crowds indoors grosses in this city went to a new high last week. "Servants' Entrance" took top percentage honors with a gross of $18,500, over normal by $2,500, at the Boston.

Practically every first run was well over normal. "Mrs. Wiggs of the Cabbage Patch" piled up $30,000 at the Metropolitan, helped by a stage show.

Total first run business was $106,500. Average is $84,000.

Estimated takings for the week ending Oct. 18:

**"SERVANTS' ENTRANCE" (Fox)**

BOSTON—(2,900), 25c-50c, 7 days. Vaudeville. **Gross:** $18,500. (Average, $16,000)

**"A LOST LADY" (F. N.)**
**"LEMON DROP KID" (Para.)**

FENWAY—(1,800), 30c-50c, 7 days. **Gross:** $10,000. (Average, $9,000)

**"THE GAY DIVORCEE" (Radio)**

KEITH'S—(3,500), 25c-65c, 7 days. **Gross:** $18,000. (Average, $16,000)

**"THE LAST GENTLEMAN" (U. A.)**
**"THAT'S GRATITUDE" (Col.)**

LOEW'S STATE—(3,700), 35c-50c, 7 days. **Gross:** $20,000. (Average, $16,000)

**"MRS. WIGGS OF THE CABBAGE PATCH" (Para.)**

METROPOLITAN—(4,350), 30c-65c, 7 days. Sid Gary and Revue. **Gross:** $30,000. (Average, $28,000)

**"A LOST LADY" (F. N.)**
**"LEMON DROP KID" (Para.)**

PARAMOUNT—(1,800), 30c-50c, 7 days. **Gross:** $10,000. (Average, $9,000)

## *Court Action Threat Over K. C. Zoning*

KANSAS CITY, Oct. 23.—W. D. Fulton, independent exhibitor representing a group of 12 independents, served notice on the local zoning board tonight he planned to ask the Federal court to enjoin it and Campi if the latter proceeds with the scheduled final hearing tomorrow on the Kansas City clearance plan.

Fulton wired Campi requesting the hearing be postponed so that protesting independents can be adequately represented. On the other hand, independents and circuits favoring the schedule wired Campi to go on with the hearing and approve the new schedule.

Widespread objections by local independents to the schedule have been withdrawn after the explanation by Elmer C. Rhoden, Fox Midwest division manager, who conferred last week with John C. Flinn, that it would not apply to 1933-34 product.

Fulton's group, representing low-priced houses, objects to filing price schedules in advance and to the provision delaying clearance 14 days if a uniform scale is not maintained. The proponents of these provisions contend they will tend to stabilize the price situation, preventing indiscriminate price-cutting.

The major distributors favor the schedule and will be represented at the hearing tomorrow. Fox Midwest and Publix today wired their approval of the schedule to Campi.

## *Mrs. Burkey Keeps House*

KANSAS CITY, Oct. 23.—Mrs. Chas. H Burkey will continue to operate the neighborhood Summit, which her husband built and operated 22 years until his death last week.

# Purely Personal

Albert L. Warner, Phil Baker, Paul Moss, License Commissioner; Al Lichtman, Lee Ochs, Budd Rogers, Gus Edwards, Howard Dietz, Eugene Zukor, John C. Flinn and W. R. Ferguson lunched at the M. P. Club yesterday.

Jules Levy, Cresson Smith, Ed Finney, Mitchell Klupt, Colvin Brown, Abe Montague, Nate Spingold, Ralph Wilk, Frank Craven and Charles Paine were among those who lunched at The Tavern yesterday.

Harry C. Arthur, en route from the coast, will stop at Chicago and St. Louis, arriving here Saturday. Jack Partington, who had planned to leave for Los Angeles yesterday, may go today or tomorrow.

Richard Walton Tully's and David Belasco's "Rose of the Rancho" has been acquired by Paramount. It will be a musical with Mary Ellis.

Joseph D. McGoldrick, Fusion candidate for comptroller, will be at the opening of the Trans-Lux, Brooklyn, tomorrow night.

Sig Herzig, Hans Kraly and Ey Harbig's "Broadway Gondolier," an original story, has been bought by Warners.

Clifford Orr's "The Dartmouth Murders" has been purchased by George R. Batcheller for Chesterfield.

Frank Phelps of Warners theatre department left last night for Cleveland. Business is the reason.

James M. Beck, M. P. P. D. A. representative in London, is in town for a visit of two or three weeks.

Mary Ellis, recently signed by Paramount, arrives from London today on the *Berengaria.*

Fran Wead and Ferdinand Reyher have sold their "Lady with a Badge" to Warners.

James Cagney will be guest star on the Rudy Vallee broadcast tomorrow night.

Abe Leff has donated a new Holly Ark to the Temple Beth Elohim.

Parker Morell's "Diamond Jim" has been acquired by Universal.

Donald Novis will be in the stage show at the Capitol next week.

## Form Onondaga Theatre

Albany, Oct. 23.—Onondaga Civic Theatre, Inc., Syracuse, has been chartered with capital of 100 shares nonpar stock to exhibit pictures and plays. Jay Gardner, Coley C. Young and Leavenworth Steele are directors and subscribers.

## Rogers Cast Growing

Hollywood, Oct. 23.—Louise Dresser, Robert McWade, Charles Middleton, Russell Simpson, Gay Seabrook, Erville Alderson and William V. Mong have been cast in Will Rogers' "The County Chairman," in production for Fox.

## Expect $35,000 at Roxy

"Little Friend" is expected to hit between $35,000 and $36,000 for the first week at the Roxy. The Gaumont British film is being held a second week during which Dizzy and Daffy Dean will appear on the stage.

## RKO Returns Vaude To K. C. Mainstreet

Kansas City, Oct. 23.—After an absence of two seasons, vaudeville returns to the RKO Mainstreet as a regular policy, beginning Friday. The house has been staging unit shows in conjunction with pictures, but RKO executives believe the local situation is ripe for a permanent vaudeville policy.

The weekly bill will include five or six acts or unit productions with name headliners or bands. "Happiness Ahead" is set as the first. The price scale will be 25c-35c-50c, including tax.

The fact the Tower, up to now the only vaudefilm house, has had some big grosses may have had something to do with the decision to reinstate the policy at the Mainstreet.

## Sonotone to Finish Sales Meet Today

Sonotone dealers today wind up the last of a three-day convention at the Park Central. D. D. Halpin, assistant sales manager, announced yesterday the production of a 100-foot trailer for theatres to acquaint the public with the hard-of-hearing device.

Other speakers yesterday were C. A. Lemkuhl, vice-president and foreign sales manager; F. W. Varin, assistant treasurer and comptroller; Emmanuel Nicholides, chief engineer, research department; Dr. Hugo Lieber, president; Mrs. Angela T. Carroll, T. Swanson, C. F. Pietsch and Dean Babbitt.

## St. Louis Proposes Heavy Music Taxes

St. Louis, Oct. 23.—Another angle of the fight on the A. S. C. A. P. has developed here with the introduction of an ordinance to impose a $2,500 annual tax on persons or firms collecting royalties on copyrighted music, books, recorded music.

The aldermen also have under consideration an ordinance to restrict use of the Auditorium to "civic, charitable, educational and other public or semi-public purposes." This is an aftermath of the fight against leasing of the building for a run of "Ziegfeld's Follies."

## Seattle Orpheum to Open

Seattle, Oct. 23.—The Orpheum, dark since last April, will be opened on Oct. 26 by John Hamrick as the fourth house in his local first run circuit.

Hamrick is the fourth theatre man to operate the house, it having been built and operated first by RKO, later by Skouras affiliates, then Evergreen State circuit. Vaudefilm will be presented with a featured stage band at popular prices. The vaudeville will play one week each at Hamrick's Orpheum in Portland, Music Box in Tacoma, and the local Orpheum.

## Form New Pioneer Corp.

Pioneer Development Corp. has been formed under the presidency of Lowell V. Calvert to act as general representatives of independent producers.

Pioneer Pictures, Inc., of which John Hay Whitney is president, is the first client.

BUNDLING
—it isn't kissing!
—it isn't hugging!
—it isn't necking!
*But it combines the best features of all three!*

Learn all about our first great national pastime in Paramount's "THE PURSUIT OF HAPPINESS"* starring FRANCIS LEDERER, with Joan Bennett, Charlie Ruggles and Mary Boland. Directed by Alexander Hall. World premiere at Radio City Music Hall on October 25th.

* Prints now available at all Paramount Exchanges

The Leading
Daily
Newspaper
of the
Motion
Picture
Industry

# MOTION PICTURE DAILY

Alert,
Intelligent
and
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Service to
the Industry
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VOL. 36. NO. 98 NEW YORK, THURSDAY, OCTOBER 25, 1934 TEN CENTS

## Theatres Fear Heavier Radio Draw in Sight

### *Revival of Plays With Stars Is a Factor*

Increased radio competition for theatres is predicted as a result of spreading of the movement to acquire radio rights to old dramatic rights, according to the current issue of *Motion Picture Herald.*

Advertising agencies are now turning to this field to diversify their program material and are using film names to read the lines of the radio condensations of the plays. The J. Walter Thompson Agency is one of the leaders of this movement. It has just negotiated an option to take over all the Golden plays, with plans for a different revival each week for

(*Continued on page 4*)

## *Gold, Lazarus Head New U. A. Divisions*

United Artists has again returned to division sales heads with Harry Gold in charge of the east and Paul Lazarus supervising the west. Charles Stern will assist Gold while Jack Goldhar will aid Lazarus. Up to now the four men have been assistants to Al Lichtman.

Gold's territory will include Atlanta, Boston, Buffalo, Charlotte, Cleveland, Dallas, Cincinnati, Indianapolis, New Haven, New York, Philadelphia, Pittsburgh and Washington. Lazarus will have under his supervision exchanges west of Chicago and Canada.

## *Fox Met Holders to Confer on New Pact*

In an effort to complete a plan of reorganization for Fox Metropolitan Playhouses within the next three

(*Continued on page 4*)

### *Radio, Not Films*

**Hackensack, Oct. 24.—For once pictures don't get the blame for the existence of crime. Dr. Frank Kingdon, president of Dana College, in Newark, told a women's club here that "little blame can be given movies for the existence of crime."**

**"The radio, though," he added, "is not a matter to be disregarded."**

## *Actors' Guild Enthusiastic On Equity Affiliation Move*

**Hollywood, Oct. 24.—Approval of a Screen Actors' Guild affiliation with the A. F. of L. through Actors' Equity was agreed upon at a meeting last night of the guild's board of governors with Frank Gillmore, Equity head, and I. B. Kornbloom, local legal advisor for Equity.**

**Gillmore left for New York today by plane and will present the agreement to the Equity council at a meeting next Tuesday. If the council's action is favorable, Gillmore will return here for a vote of the entire guild membership on the affiliation proposal.**

**Indications are that the Screen Guild is in line to obtain local autonomy and reinforcements for collective bargaining with producers, its two principal objectives.**

## Capital Sees Acceptance of New Cost Plan

WASHINGTON, Oct. 24.—General acceptance of the new code assessment proposals as fair is indicated by the fact that one week after their announcement but one objection has reached Deputy Administrator William P. Farnsworth of the NRA.

Discussing reports that W. Ray Johnston, president of Monogram, had protested the producer-distributor schedule, Farnsworth disclosed that the only complaint to reach him was from Sam Flax of the Liberty Film Exchange, Washington Monogram distributor.

In analyzing the schedule the deputy administrator pointed out that while the percentage to be paid by the smaller organizations is larger than that which will be collected

(*Continued on page 6*)

## *Officials of Para. in Reorganization Talk*

Paramount home office, studio and field executives met yesterday to discuss general phases of the company's

(*Continued on page 6*)

## Cancellation Replacements Near a Ruling

Campi today will decide whether distributors may replace pictures in higher brackets of contracts with lower-priced films after the former have been rejected in compliance with the 10 per cent cancellation clause.

Austin Keough, S. S. Bromberg, Willard McKay and Nathan Yamins, the code's legal committee, met yesterday and discussed this phase of uniform contracts and left the decision to Campi.

Although the Loew-Trio Consolidated clearance and zoning case in New York was to come up today another postponement was granted Loew's yesterday. An effort to settle the protest amicably last week failed when Loew's refused to concede a reduction to the independent circuit.

## *Furber Hits Rival Move at Trans-Lux*

Percy N. Furber, president of Trans-Lux Daylight Picture Screen Corp., has sent a bulletin to company

(*Continued on page 6*)

## *It'll Be a Ball Game*

**What is described as "the baseball game of the century" is scheduled for Nyack Sunday afternoon between the Nyack Eagles and the 21 Hangovers. Proceeds will go to the Nyack Y. M. C. A. and damaged players will go to the Nyack Hospital.**

**Survivors and spectators will go to a dance in the Clarkstown Country Club. The game is to be played in the club's stadium.**

**What the World Series is to America in general this game will be to Nyack and the show business.**

**Ben Hecht and Charles MacArthur organized the Eagles early in the summer and recruited plenty of substitutes for the original**

(*Continued on page 6*)

## Distributors Hit Clearance Set on Prices

### *Should Be Negotiated In Sales, They Say*

Objections to clearance schedules being based on admission prices are being voiced by distributors, despite recent approval by Campi of the method.

Major company sales heads contend that clearance, protection and prices to be charged are a matter of negotiation between distributor and exhibitor and where local code boards set clearances according to prevailing admissions the plan does not work.

At yesterday's code session, Edward M. Saunders, western division manager for M-G-M, and Sidney Justin, attorney for Paramount, objected to the Kansas City schedule because of prices governing clearance. In addition, both companies protested a clause in the plan whereby subsequent runs

(*Continued on page 6*)

## Code Binds, But Is "Helpful"—Cohen

A restricted but none the less effective entertainment field is imposed upon the industry by the production code, Emanuel Cohen, Paramount production head, said yesterday.

"Application of the production code restricts one type of entertainment," Cohen observed. "However, it must be

(*Continued on page 6*)

## *FitzPatrick to Do Liszt Film in Color*

James A. FitzPatrick's first feature will be "The Love Affairs of Franz Liszt," which he plans to produce independently on the coast. The picture

(*Continued on page 6*)

### *Say Sinclair Trails*

**Upton Sinclair, Democratic candidate for Governor of California, trailed his leading rival, the Republican candidate Frank F. Merriam, in early returns published yesterday in the *Literary Digest's* straw vote. Only six widely scattered cities had been heard from, however.**

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## *Cantor Stirs Riot Call in Bridgeport*

Bridgeport, Oct. 24.—Two police details answered a riot call to the Poli Theatre last night. A crowd of 1,200 became unruly when unable to gain admission.

Eddie Cantor and Rubinoff opened a three-day engagement at the house yesterday with "Have a Heart," starring Jean Parker.

A new house record was set Monday with 12,000 paid admissions.

## *Heading for Texas*

Joseph Clemmons, president, and Julius Gordon, attorney for Jefferson Amusement Co., of Beaumont, Tex., leave for home tomorrow after two weeks here conferring with Publix home office officials and discussing code matters. Jefferson is a Publix affiliate.

## *Remaining as Editor*

Kathryn Dougherty will retain her position as editor of *Photoplay* and *Shadowplay*, it was announced yesterday by the Bernarr Macfadden Publishing Co., recent purchasers of the two magazines.

## *On Vermont Location*

Robert C. Bruce is now on location in Vermont shooting scenes for "October Day," one of the future releases of the "Musical Moods" series through First Division.

## *Carl Laemmle Takes Production Control*

Hollywood, Oct. 24. — Carl Laemmle, Sr., is now in active charge of production direction at Universal City while Carl Laemmle, Jr., accompanied by his assistant, Harry H. Zehner, is en route to New York on the *S. S. Santa Rosa.*

Young Laemmle has completed five years as studio head without a vacation and is now on his way to Europe on a three months' rest. He intends to tour the continent and North Africa, sailing for Genoa from New York on the *Conte di Savoia* Nov. 5.

Laemmle, Sr., now has six pictures in work at the studios. These are: "The Man Who Reclaimed His Head," "The Good Fairy," "Night Life of the Gods," "Strange Wives," "I've Been Around" and "Straight from the Heart."

Hollywood, Oct. 24.—Before leaving on his European vacation, Carl Laemmle, Jr., promoted Philip Cahn to a directorship at the Universal studio. He will handle "I've Been Around," starring Chester Morris.

## *Trans-Lux Opens Friday*

A big party is planned for the opening of the new Trans-Lux on Fulton St., Brooklyn, Friday night. Comptroller Joseph D. McGoldrick and Borough President Raymond V. Ingersoll of Brooklyn will open the house.

Among those invited are: Bernard S. Deutsch, president of the Board of Aldermen; Joseph J. Early, associate editor of the *Brooklyn Times;* B. O. McAnney, city editor of the *World-Telegram:* Frank Buck, Polly Moran, Estelle Taylor, Juliette Lowell and George Givot.

## *Ezell Conferring Here*

Claude Ezell, Monogram franchise holder in Dallas, is in New York conferring with Edward Golden. He leaves for home Sunday.

Ezell says business is very good in Texas and all theatres are open. The territory as a whole is in fairly good shape, he states.

## *To Become Restaurant*

The Casino theatre will be converted into a restaurant and will open Dec. 25 with "Folies Bergere" as the floor attraction. Jack Shapiro and Louis Blumenthal are negotiating for an operator.

## *Mass. 1933 Theatre Gross $20,854,000*

Washington, Oct. 24.—Box office receipts of $20,854,000 were reported for 270 Massachusetts film theatres, while 10 additional film and vaudeville houses had receipts of $979,000 and 10 other legitimate and opera theatres took in $976,000, it was reported today by the U. S. Census Bureau.

Payroll expenditures of the film theatres for the year were $4,614,000, while the legitimate houses reported $435,000 and the vaudefilm houses, $214,000.

Reports on cities showed Boston to have 61 film houses with a gross of $8,428,000 and payrolls of $2,051,000, and seven legitimate theatres with a gross of $708,000 and payrolls of $373,000. Springfield had 16 film houses which grossed $1,091,000 and had payrolls of $231,000. New Bedford had 10 film houses with receipts of $673,000 and payrolls of $162,000; Fall River, six with receipts of $615,000 and payrolls of $115,000; Somerville, nine with receipts of $414,000 and payrolls of $74,000, and Holyoke, six with receipts of $295,000 and payrolls of $67,000.

## *Thomas Adds to Staff*

Harry M. Thomas, president of First Division, yesterday announced the appointment of two additional sales managers for "Musical Moods," Audio's series of 18 Technicolor shorts.

David J. Selznick will be in charge of the Pittsburgh short subject branch and Basil Brady will function in the same capacity in Buffalo.

Further appointments of short subject sales managers will be announced shortly.

## *Gets Animal Series*

Jack D. Trop has acquired for international distribution six pictures featuring Kazan, the dog; Cactus, the horse, and John King. King is producing the features, first of which is "Outlaw's Highway," already completed.

## *Warner Film at Roxy*

Another Warner picture, "Kansas City Princess" has been booked into the Roxy, starting Nov. 2. It's a one-picture deal.

## *Darmour on Job Again*

Hollywood, Oct. 24.—Larry Darmour is back on the job for Majestic after having his tonsils removed.

## *Eastman Up 1½ on Big Board*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 35¾ | 35¼ | 35¾ | — ¼ | 1,000 |
| Consolidated Film Industries | 3⅜ | 3⅜ | 3⅜ | — ⅛ | 200 |
| Consolidated Film Industries, pfd | 15½ | 15¼ | 15¼ | + ¼ | 500 |
| Eastman Kodak | 105 | 103½ | 105 | +1½ | 1,500 |
| Fox Film "A" | 12⅝ | 12⅜ | 12⅝ | + ⅛ | 1,200 |
| Loew's, Inc. | 30½ | 29½ | 30½ | + ¼ | 7,700 |
| Loew's, Inc., pfd | 95⅞ | 95⅞ | 95⅞ | — ⅛ | 100 |
| Paramount Publix, cts | 4¼ | 4⅛ | 4⅛ | + ⅛ | 2,900 |
| Pathe Exchange | 1⅛ | 1⅛ | 1⅛ | ..... | 400 |
| Pathe Exchange "A" | 13½ | 13⅛ | 13½ | + ⅜ | 500 |
| RKO | 2⅛ | 2⅛ | 2⅛ | — ⅛ | 100 |
| Warner Bros. | 4⅞ | 4¾ | 4⅞ | + ¼ | 1,100 |

## *Paramount F. L. Bonds Drop ¾*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 7 | 6⅝ | 7 | ..... | 6 |
| General Theatre Equipment 6s '40, ctf | 7 | 7 | 7 | + ⅜ | 1 |
| Loew's 6s '41, ww deb rights | 102⅞ | 102⅝ | 102¾ | — ⅛ | 1 |
| Paramount F. L. 6s '47 | 57½ | 57 | 57 | — ¾ | 10 |
| Paramount Publix 5½s '50 | 57¾ | 57 | 57 | — ¾ | 18 |
| Pathe 7s '37, ww | 99 | 99 | 99 | ..... | 1 |
| Warner Bros. 6s '39, wd | 58 | 57½ | 57¾ | + ¼ | 17 |

## *Purely Personal*

William M. L. Fiske, 3rd, re turns from Europe in about si weeks. His trip abroad has nothin to do with business although he is vice-president of First Division.

William B. Brenner, who ha been in London for the past thre months for National Screen, is bacl

Moe Streimer will be honored b the Monday Nighters when a dinn will be given him at the M.P. Cl in two weeks.

Jim Steinheimer, of the editori department of National Screen's coa studio, will be in town on home o fice conferences until about Nov. 4.

Norman Krasna's stage pla "Small Miracle," has been bought b Paramount.

Herb Williams has been sign to appear in a Vitaphone short be produced at the Brooklyn plai

Leonard Hall has joined the a vertising and publicity staff of RK under S. Barret McCormick.

Henry Herzbrun, Paramou studio attorney, is in town from t coast on a brief visit.

Deems Taylor has completed general assignment at the Paramou studio and is en route east.

Gregory La Cava, director, is town on a brief vacation.

Ed. Levy of New Haven was town yesterday.

Nathan Yamins of Fall Riv Mass., is around again.

N. L. Nathanson is visiting fr Canada.

## *Leff-Meyers Take 9th*

Leff-Meyers circuit has taken ov the Parkway, Bronx, making ni for the chain. The house, now close will be remodeled and reopened sho ly. The circuit also has a deal with Haring & Blumenthal for t Crescent, same borough.

## *Schiller Eastward Toda*

Hollywood, Oct. 24.—E. A. Sch ler of Loew's, here for the last th months recuperating from an illne leaves for the east by plane tomorr to resume his duties at the home offi Louis K. Sidney will accompany hi

## *Reject Vitaphone Offe*

"Dizzy" and "Daffy" Dean ha turned down an offer from Vitaphc to appear in a short. They will op tomorrow at the Roxy for a wee personal appearance.

## *Hoffberg Has Congres*

J. H. Hoffberg has acquired distribution rights to the Buer Aires Eucharistic Congress. D logue is in Spanish and English.

## *Hoblitzelle Here*

Karl Hoblitzelle of the Interst circuit in Texas, Publix affiliate. in town conferring with home off executives.

## *RKO Officials Arrive*

J. R. McDonough, Ned E. Depi and William Mallard, RKO offici all, arrived in New York from Hol wood by plane yesterday.

# LOEW BOOKS "POWER"

Berthold Viertel; Prof. Einstein; Michael Balcon; and A. P. Waxman

**PROFESSOR ALBERT EINSTEIN; PRAISES "POWER", PREVIEW, PRINCETON UNIVERSITY.**

**DR. STEPHEN S. WISE; CONGRATULATES GB ON "POWER", FROM PULPIT AND OVER RADIO.**

**PHILA.; FOX LOCUST HOLDS OVER "POWER"**

**ATLANTIC CITY, BOOKS "POWER" FOR 2ND AND 3RD RUN AFTER BOARDWALK 1ST RUN**

Physical Distribution—Fox Exchanges—Canada—Regal Film, Ltd.

GB MEANS GAUMONT BRITISH...AND GAUMONT BRITISH *Means Business*

# Theatres Fear Heavier Radio Draw in Sight

(*Continued from page* 1)

two programs, one of which will have Mary Pickford.

In addition, according to the *Herald*, there will be excerpts from musical comedies on the Paul Whiteman programs Thursday nights.

Other radio advertisers are making contacts with A. H. Woods, Sam H. Harris, Arch Selwyn and the estate of Henry W. Savage for old stage productions.

"A survey of one week's network radio programs," the *Herald* says, "indicated that there are more film 'names' appearing regularly on the air than there were at any time last year."

On Friday night there are 12 programs with film names, among them Tom Mix, Frank Buck, Irene Rich, Grace Hayes, Edmund Lowe, Dick Powell and Kate Smith.

More and more players are said to be demanding contract clauses permitting them to broadcast, and more producers appear to be granting this permission. M-G-M is said to be the only producer definitely barring broadcasts, but an exception is made in favor of Jimmy Durante.

Radio and Warners maintain their own studios, both utilizing the broadcast facilities to exploit players and pictures. In the case of Radio most of the studio broadcasts are from that lot.

## *Fox Met Holders to Confer on New Pact*

(*Continued from page* 1)

weeks, representatives of the bondholders' committee will meet tomorrow with Skouras and Randforce to negotiate changes in the operating contracts of the two.

It is understood that the principal consideration of the negotiations, and one upon which completion of a plan may depend, is the approval by Skouras and Randforce of a cancellation clause for insertion in their operating contracts, which would permit a sale of the circuit after a specified time following reorganization.

A new Hayden, Stone & Co. offer for the circuit is still regarded as a possibility, particularly in the event the committee is successful in negotiating a cancellation clause for the operating contracts.

## *Flash Review*

*Loyalties*—The Galsworthy play has been converted into a generally entertaining film. . . . The British speech of the players is at times difficult to make out. . . .

*This film will be reviewed in full in a later issue of* Motion Picture Daily.

## *LeRoy to Do China Story*

Hollywood, Oct. 24.—Mervyn LeRoy will direct "Oil for the Lamps of China" for Warners on his return from New York. The director leaves for Manhattan Friday, having wound up work on "Sweet Adeline."

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Enter Madame"*

*(Paramount)*

Hollywood, Oct. 24.—Aside from high class production values, some good trouping by Cary Grant, Lynne Overman and Michelette Burani, this dramatic exploration into the love life of an operatic star is spotty entertainment, mildly amusing.

While Producer Benjamin Glazer and Director Elliott Nugent unite efforts for the best effect, somehow this former stage vehicle doesn't hit the emotions as a picture.

The story is of Grant, an American, who, after saving the opera singer, Elissa Landi, from a stage fire, marries her, becoming "just her gigolo." He tires of her, and back in New York starts divorce proceedings, intent on marrying Sharon Lynne, when Madame Star, on tour, enters and the divorce is forgotten.

Grant shows to good advantage with a light comedy flair and Overman gives a polished performance. Others in the cast are Frank Albertson, Cecelia Parker, Paul Porcasi and Miss Landi who, as the prima donna, overacts beautifully while her singing is contributed by Nina Kishetz and is not too well synchronized.

Stirring is the "Cavalleria Rusticana" number, with the photography good throughout. Compared to current operatic films, however, this one evaluates program calibre. Production code seal No. 268. Running time, 84 minutes.

## *"Girl of My Dreams"*

*(Monogram)*

Hollywood, Oct. 24.—This picture clicks as entertainment with plenty of genuine comedy. The story deals with the antics of a gang of college youngsters including Eddie Nugent, campus "big shot"; Creighton Chaney, a star athlete; and Mary Carlisle and "Gig" Parish as their respective girl friends.

Sterling Holloway, editor of the campus paper, and his pal, Arthur Lake, tamper with the votes in the college popularity contest to cure Nugent of his conceit. In situations that follow the boys get too excited, athletes neglect their training and everybody is giving his fraternity pin to the wrong girl. All is straightened out following an intercollegiate track meet and each lad turns up with the right girl.

George Waggner wrote the original story and lost none of its humor in adapting it to the screen. Ray McCarey's direction shows plenty of fineness. The entire cast of young people are thoroughly at ease in their roles, especially Holloway whose comedy is outstanding. The photography, by Ira Morgan, is good. It's good program fare and a credit to all concerned. Running time, 65 minutes. Production code seal No. 294.

# *Looking 'Em Over*

## *"Autumn Crocus"*

*(Associated Talking Pictures-Auten)*

Here is the story of a woman's suppressed emotions on the brink of release in the form of an illicit romance, but suppressed again as she goes back to her English classroom cherishing memories of what might have been.

This is putting baldly the basic elements of a drama told with the delicate touches of an etching. Life where surface emotional shadings never go deeper than pastel often has as much poignant drama as in its more vivid manifestations where passion is deep red. This is one of those things.

Modern youngsters, given to self expression, may find it difficult to understand. Those average American audiences which like to see their heroes and heroines do the things they would like to do, but haven't the courage or opportunity to attempt, will not like it. This is entertainment only for those who prefer their emotional stimulants, vintage product.

Fay Compton, who played the original role on the London stage, is a joy as the wistful school teacher who meets a young dashing inn keeper in the Austrian Tyrol and almost decides to cast her lot with

(*Continued on page* 5)

# "Divorcee" Is Kansas City's Wow, $13,000

Kansas City, Oct. 24.—"Gay Divorcee" was the week's smash hit, sweeping practically everything else before it for a take of $13,000 at the Mainstreet. The Tower's $7,800 for "Wake Up and Dream" and a stage show was $800 above the line. Elsewhere business was nothing to shout about.

Total first run business was $39,600. Average is $35,300.

Estimated takings:

*Week Ending Oct. 17:*

**"MRS. WIGGS OF THE CABBAGE PATCH" (Para.)**

NEWMAN—(1,800), 25c-40c, 7 days, plus Saturday midnight show. **Gross:** $6,800. (Average, $7,000.)

*Week Ending Oct. 18:*

**"GAY DIVORCEE" (Radio)**

MAINSTREET—(3,100), 25c-40c, 7 days, plus Saturday late show. **Gross:** $13,000. (Average, for straight films, $7,000.)

**"THE LAST GENTLEMAN" (U. A.)**

MIDLAND—(4,000), 25c-40c, 7 days, plus Saturday midnight show. **Gross:** $8,400. (Average, $11,000.)

**"WAKE UP AND DREAM" (Univ.)**

TOWER—(2,200), 25c-35c, 7 days, plus Saturday midnight show. Stage: "International Revue," with Kenneth Harlan, Al St. John and others. **Gross:** $7,800. (Average, $7,000.)

**"CARAVAN" (Fox)**

UPTOWN—(2,000), 25c-40c, 6 days **Gross:** $3,600. (Average, 6 days, $3,200.)

## *Form Phila. Variety; Sweigert Made Chief*

Philadelphia, Oct. 24.—The Philadelphia Variety Club has been formed here with Earle W. Sweigert as chief barker. Leonard Schlessinger is first assistant barker; Frank Buhler, second assistant barker; Jay Emanuel, wagonman; Jack Greenberg property master; while the following are canvassmen: James Clark, Edward Corcoran, Milton Rogasner Lewen Pizor, Jerry Crowley, Herber Elliott, Samuel D. Schwartz, Harry Wiener, Al Davis, Edward Sherma and Al Cohen.

Charles (Buddy) Rogers was present at the initial meeting. Johnny Harris has been invited for the nex meeting.

The membership of the club is limited to 50. Permanent quarters ar being arranged.

## *Lubitsch Leaves Sunday*

Ernst Lubitsch plans to leave for th coast Sunday. His next picture fo Paramount is still undecided, althoug there is a possibility he may direc Marlene Dietrich. This will be decided when he returns to Hollywood

Lubitsch's deal to make two fo Toeplitz also has to wait until th arrives on the coast. The contracts sent from London, are at his wester office.

## *Fox to Build Alice Faye*

Hollywood, Oct. 24.—Fox is planning a star buildup for Alice Faye who has returned to Hollywood following a vacation in New York. Th new setup will pull the actress out o the role scheduled for her opposit Spencer Tracy in "Dante's Inferno." Instead, Miss Faye will play the feminine lead in George White's "Scandals of 1935," which will be a Winfiel Sheehan production.

# ‘Belle” Goes To Cleveland Top, $14,000

Cleveland, Oct. 24.—Business was bove average, but a drop from the ast two weeks. Mae West, with 14,000 at the State, was the outstandng box-office draw.

"Caravan" at the Allen went $2,000 ver average, grossing $5,000. "The Count of Monte Cristo" at the Stillnan, and its second week downtown, lmost doubled the usual house averge.

Total first run business was $44,000. verage is $41,000.

Estimated takings for the week endng Oct. 19:

**"CARAVAN" (Fox)**
ALLEN—(3,300), 20c-30c-40c, 7 days. Gross: $5,000. (Average, $3,000)

**"MADAME DuBARRY" (Warners)**
WARNERS' HIPPODROME—(3,800), 30c-5c-44c, 7 days. **Gross:** $6,000. (Average, 6,000)

**"KANSAS CITY PRINCESS" (Warners)**
RKO PALACE—(3,100), 30c-40c-60c, 7 days. Stage: Don Rodman and Band. **Gross:** 12,000. (Average, with stage show, $18,000)

**'BELLE OF THE NINETIES" (Para.)**
LOEW'S STATE—(3,400), 30c-35c-44c, 7 days. **Gross:** $14,000. (Average, $10,000)

**'COUNT OF MONTE CRISTO" (U. A.)**
LOEW'S STILLMAN—(1,900), 30c-35c-44c, days. **Gross:** $7,000. (Average, $4,000)

## *Baltimore to Have 3-Day Film Session*

Baltimore, Oct. 24.—A three-day film conference will be held here by the Maryland Congress of Parents and Teachers and the Baltimore district of the Maryland Federation of Women's Clubs, starting Monday.

The first day's session will be opened by the Rt. Rev. Edward T. Helfenstein, bishop of the Protestant Episcopal Church of Maryland. "What Everyone Wants to Know About Motion Pictures" will be discussed, and the social, economic and political aspects will be taken up.

Archbishop Michael Curley of Baltimore will give the invocation the second day when national and international aspects of films will be up. A talk on "Control of the Motion Picture" will close the conference on Wednesday. The influence of films on health, conduct and character of children and government censorship will be dealt with and Rabbi Morris A. Lazaron will give the invocation.

The session will be conducted by Mrs. Robbins Gilman, president of the Federal M. P. Council and motion picture chairman of the National Congress of Parents and Teachers.

## *Lutherans Request Boycott for Films*

Savannah, Oct. 24.—The United Lutheran Church in America yesterday moved to bring its membership to boycott "indecent" pictures.

The move "challenged" church members "to consider well that it is inconsistent with the ethics of Christian life to patronize motion pictures portraying vileness; that to attend such pictures makes them accomplices in this crime against the moral wellbeing of the individual and social order," and urged its constituents to withhold their patronage "when they have doubt as to the wholesomeness of a picture or see or hear it indecently advertised."

Atlantic City, Oct. 24.—The Protestant Episcopal Church officially joined the drive against immoral pictures yesterday.

The triennial pastoral letter issued by the House of Bishops and read at the convention here said:

"The degeneration of the motion picture industry has been such that it has aroused righteous indignation of all self-respecting people who have demanded the right to decency."

# *Looking 'Em Over*

(*Continued from page 4*)

him in the mountains of his homeland, even though she discovers he is married. Ivor Novello, as the inn keeper, gives a splendid performance, too. The photography is beautiful.

It is art, but art usually goes over the heads of the masses.

Production code seal No. 0174. Running time, 72 minutes.

## *"Norah O'Neale"*

(*DuWorld*)

Out of Ireland comes "Norah O'Neale," a Clifton-Hurst production with a simplicity of treatment that is refreshing and a visual beauty that is compelling. In it the Abbey Players make their first film appearance as a group. Their work is commendable for its naturalness and sincerity.

It is the often moving tale of a young doctor (Lester Matthews) torn between love and his profession. Penniless, he is fearful of falling in love because he knows he is in no position to support a wife. Surprised kissing a nurse (Molly Lamont) in the hospital, he announces his troth to her to save the girl's reputation. His unhappiness is deepened by the fact he is really in love with another nurse (Nancy Burne).

Sent to help at the fever hospital, Matthews is stricken with typhus himself. In his delirium he calls for Miss Burne in Miss Lamont's presence. Aware it is Miss Burne he loves, Miss Lamont does the sporting thing. She sends for her fellow nurse, realizing that only Miss Burne can revive in Matthews the desire to live.

Photographically, the film is a triumph. Filmed entirely in Erin, it unfolds many lovely views of the Irish countryside. Irish melodies run through the film and give it added entertainment value.

Brian Desmond Hurst directed. No code seal. Running time, 67 minutes.

*"Madame DuBarry," yesterday morning's opener at the Strand, was reviewed on June 5.*

*"Mrs. Wiggs of the Cabbage Patch," tomorrow morning's opener at the Paramount, was reviewed by wire from Hollywood on Aug. 18.*

*"Pursuit of Happiness," this morning's opener at the Radio City Music Hall, was reviewed by wire from Hollywood on Sept. 8.*

*"What Every Woman Knows," tomorrow morning's opener at the Capitol, was reviewed by wire from Hollywood on Oct. 4.*

## *Favors Film Study In School Courses*

Cincinnati, Oct. 24.—Teaching discrimination in pictures in an effort to instill in students a sense of film values is as much an obligation of schools as the teaching of the arts, sciences and literature, declared Dr. Edgar Dale, associate professor in the College of Education, Ohio State University, in speaking before the Cincinnati Better Film Council.

"Lack of proper recreational facilities is responsible for the large attendance of children at the movies. Providing these facilities will keep the child away from objectionable films. Meanwhile, conditions in the industry can only be corrected by changing the preference of the younger patrons in their selection of pictures," he said.

"The time will come when pictures for children under 12 will not be under commercial sponsorship.

## *Bruen Again Heads Allied of Northwest*

Seattle, Oct. 24.—Hugh Bruen of this city was re-elected president of Allied Amusements of the Northwest today at the 13th annual convention of the organization at the Washington Hotel here.

Arthur Bishel, Spokane, was named first vice-president; Leroy Johnson, Seattle, second vice-president; William G. Ripley, Longview, third vice-president; while James Hone was re-elected secretary-treasurer for the 11th time in succession. Al Rosenberg and John Danz of Seattle and H. T. Moore of Tacoma were chosen trustees for a term of three years.

The attendance at the convention was the heaviest in the history of the organization, which was reported to have attained a strong financial position.

## *75-Cent Col. Dividend*

Columbia yesterday declared a 75-cent preferred dividend payable Dec. 1 on stock of record Nov. 15.

# "Barretts" Up In Chicago on $25,000 Gross

Chicago, Oct. 24.—The Loop recovered surprisingly from the previous week's dip. "The Barretts of Wimpole Street" was a $25,000 smash at United Artists, being over par by $8,000.

Total first run business was $158,800. Average is $131,600.

Estimated takings:

***Week Ending Oct. 15:***

**"CHAINED" (M-G-M)**
ROOSEVELT—(1,591), 25c-35c-50c, 3rd week (ends October 15), 7 days. **Gross:** $11,000. (Average, $11,000)

***Week Ending Oct. 18:***

**"HIDEOUT" (M-G-M)**
CHICAGO—(4,000), 25c-35c-68c, 7 days. Stage: Ina Ray Hutton, Frazee Sisters, Nina Olivette, Murray & King. **Gross:** $50,000. (Average, $34,600)

**"WAGON WHEELS" (Para.)**
GARRICK—(900), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

**"YOU BELONG TO ME" (Para.)**
ORIENTAL—(3,940), 25c-40c, 7 days. Stage: Muriel Page in Flame Dance, Kellers & Lynch, others. **Gross:** $18,000. (Average, $15,000)

**"GIFT OF GAB" (Univ.)**
PALACE—(2,509), 25c-35c-50c, 7 days. Stage: Veloz & Yolanda, Radio Rubes, Arren & Broderick and others. **Gross:** $25,000. (Average, $22,000)

***Week Ending Oct. 19:***

**"BARRETTS OF WIMPOLE STREET" (M-G-M)**
UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days. **Gross:** $25,000. (Average, $17,000)

**"MADAM DU BARRY" (Warners)**
APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $10,000. (Average, $12,000)

***Week Ending Oct. 20:***

**"AMONG THE MISSING" (Col.)**
STATE-LAKE—(2,776), 20c-25c-35c, 7 days. Stage: Gay Nineties revue and vaudeville. **Gross:** $14,500. (Average, $15,000)

## *Double Bills Spread Downtown in Frisco*

San Francisco, Oct. 24.—Market St. is again experiencing the battle of the double bills. Just when Fox West Coast thought it had the situation all to itself at the big Fox Theatre along came F. & M. and announced double bills at his Orpheum, following the run of "One Night of Love."

This move has forced F. W. C. to put double bills into the Paramount and the policy will start one week ahead of the Orpheum. This will put a F. W. C. theatre on each side of the Orpheum playing double bills of major product. The Orpheum has Universal and Columbia. The Paramount double bill will be "A Lost Lady" and "Mrs. Wiggs of the Cabbage Patch." The California and Embassy, also F. W. C. theatres on Market St., are using double bills.

## *Duals, Triples Gain In Wisconsin Spots*

Milwaukee, Oct. 24.—While local exhibitors are awaiting a clearance schedule which they hope will put an end to present cutthroat practices, double features have been announced for the Warner, starting Oct. 26, making it the third first run on the avenue to play duals.

With duals general throughout Milwaukee county and spreading rapidly through the state, houses in various spots are going to triple features, including the Elite, local neighborhood theatre operated by Bernhard Lassack.

# Distributors Hit Clearance Set on Prices

(*Continued from page* 1)

charging the same admission shall have the same availability. The objections were made on the ground that such a plan would create a print shortage. Distributors pointed to the Chicago situation where exchanges have to borrow prints from nearby offices to meet demands by subsequent theatres charging the same admission when an availability comes through.

It is understood that a recommendation will be made to Campi today whereby provisions in the uniform contract give theatres following first runs 30 days in which to date.

All schedules heard by appeal committees have clauses governing clearance by admissions and not one has been approved by Campi.

Reports emanating from Kansas City that a number of independents objected to the schedule and would ask for a delay in the hearing on the schedule failed to materialize. Jay Means, president of the I. T. O.; Ed Dubinsky, George S. Baker, L. J. McCarthy, A. Bare and M. Thompson sent in letters and telegrams to Campi insisting that the hearing go on and that the plan be adopted. The only objectors were M-G-M and Paramount, who were represented by Saunders and Justin. No one from Missouri was on hand.

### Committee Is Stumped

One of the clauses which had the appeal committee, consisting of Nathan Yamins, Rube Jackter and William Yoost in a quandary was that which stated subsequent runs would have to wait from 35 to 42 days after the last day of first runs. Another was the clause whereby some houses would have to wait from 28 to 35 days after preceding runs were through with pictures.

John C. Flinn called Grace Gannon, code secretary in Kansas City, on the telephone and she interpreted the clause as meaning that exhibitors would have a minimum of 35 days and a maximum of 45 after first runs, or would lose clearance rights. The same applied to other clauses where a seven-day lapse was provided.

Campi today will get the Los Angeles and Kansas City schedules for approval. It is hoped that the former will be approved, so that it can be put into effect immediately. Kansas City exhibitors are not anxious to have the new plan operative until Dec. 1.

# Code Binds, But Is "Helpful"—Cohen

(*Continued from page* 1)

recognized that there are things in life which cannot be put on the screen."

The production code, in Cohen's opinion, has not resulted in any diminution of Mae West's box-office appeal. "Miss West's personality is greater than an outlawed theme or gag. Her next picture, 'Now I'm a Lady,' will be her best," he predicted. Cohen observed that the Production Code Administration in Hollywood has been "very helpful" to producers.

Asked about his probable status in the production picture after the reorganization of Paramount Publix, Cohen said that it would be decided by the directorate of the new company, adding that he likes the studio and would prefer to continue there to complete the job that is under way.

Cohen will be here another week or two, looking at stage plays and checking up on film performances. His current trip is not occasioned by the imminent Paramount Publix reorganization, he said. "That doesn't involve me," he explained. "My job is to make good pictures at the lowest possible cost."

# *It'll Be a Ball Game*

(*Continued from page* 1)

**nine. The story of their prowess penetrated into New York and Westchester night club circles and the Hangovers got up before noon one day to issue a challenge through John Carl Krindler.**

**Herbert Bayard Swope will play the role of Judge Landis for the purpose of settling all disputes that the umpires can't handle. The spectators will be picked up at various Manhattan points Sunday morning. All the showgirls who can wind an alarm clock will be in the cheering section. A 20-piece band will parade. The Eagles will wear blue and white and the Hangovers red and white.**

**The Eagles' lineup includes: George Antheil, Bugs Baer, George McL. Baynes, John Beigano, Jim Barton, Frank Case, Jack Dempsey, Charles Ellis, Paul Gallico, Ben Hecht, Thomas H. Hitchcock, Jr., Walter Huston, Arthur Koenig, Bert Lahr, Gregory LaCava, Ernst Lubitsch, Robert Maxwell, Charles MacArthur, Lee Parcels, Dan Parker, Henry Varnum Poor, Robert Ripley, Billy Rose, Harold Ross, Arthur Rosson, Damon Runyon, Jimmy Savo, Sal Savo, Ed Sullivan, Robert E. Sherwood, James Thurber, Walter Winchell and Adolph Zukor.**

**The Hangovers' talent includes: Buddy Adler, Philip Amidown, Harold Allen, Humphrey Bogart, Heywood Broun, Monte Brice, Charles Burns, William Collier, Jr., Bill Corum, James Shaw Coslove, Woolworth Donahue, Bradley Dresser, Charles Ferry, Ben Finney, Erskine Gwynne, Francis T. Hunter, Julius Hallheimer, John Hemingway, John Randolph Hearst, William Randolph Hearst, Jr., Tom Johnson, Russell Johns, John Carl Krindler, James Lewis, Robert LaBranche, "Prince" Mike Romanoff, Dudley Field Malone, Willard McKay, John McClain, Edmond O'Brien, Edward J. Reeves, John Rumsey, Phil Reisman, Thomas Shevlin, William Tilden, Ernest Truex, John Van Alstyne and Cornelius Vanderbilt Whitney.**

## *Dine Advisory Group*

Los Angeles, Oct. 24.—The Central Casting Bureau will celebrate the inaugural of its advisory council tomorrow at a luncheon at which the mayor will be the guest of honor. The council, instituted by Campbell MacCullough upon his succeeding David Allen as head of Central Casting, consists of Mary Pickford, Dr. Buckley, foreman of the local grand jury; nine clergymen and a number of leaders in the city's social and welfare circles, the total membership not exceeding 20.

At the luncheon, which will be held in the board room of the local Hays office, there will be discussed ways and means of handling the problems confronting the bureau.

## *Cincy Cases Postponed*

Cincinnati, Oct. 24.—Two overbuying cases, the Grand, Dayton, vs. the Wayne, same city, and the New Arcade, Newark, O., vs. the Auditorium, Grand and Midland, same city, docketed for hearing by the local grievance board yesterday, were postponed until Nov. 8, at request of the respondents.

# *Furber Hits Rival Move at Trans-Lux*

(*Continued from page* 1)

stockholders calling their attention to a circular received by them from a "reorganization committee," which, according to the bulletin, was designed to forestall calling a stockholders' annual meeting.

The bulletin points out that "no member of this so-called 're-organization committee' is a stockholder of record in the company, and we believe all are either directly or indirectly employed by or associated with Archie M. Andrews."

The bulletin contends Andrews, a director of the company in 1932, is attempting to gain control by virtue of a substitute merger agreement between Trans-Lux and the News Projection Corp.

## *Valentine at AMPA*

Lewis J. Valentine, police commissioner of New York City, will be the guest of honor today at the Ampa luncheon at the Motion Picture Club. John W. Alicoate, publisher of *The Film Daily,* will be guest chairman.

Other guests will include Ben Bernie, Bert Lahr, Harry Hershfield, Frank Fay, of the Federal Department of Justice; A. J. Kobler, publisher of the *Daily Mirror;* Helen Hayes, Bert Lytell, Lois Moran, Lillian Gish, Raquel Torres, Lila Lee and "Dizzy" and "Daffy" Dean of the St. Louis Cardinals.

## *Cohn, Hohlman Recover*

Hollywood, Oct. 24.—Columbia's sick list has been shortened by the return to the studio of Harry Cohn and William S. Hohlman, studio manager. Both were away from their desks several days with colds. Fred Niblo, Jr., is still taking time off from scripting "Unknown Woman" because of the same malady.

# Capital Sees Acceptance of New Cost Plan

(*Continued from page* 1)

from the big concerns, all of the latter will make a greater contribution in real money, and, in addition, those companies at the top, which will pay $23,000 a year will again be assessed for large sums under the exhibitor schedule. The plan, he explained, was the unanimous recommendation of the finance committee composed of Harold S. Bareford, Sidney R. Kent and Edward Golden.

Further, it was pointed out, the companies at the top, because of the fact that they are large enough to meet any contingency which arises, will receive proportionately less benefit under the code than the small concerns. While the percentage contribution of the small companies will be larger than that of the great competitors, the total to be contributed by the independents will be but $18,000 out of a total of 10 times that much, instead of $30,000, as first contemplated, although they do more than 10 per cent of the total business.

# *FitzPatrick to Do Liszt Film in Color*

(*Continued from page* 1)

will be all-Technicolor, FitzPatrick using the three-color process.

FitzPatrick is producing eight Technicolor Traveltalks for M-G-M this season in addition to a color short just completed, "Old Kentucky Home." He has just returned from the M-G-M studio and there is a possibility that this company will distribute the feature. Recent Traveltalks completed in color are "Ireland, the Emerald Isle" and "Zion, the Canyon of Color."

The feature is based on the life of the Hungarian composer and Nathaniel Shilkret is now working on the musical score. FitzPatrick is working on the adaptation and plans to leave for Hollywood in about a month to start production.

# *Officials of Para. in Reorganization Talk*

(*Continued from page* 1)

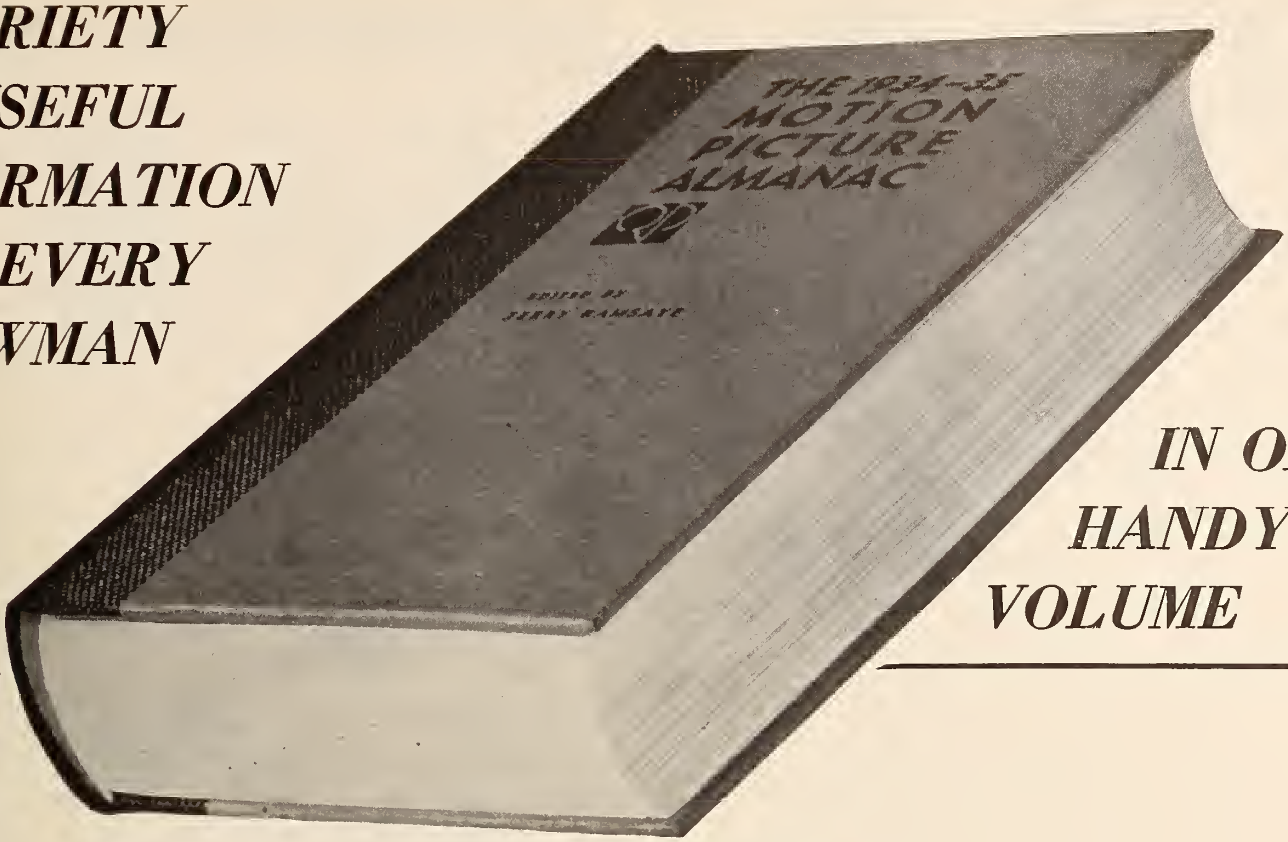
reorganization. Representing the studio were Emanuel Cohen, production head, and Henry Herzbrun, studio counsel. From the field were N. L. Nathanson of Famous Players Canadian, E. V. Richards of Saenger, Karl Hoblitzelle of Texas and others. Adolph Zukor and George Schaefer headed the home contingent.

Contrary to reports, the session was not a meeting of the Paramount Publix board of directors. That body does not function while the company is in bankruptcy.

## *Pick Lincoln Opener*

Lincoln, Neb., Oct. 24.—Grace Moore's "One Night of Love" will be the attraction for the opening week of the remodeled Varsity theatre here. The showplace, formerly the Rialto, somewhat of an historic landmark in the city, has been closed for several weeks for remodeling. It will open Friday.

*A VARIETY*
*OF USEFUL*
*INFORMATION*
*FOR EVERY*
*SHOWMAN*



*IN ONE*
*HANDY*
*VOLUME*

**Office Memorandum**
**ROYALTON THEATRE**

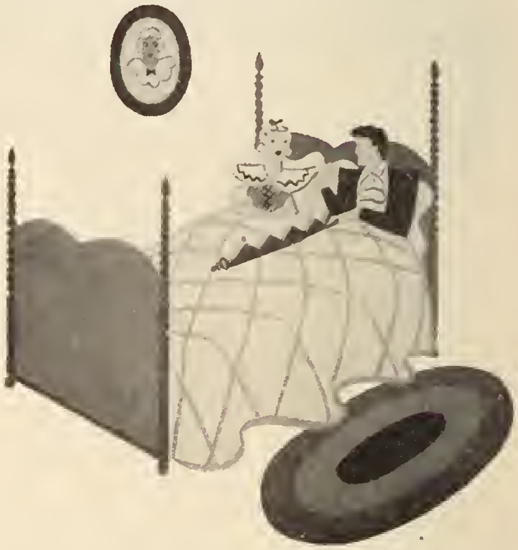
To: Mr. Hornstein
From: E M F

Call Smith tomorrow and get him to return my Motion Picture Almanac. Got important campaign to lay out for next week and need it right away. Look up biogs. of MacDonald and Chevalier for me when you get it. Think with stars like that I can make that overdue tieup with fashion dept. of Hall & Kimball and be all set on Merry Widow when it gets here. Chevalier is perfect name for that radio tieup Stiller phoned me about yesterday. Send Almanac to Reed, Evening Standard, on Monday. He wants to look up coming product, titles and casts for feature yarn on Saturday. See that we get a break in it. Tell Goldberg he can have it about Wednesday. Wish these fellows would invest five bucks and get it if they need it so badly. And don't forget to have my file of Motion Picture Herald on my desk early tomorrow morning. Checked off some fine exploitation ideas in Mike Vogel's department particularly that fellow's who got the last Quigley Award. We can use some of his stunts right here.

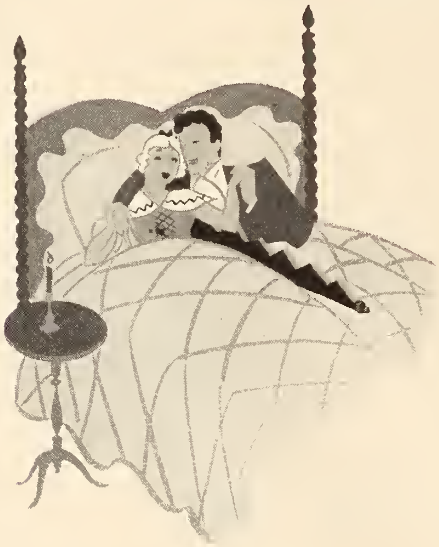
QUIGLEY PUBLICATIONS • 1790 Broadway • New York City

# the best time for LOVE!

WINTER was the time for love,
In Ye Happy Olden Days —
For the wind that howled above
Lovers had the highest praise.



BUNDLING came with winter's cold—
Warm as toast beneath the covers
Of the tester bed of old,
Were the happy olden lovers!



By center board they were divided,
BUNDLING while their hearts entwined —
Lack of firewood so provided
For true love to seek its kind.

And when BUNDLING did its duty,
And the parson made them one —
Gallants then embraced their beauty,
Need for center board was done!

There is **BUNDLING** today at Radio City Music Hall in Paramount's "**THE PURSUIT OF HAPPINESS**," starring FRANCIS LEDERER, with Joan Bennett, Charlie Ruggles and Mary Boland. Directed by Alexander Hall. Prints now available at all Paramount Exchanges.

The Leading
Daily
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Motion
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# MOTION PICTURE DAILY

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OL. 36. NO. 99 NEW YORK, FRIDAY, OCTOBER 26, 1934 TEN CENTS

# )ecide Local Advisors on Code Remain

## 1ain Board Determines Plan Is Helpful

The three advisory clearance and oning boards in New York stay, folɔwing a decision reached by the main oard yesterday.

For the past two weeks members f the main board have been discussng the advisability of dropping the econdary committees on the ground 1ost of the work done by them was waste of time. The main board eld it has to hear the cases again fter the advisory boards listen to estimony and that this constituted lost 1otion.

However, this theory was disposed f in quick order yesterday when a

(Continued on page 7)

## 1PTOA for Federal 1ove Against ASCAP

Not satisfied with the compromise eached recently between the exhibiors' emergency committee and A. S. . A. P., the M. P. T. O. A. will go head with plans to support the govrnment in its suit against the music ociety, it was learned yesterday. Aled already has gone on record dispproving the compromise.

The M. P. T. O. A. stand is that it against any tax increase and that if he society can get away with the present increase there is no telling what ill come next. The agreement reached ecently is regarded as tentative.

## ;ays Sennett Wants Walker in Pictures

London, Oct. 25.—That Mack Senett is interested in a move to put ormer Mayor James J. Walker on he screen is indicated by comments n "Tatler's" column of *The Daily Film Renter.*

"Tatler" says Walker isn't "even a ame in Great Britain," but says that ennett thinks Walker is "the biggest raw in the world—that there is no ne in the states who hasn't heard of im, and who doesn't realize his lamour."

## Century and Skouras In 10-Year Compact

Century circuit's pool with Skouras Theatres in Long Island, signed last veek, is for 10 years, A. H. Schwartz f Century stated yesterday. Exactly

(Continued on page 8)

# Actors Can Join A. F. of L. Only Via Union Under Equity

Washington, Oct. 25.—Affiliation of the Screen Actors' Guild with the American Federation of Labor would have to be accomplished by forming a local union under Actors' Equity, it was said today by A. F. of L. officials discussing the California situation.

Although it was said the Washington headquarters were not informed of the latest developments and could do nothing until application for affiliation had been received, it was believed the guild could not be given an individual charter in view of the organization's policy of incorporating under one banner all members of a

(Continued on page 7)

## Seattle Is Assured Of Sunday Shows

Seattle, Oct. 25.—No Sunday closing of theatres will be attempted here, declared Mayor Charles Smith yesterday in addressing Allied Amusements of the Northwest at the Washington Hotel. About 150 delegates were present from Washington and Idaho.

Councilman James Scavatto advocated the use of theatre screens by exhibitor organizations to elect candidates friendly to the industry and for protection of theatres against rackets such as tango games and dog races.

The convention closed with a ball under the chairmanship of Robert Murray.

## Gaumont's Selling Force Totals to 62

The Gaumont British sales staff now totals 62 in various parts of the country, Arthur Lee stated yesterday. More will be put on in territories where G-B is not yet represented with its own selling force. George Weeks, general sales manager, leaves for the coast by plane next week to organize western sales staffs.

In New York G-B product is being sold on a picture-to-picture basis. Recently the Skouras circuit signed a deal for the entire list. This contract was cancelled last week by G-B and a new one signed yesterday.

## Leonard Joins "U"; Grimm on Radio Job

Charles A. Leonard will succeed Ben H. Grimm today as advertising assistant to P. D. Cochrane at Universal.

Leonard has had a long experience in agency and film advertising. In the

(Continued on page 8)

## Merriam Ahead 7-1

**Film circles are seven to one against Upton Sinclair's candidacy for the governorship of California, according to the *Literary Digest's* poll. This is the proportion in favor of the Republican candidate, Governor Merriam, in the publication's balloting.**

**The report from Beverly Hills was: Merriam, 718; Sinclair, 110.**

# "Bank Night" Men Look for Code Change

Proponents of the "Bank Night" see a reopening of the code and elimination of the clause declaring this practice illegal.

According to one promoter of the idea, 200,000 letters have been sent to President Roosevelt asking him to take this clause out of the code.

"Where 'Bank Nights' are used," it is held, "business has increased for merchants, hotels and theatres. The practice has given considerable employment to people."

The same proponent states that in Montana, the practice has been held

(Continued on page 7)

## MPTO Unit Demands Congress Probe NRA

Pittsburgh, Oct. 25.—Resolutions demanding a Congressional investigation of the NRA and a complete rewriting of the film code before any laws are passed extending the life of the NRA were passed at the convention of the MPTO of Western Pennsylvania.

Another set of resolutions pledges the unit to seek a revision of the copyright laws for the purpose of forestalling new charges by the A. S. C. A. P.

## Air Race Reel Sent By Radio to London

By BRUCE ALLAN

London, Oct. 25.—Gaumont British claims to be the first company to send a newsreel film by wireless. The film

(Continued on page 8)

# Expect Equity Compromise On Guild Rule

## Eddie Cantor, as Head, Looking for This

A compromise proposal which will preserve local autonomy for the Screen Actors' Guild any yet permit an alliance with Actors' Equity Ass'n is seen as a probability by Eddie Cantor, guild president, who, however, admitted yesterday that he is uninformed on the exact nature of the affiliation agreement which will be submitted to the Equity council next Tuesday.

Equity headquarters here, likewise, remained in the dark yesterday as to the provisions of the agreement which was approved by the guild's board of governors in Hollywood on Tuesday and which Frank Gillmore, Equity president, is bringing with him to New York. Gillmore, en route by plane, had not arrived up to late yesterday, but is expected at his office today.

Explaining that his radio work had kept him in the east and that he had lost touch with developments in the

(Continued on page 7)

## Joyce to Continue Para. Board Probe

Examinations of former and present Paramount Publix officials being conducted before Special Master John E. Joyce in connection with the trustees' action to recover up to $12,700,000 from former directors of the company as a result of stock repurchase agreements from 1928 to 1932 will be continued in the hope of developing evidence for the trial itself, it was learned yesterday.

About a dozen present and former Paramount officials, and William S. Paley of Columbia Broadcasting; George Trendle and John Kunsky of Detroit, are subject to call by the

(Continued on page 8)

## Agency Hearing Is Put Over to Nov. 1

Washington, Oct. 25.—Postponement of the hearing on the agency committee proposals from Oct. 31 to Nov. 1 was announced today by Deputy Administrator Sol A. Rosenblatt as he left Washington for Nebraska to take the stump in behalf of Edward R. Burke, Democratic candidate for the Senate. Rosenblatt will not return to Washington until the beginning of next month.

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(Registered U. S. Patent Office)

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*Editor*
JAMES A. CRON
*Advertising Manager*

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Subscription rates per year; $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

## "Innocence" Pulls $85,000 in a Week

"Age of Innocence" at the Music Hall tallied approximately $85,000 for the week. "Little Friend" in its first week at the Roxy led "Chu Chin Chow" by $500, grossing $32,500 for the stanza. The Criterion with "Man of Aran," garnered $5,500 for the first seven days at two-a-day. "Now and Forever" in the last seven days of a two-week run at the Paramount took $28,000.

## Albany Gets Vaudeville

Albany, Oct. 25.—Vaudeville returns to Albany on Nov 2 when the Harmanus Bleecker Hall will run acts four days each week together with pictures, but will hold to films only the last three days.

Oscar J. Perrin will manage the house, switching from the Palace, where John Garry will take his place. The latter formerly was at the Hall.

## Howard Has Tonsilitis

London, Oct. 25.—Leslie Howard is ill here with tonsilitis and will be confined to his home for several days. He is here on vacation from the Warner studios in Hollywood

## Tim McCoy Back at Work

Hollywood, Oct. 25.—Tim McCoy is back on the Columbia lot for the start of a series of westerns, the first of which will be "Burnt Ranch."

## Hull and Louise on Streamlined Train

Henry Hull and Anita Louise were the film representatives on the Union Pacific's streamlined train which arrived at Grand Central station yesterday morning.

Hull, who recently finished work in "Great Expectations," will make a personal appearance at the opening of the picture in the Music Hall. Until about Nov. 15 he will spend most of his time at his summer home at Lyme, Conn.

Miss Louise made a personal appearance last night at the Strand and was interviewed over Station WMCA by Sam Taylor later. She will be here about a week.

Both players made broadcasts en route during stops of the train and were on the air over WJZ at the welcoming ceremonies in the terminal.

## Teperson Attorney For ITOA and Union

Hearings in the suit of the Allied M. P. Operators' Union for an injunction to prevent members of Local 306 from working in houses where the Allied union has contracts have brought an admission that Joseph A. Teperson was counsel for both the Independent Theatre Owners' Ass'n. and Allied.

The testimony was designed to support the contention of Local 306 that Allied was formed at the instigation of the I. T. O. A.

Harry Brandt, one of the witnesses, admitted that the 10-year contract with Allied was the only one of its kind with a union. The case is being heard by Referee Robert McC. Marsh.

## Laughton Withdraws From "Copperfield"

Hollywood, Oct. 25.—After working two days in the role of Macawber in "David Copperfield," Charles Laughton, feeling the part inadequate for him, asked for and gained his release from David Selznick. This entailed no delay in production or expense other than pay Laughton for the time loaned. He returns to Paramount where he is under contract, and it is expected that W. C. Fields, from the same studio, will be substituted for him.

### With Regrets

**Providence box-office report, published in *Motion Picture Daily* on Oct. 19, inadvertently credited "Once to Every Bachelor," which did $8,100 as against an average of $7,000 at the RKO Albee, to Mascot and "Cheaters," which grossed $200 over the RKO Victory's normal of $1,000 to Columbia.**

**Both of these pictures were produced by Liberty.**

## Child Shows Exempt In Phila. Boycott

Philadelphia, Oct. 25.—What exhibitors are hoping is to be the first sign of loosening up of the stiff Catholic boycott, is the exemption of the Junior Cinema Guild's productions for children from the church ban by Cardinal Dougherty.

Under the joint auspices of the Junior Cinema Guild and the Junior League of Philadelphia, Saturday programs are run off every week, to begin this season on Nov. 3, at the Penn Athletic Club. Selected features alternate with all-cartoon programs.

Cardinal Dougherty told the group: "You may advertise that movies such as yours presented at the Penn Athletic Club are not included in the Catholic boycott and that our children will be permitted to attend these films."

## Gunmen Rob Maloy's Indiana Residence

Chicago, Oct. 25.—Five gunmen, after kidnapping a deputy sheriff whom they used to gain entrance into Tom Maloy's home at Long Beach, a suburb of Michigan City, Ind., looted the house of $50,000 in cash and $13,000 in jewels.

Maloy, head of the operators' union, was away at the time. The intruders were admitted by Mrs. Effie Gascoign, cousin of Mrs. Maloy. They were especially rough in their treatment of Mrs. Maloy, the police say.

Maloy is under Federal investigation on a charge of income tax evasion. He recently made the headlines when Fred Oser, an operator, was shot in the union headquarters. Ralph O'Hara, a Maloy lieutenant, was acquitted on grounds of self-defense.

## Loew's Off 1½ on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 36½ | 35 | 35⅛ | — ⅝ | 800 |
| Consolidated Film Industries | 3½ | 3¼ | 3½ | + ⅛ | 800 |
| Consolidated Film Industries, pfd | 15¾ | 15½ | 15¾ | —2 | 800 |
| Eastman Kodak | 106¾ | 106 | 106 | +1 | 2.000 |
| Eastman Kodak, pfd | 143 | 142⅞ | 143 | ..... | 18,000 |
| Fox Film "A" | 12⅞ | 12⅜ | 12¾ | + ⅛ | 1,900 |
| Loew's, Inc. | 31⅜ | 29 | 29 | —1½ | 9.800 |
| Paramount Publix | 4¼ | 4 | 4 | — ¼ | 3.400 |
| Pathe Exchange | 1¼ | 1⅛ | 1⅛ | ..... | 700 |
| Pathe Exchange "A" | 13½ | 13½ | 13½ | ..... | 200 |
| Warner Bros. | 4¾ | 4¾ | 4⅝ | — ¼ | 5,100 |

## Technicolor Off ⅛ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13 | 12¾ | 12¾ | — ⅛ | 1,200 |

## Paramount B'way Bonds Drop 2

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 7 | 7 | 7 | ..... | 3 |
| Keith B. F. 6s '46 | 62½ | 62 | 62⅛ | + ½ | 4 |
| Loew's 6s '41, ww deb rights | 103⅛ | 102⅞ | 103⅛ | + ⅜ | 2 |
| Paramount Broadway 5½s '51 | 42 | 42 | 42 | —2 | 5 |
| Paramount F. L. 6s '47 | 57¼ | 56½ | 56½ | — ¾ | 1 |
| Paramount Publix 5½s '50 | 57¼ | 57 | 57 | ..... | 13 |
| Warner Bros. 6s '39, wd | 58½ | 58 | 58 | + ¼ | 11 |

## Purely Personal

Dave Davidson has be named advertising and publici director of Majestic by E. H. Gol stein, vice-president. Davidson h been with Kunsky Theatres, Detro and B. & K. in Chicago.

Chris Buckley, Albany first r operator, goes to New Haven eve week-end to see Chris, Jr., husl offspring and fullback on the Ya gridiron team.

Parker Morell, author of "Di mond Jim," has been signed by Ur versal to do the screen adaptatio He will leave for the coast Satu day.

Julius Aussenberg, former Berl manager for Fox Film, and now resident of Prague, Czechoslovakia, stopping at the Edison Hotel.

Ernst Lubitsch has changed h mind about going west Sunday a now doesn't intend to leave befo Monday or Tuesday.

George Gerhard has finished original, tentatively titled "A Prin for Sale." Paramount is conside ing it.

Anatole France's "The Crime Sylvestre Bonard" has been bought Radio. Anne Shirley will be in

Robert Harris and James Mu hauser have sold their operetta, "Si Me a Love Song," to Universal.

Budd Rogers leaves next week a tour of Liberty franchise holde in the field.

Jack Lewis, assistant to Jose I. Breen, arrived yesterday fr Hollywood.

Mark Sandrich has been invited address the drama class at N. Y.

Donald Novis will head the sta show at the Capitol starting today.

Sol Kravitz is now booker Gaumont British in New York.

Budd Barsky has gone back to t coast.

## Paramount Men Leave

George J. Schaefer, vice-preside and general manager, headed the cal delegation of Paramount m headed for a three-day conference district managers at Hot Springs, The sessions open today. Neil Agne Robert F. Gillham and G. B. J. Fra ley were among the New York co tingent.

## Crew Back from South

A camera crew sent to Charlest S. C., by W. A. Bach, head of Au Prod., to do scenes for "Liebestraun one of the "Musical Moods" series, returned. The Middleton and Magr lia gardens outside of Charleston included among the scenes.

## Senators Ask to See Fil

Washington, Oct. 25.—"Dealers Death," the film expose of the mu tions racket, has been called by a s cial committee of the Senate for special preview. The screening take place next week.

## Closing for Alterations

Dr. Leon Greenfield will close t Boro Hall, Brooklyn, Sunday nig for five weeks, during which alte tions will be made.

*from Tallahassee to Tacoma . . .*

# HER LOVELINESS WILL WEAVE ITS SPELL!

Audiences can never forget her beauty...nor forgive her enemies...when with appealing eyes she begs to rejoin her people...when her innocence betrays her to the dark schemes of ruthless men. You and your customers will discover for yourselves her amazing personality...in this drama taut with suspense!

# Marie Galante

**SPENCER TRACY • KETTI GALLIAN**

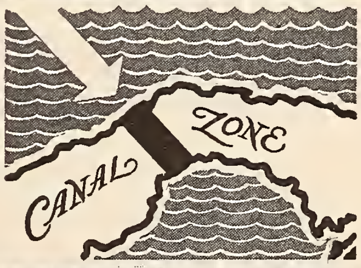
**NED SPARKS • HELEN MORGAN**
**SIEGFRIED RUMANN**
**LESLIE FENTON • ARTHUR BYRON**
**JAY C. FLIPPEN & STEPIN FETCHIT**

**FOX**

Produced by Winfield Sheehan • Directed by Henry King

Screen play by Reginald Berkeley • Based on a novel by Jacques Deval

## DANGER SPOT OF THE WORLD



The Canal Zone... strategic center of international intrigue... seething with spies . . . land of mysterious disappearances . . . and unexplained deaths . . . grim stage for this fascinating drama.

ATTEN

SINGI

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BERS

WRUBEL SONG HITS – AND FRANK BORZAGE'S

BROS.' MILITARY MUSICAL–"FLIRTATION WALK"–

THOUSANDS OF OTHERS–SELECTED BY THE NATIO

-SHUN! HERE COMES THE ARMY—AND AMERICA'S

EETHEARTS—AND THE WHOLE WEST POINT CADET

D SPECTACULAR BOBBY CONNOLLY DANCE NUM-

HUNDREDS OF GIRLS—AND FOUR NEW DIXON AND

BRILLIANT PRODUCTION EFFECTS—IN WARNER

DICK POWELL, RUBY KEELER, PAT O'BRIEN—AND

EY BOOKERS AS AMERICA'S THANKSGIVING SHOW

# "Forever" Is Washington's Bet, $22,000

WASHINGTON, Oct. 25.—"Now and Forever" proved the strongest draw of the week here, knocking down $22,000, over par by $4,400, at the Earle. A vaudeville bill headed by the Kitaros Trio helped.

"The Cat's Paw" came in for second comparative honors by running over the profit line $2,500 for a total of $23,000 at Loew's Fox. Three houses were on second weeks or return engagements, but in spite of this business held up to $79,700.

"The Barretts of Wimpole Street," playing Loew's Columbia after an earlier 14-day run at Loew's Palace, took $8,000. "One Night of Love" grossed $4,500 in two days and a single show the night before. The first part of the week (4½ days) was held by "Belle of the Nineties," which drew $3,200. The picture is in the Warner No. 2 house for an indefinite run, which is expected to stretch into four full weeks.

Loew's Palace, in the second week of "Cleopatra," was weak at $6,000.

"The Age of Innocence" was worth $13,000 to RKO-Keith's.

Estimated takings, exclusive of tax, for the week ending Oct. 18:

**"NOW AND FOREVER" (Para.)**
EARLE—(2,218), 25c-77c, 7 days. Stage: Kitaros Trio, Irene Beasley, Barney Grant & Hillbillies, Virginia Bacon & Co. **Gross:** $22,000. (Average, $17,600)

**"THE BARRETTS OF WIMPOLE STREET" (M-G-M)**
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement). **Gross:** $8,000. (Average, $3,100)

**"THE CAT'S PAW" (Fox)**
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Ed Lowry, George Sidney, Eleanor Powell, Lillian Dawson, Florence & Alvarez. **Gross:** $23,000. (Average, $20,500)

**"CLEOPATRA" (Para.)**
LOEW'S PALACE—(2,370), 35c-77c, 7 days, 2nd week. **Gross:** $6,000. (Average, $14,500)

**"BELLE OF THE NINETIES" (Para.)**
METROPOLITAN—(1,591), 25c-40c, 4½ days (extended run, second week). **Gross:** $3,200. (Average, full week, $4,100)

**"ONE NIGHT OF LOVE" (Col.)**
METROPOLITAN—Two days' return engagement, plus special opening show, to complete week of above. **Gross:** $4,500. (Average, full week, $4,100)

**"THE AGE OF INNOCENCE" (Radio)**
RKO-KEITH'S—(1,836), 25c-55c, 7 days. **Gross:** $13,000. (Average, $11,400)

# "Wimpole" Big in Montreal, $12,500

MONTREAL, Oct. 25.—The Palace and Loew's ran neck and neck for popular favor. "The Barretts of Wimpole Street," with Norma Shearer in the lead, Norma being a Montreal daughter, brought a healthy $12,500 to the Palace.

At Loew's, the same gross was registered with "Have a Heart" on the screen and Arthur Tracy on the stage along with six acts of vaudeville. "The Richest Girl in the World" gave $9,500 to the Capitol. Third week of "One Night of Love" at the Princess was good for $4,500, the total run being worth $20,500.

Total first run was $39,000. Average is $37,000.

Estimated takings for the week ending Oct. 20:

**"THE RICHEST GIRL IN THE WORLD" (Radio)**

(*Continued on page 8*)

# "Barretts" Up To $43,700 in Its 3rd Week

In its third week at the Capitol "The Barretts of Wimpole Street" was still Broadway's outstanding attraction. The take was $43,700, enough to warrant a fourth week, which is claimed to be the first sound picture ever to be held that long in this spot. Only one silent film, "Flesh and the Devil," stayed that long.

"Judge Priest" was big at the Music Hall, but not sensational. The gross was $77,000.

There were two other holdovers, "Count of Monte Cristo" at the Rivoli, with a gross of $18,000 for its third week, and "Peck's Bad Boy," with a take of $25,850 at the Roxy on its second week.

Estimated takings:

***Week Ending Oct. 16:***

**"COUNT OF MONTE CRISTO" (U. A.)**
RIVOLI—(2,300), 40c-99c, 3rd week, 7 days. **Gross:** $18,000.

***Week Ending Oct. 17:***

**"THE MERRY WIDOW" (M-G-M)**
ASTOR—(1,012), 55c-$2.20, 7 days. **Gross:** $18,957.

**"WAKE UP AND DREAM" (Univ.)**
MAYFAIR — (2,300), 35s-65c, 7 days. **Gross:** $13,000.

**"JUDGE PRIEST" (Fox)**
RADIO CITY MUSIC HALL—(5,945), 35c-$1.65, 7 days. Stage show. **Gross:** $77,000.

***Week Ending Oct. 18:***

**"BARRETTS OF WIMPOLE STREET" (M-G-M)**
CAPITOL—(4,700), 35c-$1.65, 3rd week, 7 days. Stage show. **Gross:** $43,700.

**"CHU CHIN CHOW" (Gaumont-British)**
PALACE—(2,500), 25c-75c. 7 days. Vaudeville. **Gross:** $10,000.

**"NOW AND FOREVER" (Para.)**
PARAMOUNT—(3,700), 35c-99c, 7 days. **Gross:** $43,000.

**"PECK'S BAD BOY" (Fox)**
ROXY—(6,200), 25c-55c, 2nd week, 7 days. Stage show. **Gross:** $25,850.

**"HAPPINESS AHEAD" (Warners)**
STRAND—(2,000), 25c-55c, 7 days. **Gross:** $21,500.

***Week Ending Oct. 23:***

**"CASE OF THE HOWLING DOG" (Warners)**
RIALTO—(2,300), 25c-65c, 7 days. **Gross:** $14,000.

# "Fix It" and Show Oklahoma City Top

OKLAHOMA CITY, Oct. 25.—"I'll Fix It," combined with a stage show for the first four days of the week at the Liberty, pulled $2,600, over par for a week by $600. "The Human Side," for three days, garnered $600.

It was a dull week for the other first runs, with "The Fountain," "Six-Day Bike Rider" and "Student Tour," all being under normal.

Total first run business was $11,900. Average is $13,500.

Estimated takings for the week ending Oct. 20:

**"THE FOUNTAIN" (Radio)**
CRITERION—(1,700), 10c-20c-36c-41c-56c, 7 days. **Gross:** $3,900. (Average, $5,000)

**"SIX-DAY BIKE RIDER" (F. N.)**
MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $3,000. (Average, $4,000)

**"STUDENT TOUR" (M-G-M)**
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $1,800. (Average, $2,500)

**"I'LL FIX IT" (Col.)**
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. "Sunkist Vanities" on stage. **Gross:** $2,600. (Average week, $2,000)

**"HUMAN SIDE" (Univ.)**
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $600. (Average week, $2,000)

### *Wrong Leg of Wood*

**Hollywood, Oct. 25.—Recently, several months after the picture had been released, some one at M-G-M made this discovery. After a year's research on the picture, Wally Beery, playing Long John Silver in "Treasure Island," appeared with the wrong leg off!**

# Arliss $12,300 Providence Draw

PROVIDENCE, Oct. 25.—High gross for the week was scored by George Arliss in "The Last Gentleman" which brought in $12,300 at Loew's State, $300 over par. Vaudefilm programs held up well, both the RKO Albee and Fay's beating their average takes by more than $1,000.

"Cleopatra" had a strong week at the Strand, catching $7,200, and the Majestic came under the wire to tie the average figure at $7,000 with "Madame Du Barry" and "The Curtain Falls."

Total first run business was $44,600. Average is $40,500.

Estimated takings for the week ending Oct. 18:

**"CLEOPATRA" (Para.)**
**"TRAGEDY OF MT. EVEREST"**
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $7,200. (Average, $6,500)

**"MADAME DU BARRY" (Warners)**
**"THE CURTAIN FALLS" (Radio)**
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)

**"THE DUDE RANGER" (Fox)**
FAY'S—(1,600), 15c-40c, 7 days. Stage: "Words and Music, Inc," revue. **Gross:** $8,200. (Average, $7,000)

**"GIFT OF GAB" (Univ.)**
RKO ALBEE—(2,300), 15c-40c, 7 days. Stage: "Pace Makers of 1934." **Gross:** $8,800. (Average, $7,000)

**"THE LAST GENTLEMAN" (U. A.)**
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $12,300. (Average, $12,000)

**"I'LL FIX IT" (Col.)**
RKO VICTORY—(1,600), 10c-25c, short subjects. **Gross:** $1,100. (Average, $1,000)

# Accounting Ordered In a Tri-Ergon Case

SCRANTON, Pa., Oct. 25.—A master to ascertain an accounting of the profits, gains and benefits which have accrued to Wilmer and Vincent and Altoona Publix Theatres by reason of their alleged infringement of the patents of the American Tri-Ergon Corp. will be appointed shortly by Judge Albert W. Johnson, the jurist has announced after a meeting with counsel for both sides. The order appointing a master will embody Judge Johnson's formal decree ending the case.

The Pennsylvania case adjudicated is one of two which the U. S. Supreme Court refused to review earlier this month, the action resulting in a deluge of lawsuits by American Tri-Ergon in New York, Brooklyn and Wilmington.

The Pennsylvania case—a suit for an injunction and an accounting—was filed in 1932 at Harrisburg and was tried before Judge Albert W. Johnson at Scranton. The defendants were charged with violating the so-called flywheel patent controlled by Tri-Ergon, a Fox company in which he owns 90 per cent of the stock.

The defendants contended the patents were invalid and lost in the district court. They also lost their appeal to the U. S. Circuit Court of Appeals. It was the refusal of the Supreme Court to review this appeal which established the validity of the patents by indirection.

Immediately following the Supreme Court move, Ward, Crosby & Neal, Fox attorneys, submitted a form of injunction to Judge Johnson, and it was this injunction which was signed by him. Its immediate effect is to force the defendants to stop using the patents or reach some kind of an agreement with Fox.

# "Mrs. Wiggs" Twin Cities' High Grosser

MINNEAPOLIS, Oct. 25.—"Mrs. Wiggs of the Cabbage Patch" demonstrated strength on both sides of the river last week. It ran over par by $1,000 here on a $6,500 gross at the State and took the same amount with the same overage at the St. Paul Paramount.

"Barretts of Wimpole Street" was still an outstanding draw in its second week, going to $6,500, up by $1,500 at the Century. "Girl of the Limberlost" was another strong attraction. It grabbed $3,500 at the 300-seat Time.

Total first run business in Minneapolis was $26,700. Average is $21,000. Total first run business in St. Paul was $18,500. Average is $16,000.

Estimated takings:

***Minneapolis:***

***Week Ending Oct. 18:***

**"THE BARRETTS OF WIMPOLE STREET" (M-G-M)**
CENTURY—(1,000), 35c-55c, 2nd week, 7 days. **Gross:** $6,500. (Average, $4,000)

**"CHARLIE CHAN IN LONDON" (Fox)**
LYRIC—(1,000), 20c-25, 7 days. **Gross:** $1,700. (Average, $1,500)

***Week Ending Oct. 19:***

**"THE GAY DIVORCEE" (Radio)**
RKO ORPHEUM—(2,900), 25c-50c, 7 days. **Gross:** $5,500. (Average, $5,500)

**"MRS. WIGGS OF THE CABBAGE PATCH" (Para.)**
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,500. (Average, $5,500)

**"GIRL OF THE LIMBERLOST" (Mono.)**
TIME—(300), 25c-35c, 7 days. **Gross:** $3,500. (Average, $2,500)

**"CASH" (Mundus)**
WORLD—(400), 25c-75c, 7 days. **Gross:** $3,000. (Average, $2,500)

***St. Paul:***

***Week Ending Oct. 18:***

**"MRS. WIGGS OF THE CABBAGE PATCH" (Para.)**
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,500. (Average, $5,500)

**"BIG HEARTED HERBERT" (Warners)**
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500)

**"WAKE UP AND DREAM" (Univ.)**
RKO ORPHEUM—(2,000), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

**"HAVE A HEART" (M-G-M)**
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

**"THE LITTLE DAMOSEL" (Principal)**
WORLD—(300), 25c-75c, 7 days. "The Drunkard," stage play. **Gross:** $3,000. (Average, $2,000)

### *Collier to Baltimore*

WASHINGTON, Oct. 25.—Rodney Collier, managing director of the recently closed Universal-operated Rialto, has been named manager of the Stanley, Baltimore, by John J. Payette, general zone manager of Warners' theatres here.

Walter M. Morris, Stanley manager, is being transferred to the home office in New York.

# Decide Local Advisors on Code Remain

(Continued from page 1)

ecommendation of the New Jersey board came up for decision. The lower board, it was found, held four different sessions before it arrived at an answer. The main board took about one hour to hand down its opinion and was glad that the advisory board istened to most of the case.

The decision made was in favor of Leon Rosenblatt of the Maplewood, Maplewood, who asked for a reduction in the present clearance now enoyed by Warners' Milburn, Milburn, and Cameo, South Orange. The board cut the 14 days to seven.

Convinced that elimination of the Long Island, New Jersey and Manhattan advisory committees would mean a plethora of work for the main board, the idea is now dead. It had been planned that, if the three boards were dropped, litigants would be given 15 minutes to present their cases and give testimony. This was found to be nexpedient.

## New Buying Charge Against Reade Made

Another overbuying complaint against Walter Reade has been filed with the New York grievance board, this time by the Liberty, Freehold, N. J., against the Strand, same city, U. A., Columbia, Fox, M-G-M, Vitagraph and Paramount.

This case is slated for hearing next Tuesday in addition to two other important issues, one being on forcing of shorts and another on charges of fraudulent transfer of a theatre.

Ben Roman, president of Renaissance Photoplay Corp., filed the forcing of shorts complaint against Vitagraph. The Rennaissance Theatre is involved. On the illegal transfer case, plaintiffs are Paramount, Columbia, Radio, Majestic and First Division against DeLuxe Amusement Co., and Morris and Ralph Feldman involving the DeLuxe, South Orange, N. J.

Today a Campi appeal committee will hear witnesses testify for the Mona Theatre Corp., Glad Amusement Co., Abraham Drojin, John Gladstone and Henry Liman. The grievance board handed down a unanimous decision against them in the complaint of M-G-M, Columbia, Paramount, Big "U," Majestic, and Warners involving transfer of the Rialto, Whitestone, L. I.

Last week Reade lost an overbuying decision to Aaron Shusterman in Perth Amboy and Red Bank. Shusterman was given 138 pictures for both houses. Reade is appealing.

## Radio to Sign Pons

Hollywood, Oct. 25.—Lily Pons will sign a contract to sing in Radio pictures, according to studio officials. The French operatic star was recently forced to cancel a concert tour because of illness.

## L-M Get Bronx Crescent

Leff-Meyers circuit yesterday closed for the Crescent, Bronx, with Haring & Blumenthal. This makes 10 for the group.

# Actors Can Join A. F. of L. Only Via Union Under Equity

(Continued from page 1)

given industry. The method by which the guild could affiliate with Equity would be fixed by the latter and its attitude has not been disclosed.

The threat of the guild to go with Equity is viewed in Washington as having grave possibilities of trouble in view of the pronounced determination of the producers for some years not to deal with Equity. It is pointed out that all five actor members of the actor-producer committee which broke up in a row last week are guild members, apparently having been selected by Division Administrator Rosenblatt with a view to the producers' attitude.

By joining Equity, screen actors can invoke the collective bargaining provisions of the Industrial Recovery Act and force a showdown as to whether Equity is to have a say in the producers' relations with their employes. At the same time, it will be up to the producers to determine whether they can continue to adhere to their policy of barring Equity from participation in bargaining negotiations.

At present, it is said, Frank Gillmore has the whip hand in the situation, and if the guild is absorbed by Equity, Equity will be the big figure in actor-producer relations.

The report of the producer-actor committee has been forwarded to Washington with an explanation that there is a five-five division, it was learned today. While no information regarding the matter was available here, it is considered probable that in view of the split among the members of the committee it will be necessary to have hearings on the proposal.

# "Bank Night" Men Look for Code Change

(Continued from page 1)

legal by the state. In other states "Bank Nights" have been held to be within the law, he said.

In every one of the appeals and certifications on "Bank Nights" or "Race Nights," Campi has decided it a form of lottery and a violation of the code. The opinion of Code Authority is that it reduced admissions illegally through distribution of money or prizes. The cut in admission prices, while not evident at the box-office, is nevertheless a fact, Campi holds, in that a man who wins $10 via the "Bank Night" idea is actually getting his admission gratis in addition to the difference between his box-office tariff and the prize money.

## Stamford Clearance Is Set at 49 Days

New Haven, Oct. 25.—Under the terms of an amendment to the clearance schedule just adopted a new theatre or a reopened theatre must notify the clearance board so that a meeting of interested parties can be held for the purpose of deciding in what zone the house will be placed. This will not prevent the exhibitor from buying any run he is able, or which a distributor is willing to sell.

In a clearance complaint brought by the State, Springdale, Conn., against the Strand, Palace and Stamford Theatres at Stamford, the board has decided that Stamford houses are entitled to 49 days' clearance over the Springdale houses.

## Four Ad Complaints Settled in Albany

Albany, Oct. 25.—Four defendants in premature advertising complaints filed before the local grievance board have been ordered to end the practice.

The cases were: Schine's Colonia, Norwich, N. Y., vs. Smalley's Sidney, Sidney, N. Y.; Schine's Oneonta Theatres, Oneonta, N. Y., vs. Smalley's Cooperstown Theatre, Cooperstown, N. Y.; Schine's Oneonta Theatres, vs. Smalley's Delhi, Delhi, N. Y.; Schine's Glove, Gloversville, N. Y., vs. Smalley's Johnstown Theatres, Johnstown, N. Y.

## Sheehan Starts Nov. 10

Hollywood, Oct. 25.—"One More Spring," Winfield Sheehan's first since his return from Europe, is slated for production Nov. 10. The cast includes Janet Gaynor, Warner Baxter and Henry B. Walthall.

## Editing 26 Vitaphones

Vitaphone reports 26 shorts are being edited for early release. Nine two-reelers and 17 one-reelers make up the total.

## Philadelphia Dual Case Is Up Nov. 12

Philadelphia, Oct. 25.—The double feature case launched by Harry Pereleman, local exhibitor, in the Federal Court several months ago, will come up for hearing again on Nov. 12, this time with Pereleman asking a permanent injunction against six major distributing companies to prevent them from exercising the "no double features" clause in their contracts.

Pereleman, with B. M. Golder as his attorney, asked a temporary injunction some months ago, which was refused at the time by the court with the expression that the case had too many ramifications to be so dismissed and that it should be heard later in detail.

## Valentine Is a Big Draw at Ampa Lunch

Police Commissioner Lewis J. Valentine headed the guest lineup at the A. M. P. A. yesterday in one of the biggest turnouts on record. John W. Alicoate was toastmaster. Other guests included Bert Lytell, Raquel Torres, Carl Milliken, Major Edward Bowes, A. J. Kobler, Louis Nizer, C. C. Moskowitz, Kate Fair, Hank Greenberg, first baseman on the Detroit baseball team, Lois Moran, David Rubinoff, Louise Henry, Eddie Garr, Harry Hershfield and Mitchell and Durant.

Next week Bowes will be guest chairman.

# Expect Equity Compromise On Guild Rule

(Continued from page 1)

guild's latest overtures for an A. F. of L. affiliation, Cantor was unaware, even, on his return from Bridgeport, Conn., yesterday, that the guild board had approved the Equity affiliation proposal last Tuesday.

"I have always felt," Cantor said, "that the guild eventually would have to become an A. F. of L. affiliate. The producers are, and have been, forcing actors to join a union. They are forcing them to make demands, rather than requests.

"As to the present agreement between the guild and Equity, I assume," Cantor said, "that it will represent compromises on the part of each. This is a case where they will have to meet each other half way before there can be an agreement."

### Hold Concessions Necessary

At Equity headquarters it was conceded, likewise, that concessions would probably have to be made by both sides before a final agreement could be reached. It was made plain that, while Equity does not and cannot issue an A. F. of L. charter, the guild could not become an A. F. of L. affiliate without Equity's approval, as the latter holds the exclusive charter for the entertainment field. Likewise, it was stated, guild members need not become Equity members in order to consummate an affiliation. The guild could be chartered as a local of Equity's, having the authority to act for itself in all local matters but subject to the supervision of Equity on national questions and overlapping screen and stage affairs.

At least seven of the 52 members of Equity's council now are believed here to be members of the guild. These are Eddie Cantor, George Arliss, Frank Morgan, Ralph Morgan, Otto Kruger, Beulah Bondi and Helen Broderick. The Equity council will pass on the guild's affiliation agreement next Tuesday and, if approved, the agreement may be submitted to a general meeting of Equity members later, this at the council's discretion. The guild membership will vote on the agreement at its next regular meeting.

## Universal Gets Series

Universal has purchased the "Going Places" series of short subjects from Arcturus Pictures Corp. Lowell Thomas is doing the narrating for the scenes, many of which were shot by F. Herrick Herrick in Europe.

The most brilliant Soviet film since
"ROAD TO LIFE"
DOSTOYEVSKI'S
"PETERSBURG NIGHTS"
"Eloquent and stirring."
N.Y. HERALD-TRIBUNE
"Magnificent cinematic achievement."
N.Y. WORLD-TELEGRAM
"Presented in best Soviet tradition."
NEW YORK TIMES
Just ended a six week first run in New York
Distributed by
AMKINO CORPORATION
723 7th Avenue
BR. 9-7680 N. Y. City

## Century and Skouras In 10-Year Compact

(Continued from page 1)

17 houses are involved in this arrangement.

In discounting reports distributors would take action against the pool, Schwartz said that he has already signed for Warner-First National, Paramount and M-G-M product. Skouras has Fox and Universal.

Another pooling arrangement Schwartz has in Long Island is with Joseph Seider of Prudential. Houses included in this deal do not conflict with Skouras situations. Eight theatres are involved here. Seider has bought M-G-M, Fox and Warner-First National.

Schwartz on Sunday leaves for Lake Placid for a month's vacation. Yesterday, he and George Skouras conferred with Nicholas M. Schenck on the pooling deals.

## Cornish Experiment To Be in "U" Film

Hollywood, Oct. 25.—Dr. Robert E. Cornish's nationally publicized experiments in returning dead dogs to life at his laboratory in Oakland have been filmed secretly for the purpose of including them in a feature in a story written by Dr. Eugene Frank, husband of Anna Sten. The story deals with Dr. Cornish's life.

The material is to be incorporated into a feature which Universal will finish soon. It is called "Life Returns."

## Leonard Joins "U"; Grimm on Radio Job

(Continued from page 1)

latter he has been in both the distribution and theatre end. He has been advertising head under Joe Plunkett at the Strand and also has handled theatres for B. & K. in Chicago, and United Artists and RKO on the coast.

Grimm has taken charge of advertising at Radio under S. Barret McCormick. He has been handling trade paper advertising for Universal under Cochrane for a number of years and is well known to the advertising fraternity in New York film offices.

## Air Race Reel Sent By Radio to London

(Continued from page 1)

shows the arrival of Scott and Black at Melbourne at the end of the England-to-Australia air race.

According to the claims advanced for the stunt, each frame was enlarged and transmitted separately by radio at a cost of $4,000 a foot.

## Joyce to Continue Para. Board Probe

(Continued from page 1)

trustees' counsel for the 21-A examinations being conducted.

The allotted time in which the trustees' counsel could have moved to strike out the answers filed in state supreme court here by the defendants has expired without that action having been taken.

## "Stake Out" Is Changed

Hollywood, Oct. 25.—Columbia has changed the title of "Stake Out" to "Men of the Night."

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## "Broadway Bill"

*(Columbia)*

Hollywood, Oct. 25.—Frank Capra, director, and Robert Riskin, writer, responsible for "Lady for a Day" and "It Happened One Night," unite their talents again in Mark Hellinger's romance of man, maid and racehorse.

The story centers around Warner Baxter and Myrna Loy, with Warner married to Helen Vinson, one of the many daughters of Walter Connolly, tycoon with many interests. Myrna is Connolly's youngest unmarried daughter.

Baxter, head of Connolly's paper box factory, would rather race horses. Hence he resigns, returning to his former life. His wife remains behind. Myrna, somewhat of a nomad herself, follows Baxter and helps groom his horse, Broadway Bill, for the Derby. Bill wins, but keels over dead.

Connolly, in the meantime, realizes that Baxter is the only one of his in-laws who is worthy. He turns all his factories back to his employes, and when Baxter comes for Myrna, Connolly chucks all and goes with them on their happy vagabond racetrack life.

Capra's intelligent touches, his imagination and humorous highlights are evident throughout the film. Riskin's dialogue sparkles, particularly in comedy. Baxter and Miss Loy are surrounded with an excellent cast. Connolly gives his usual fine performance. Ray Walburn, Baxter's racetrack pal, projects comedy for big laughs. The Derby race, with Bill winning, is perhaps the tensest, most exciting horse race ever screened.

With the Baxter and Loy names and the previous successes tied up with Capra and Riskin, plus Hellinger's name, showmen should have little difficulty doing business. Production code seal No. 114. Running time, 114 minutes.

# Looking 'Em Over

## "Loyalties"

*(Associated Talking Pictures-Auten)*

The Galsworthy play has been converted into a generally entertaining film. While the picture is not comparable to the play as a dramatic work, it has been kept reasonably faithful to the original. The glaring fault the production reveals—in fact, the chief fault that may hamper its success in America—is the British speech of the players, which is at times difficult to make out. There are several members of the cast who can plead "not guilty" to this charge, notably Basil Rathbone and Joan Wyndham.

Rathbone, as Ferdinand de Levis, a wealthy young Jew, who is the pivotal character of the play, dominates the picture. He plays with an intensity that gives conviction to the part. Incensed at the theft of a large sum of money at a house party, he demands that an investigation be made by the police. He has every reason to suspect Miles Mander, an army captain pressed for cash. Smarting under an insult from Mander referring to his race, Rathbone refuses to retract his charge.

Mander, who really stole the money, is forced to bring a libel action against Rathbone against his wishes. When the captain's attorneys, tracing the serial numbers of some of the stolen bills, discover not only that their client is guilty of the crime but that he used the money to mollify the father of a girl with whom he was indiscreet, they ask the court that the case be dropped. They are afraid that if they go on with the case the story of the young woman will come to light. Even so, Mander faces prison for theft. Seeing no way out, he leaps to his death as he is about to be arrested.

The racial angle should no more be a problem in exploiting this picture than in the case of "The House of Rothschild." The question of animosities is kept in the background.

The picture has been given a good production and fine settings.

Also in the cast are Heather Thatcher, Philip Strange and Alan Napier. Basil Dean's direction is commendable.

No code seal. Running time, 74 minutes.

## Deans Sign for Short

Jerome ("Dizzy") Dean and Paul ("Daffy") Dean yesterday signed a contract to make a Vitaphone short at the Brooklyn plant. Work is expected to start Nov. 1 and Roscoe Ates and Shemp Howard will be included in the cast. The picture is "Dizzy and Daffy."

## Advisors Installed By Central Casting

Hollywood, Oct. 25.—Campbel MacCullough, head of Central Cast ing Bureau, today formally installe the newly formed advisory counc of the agency at a luncheon in th board room of the Hays organizatio here. Among the guests were civic social and educational leaders.

MacCullough told the assemblag the purpose of the council is to con sider the sociological and economi aspects of the work of extra players He said the body will have free ac cess to the bureau's records and wil be called upon from time to time fo solution of problems affecting extras 8,000 of whom he said were regis tered with the bureau with wor available for only 350 a day.

In describing the scope of the bu reau, MacCullough stated it extend annually more than $2,500,000 in earn ings on which no commission is re ceived, having paid out in its eigh years of existence more than $20, 000,000.

Under the present setup, MacCul lough said, Central Casting is ex tending its activities beyond the ob taining of employment by enlisting th assistance of the civic welfare orgar izations for needy players.

## "Wimpole" Big in Montreal, $12,50

(Continued from page 6)

**"WAGON WHEELS" (Para.)**
CAPITOL—(2,547), 25c-35c-40c-50c-60c, days. **Gross:** $9,500. (Average, $9,500)

**"HAVE A HEART" (M-G-M)**
LOEW'S—(3,115), 30c-40c-45c-57c-75c, days. Stage: Arthur Tracy; Al. Verdi Co.; Sid Page & Co.; Mattison Rhythms Walter Walters & Co.; Heise & Husak Don Francesco & Co. **Gross:** $12,500. (Aver age, $10,500)

**"THE BARRETTS OF WIMPOLE STREET" (M-G-M)**
PALACE — (2,600, 34c-40c-50c-60c-75c, days. Added: "Holland in Tulip Time. **Gross:** $12,500. (Average, $11,000)

**"ONE NIGHT OF LOVE" (Col.)**
**"GIRL IN DANGER" (Col.)**
PRINCESS—(2,272), 30c-35c-50c-65c, days. **Gross:** $4,500, 3rd week. First tw weeks, $16,000. (Average, $6,000)

## McLeod Does Survey Of N. O. for MPTOA

New Orleans, Oct. 25.—Harry McLeod has been instructed by E Kuykendall to make a survey of Ne Orleans, looking toward holding th M.P.T.O.A. convention here tw weeks before Mardi Gras in the sprin of 1935. Seymour Weiss, manager c the Roosevelt Hotel, has volunteere assistance to McLeod.

Kuykendall is reported to have sai if sufficient inducements are made t he association as to accommodation he will cast his vote in favor of Ne Orleans.

## Louis Hyman on Coast

Hollywood, Oct. 25.—Louis Hy man, general manager of Principa Pictures Distributing Corp., has ar rived from New York by plane. H has been approving contracts on th Sol Lesser film, "Peck's Bad Boy, for the past two months.

## Flash Review

*The Silver Bullet*— . . . has little t excite audiences past the childhoo stage. It is quite routine in every de partment.

*This film will be reviewed in full in later issue of* Motion Picture Daily.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 100 NEW YORK, SATURDAY, OCTOBER 27, 1934 TEN CENTS

## RCA Victor Will Remove All Flywheels

### Exhibitors Notified New Parts Now Being Made

RCA Victor is to begin immediately the replacement of flywheels which infringe on the American Tri-Ergon patents held by William Fox. Notice to this effect has been sent to users by E. T. Cunningham, president.

Some replacement parts are available, the letter states, and additional quantities are being manufactured. The service staff is to be enlarged to speed the work.

Cunningham's letter follows:

"To reassure all users of RCA Photophone and RCA Victor sound

(*Continued on page 4*)

### Trustees Asked for Art Cinema Windup

WILMINGTON, Oct. 26.—A bill for the appointment of trustees in the dissolution of Art Cinema Corp., which filed a certificate of dissolution in Dover last Tuesday, was filed today in Chancery Court by Harry Buckley of New York, a stockholder.

The bill recommended that William Jasie, Dennis F. O'Brien, and William H. Phillips, directors of the corporation, be named as trustees. The corporation owns stories, plays and other literary properties as well as finished films. It also has shares in United Artists Corp., and, through a subsidiary, owns property in Culver City.

### "Wimpole" Grosses $182,390 in Month

Four weeks of "The Barretts of Wimpole Street" at the Capitol netted the Broadway house a total of $182,390. For the last week, the M-G-M picture took in $26,830.

At the end of the first seven days, the tally was $65,860; for the second stanza, $46,000; the third week, $43,700.

"Judge Priest" at the Palace garnered a profitable $14,500 on the week's run. Second week of "Happiness Ahead" at the Strand ended with $10,592.

### Justice Department Not to Aid Picture

WASHINGTON, Oct. 26.—The Department of Justice today "cracked down" on a suggestion that a film be

(*Continued on page 4*)

# Reorganization of RKO Started, Court Is Told

### *Progress to Depend on Company's Earnings, Says P. E. Mead*

Development of a plan of reorganization for RKO has been begun and its progress is expected to be limited only by the rate of improvement in the company's earnings, Paul E. Mead, head of the bankrupty division of Irving Trust Co., told Federal Judge William Bondy yesterday.

Mead's statement was made in reply to Samuel Spring, counsel for RKO creditors, who requested information as to what progress was being made toward a reorganization. Mead at first declared that the development of a plan of reorganization was the province of creditors and not of the trustee, the Irving Trust Co., but later stated that the trustee had been advised that reorganization con-

(*Continued on page 3*)

## Re-argue $800,000 Para. Fees Monday

A re-arguing of the petition for allowances aggregating approximately $800,000 for services in connection with the Paramount Publix bankruptcy has been scheduled by Special Master John E. Joyce for Monday. The petition was originally argued on

(*Continued on page 4*)

### *Admit ITOA Handled Union Code Affairs*

Further hearings yesterday before Referee Robert McC. Marsh in the suit of Local 306 to prove that Allied M. P. Operators' Union is controlled by the I.T.O.A. and comes under the "company union" classification yesterday developed the fact that I.T.O.A. officers represented the Allied union in the code hearings at Washington.

Harry Brandt, on the stand, testified this was done to save the Allied union expense and that the union paid $1,500, one-tenth of the cost of the hearings, under the terms of a verbal contract.

### *Interstate Employes Receive 10% Raises*

HOUSTON, Oct. 26.—A salary increase from 10 to 25 per cent has been given about 30 employes of Interstate

(*Continued on page 3*)

## Equity-Guild Deal Provides For Autonomy

Absolute local autonomy for the Screen Actors' Guild, modified only by the constitution and by-laws of the American Federation of Labor, is provided for in the guild's affiliation agreement with the Actors' Equity Ass'n, Frank Gillmore, Equity president, said yesterday.

Such major policies as a "closed shop" for screen actors and restrictions on the engagement of "foreign" players, such as are imposed by Equity, will, therefore, be decided by the guild itself if and when the affiliation with Equity becomes a fact. Equity has a closed, or "Equity shop" and stipulates that there must be a six-month interval between engagements for all foreign stage players.

Gillmore said he would be unable to state whether guild members would be obliged to become members of

(*Continued on page 4*)

### *Say Exchanges Push Texas Scale Boosts*

DALLAS, Oct. 26.—Exchange men, not Interstate Circuit, are the instigators in Texas of a movement to hike prices next season, described by Col. H. A. Cole, Allied leader, in a recent interview to MOTION PICTURE

(*Continued on page 3*)

### *Heavy by Contract*

**Hollywood, Oct. 26. — A clause in Harvey Stephens' new contract with M-G-M carries the stipulation that the actor will definitely not be groomed for leading man roles. He wants to be typed as a heavy.**

## Fox Wins New Move in Probe Of Theatre Co.

William Fox has won a move in his fight to have the receivership of Fox Theatres Corp. probed in the courts. The Appellate Division has reversed the Supreme Court and has decided that William E. Atkinson, president of Fox Theatres, can be examined on the history of the receivership.

Fox contends that the theatres corporation, the Chase National Bank and

(*Continued on page 3*)

### *Mermaid Loses Suit To General Talking*

General Talking Pictures Corp. has won a counter suit against Mermaid Cinema Corp., operators of the Mermaid, Coney Island.

The Mermaid removed a DeForest

(*Continued on page 3*)

## *Warners May Extend Film Rating Policy Generally*

Segregation of pictures for adults only and for family entertainment may extend to all Warner theatres throughout the United States, dependent upon the early reaction to the step inaugurated in the circuit's Philadelphia zone yesterday.

Warner executives have set aside 10 days, they declared, in which to study the . efficacy of the experiment launched in the Quaker City. If they are convinced that the plan is workable, as well as practicable from a straight business view, it will step out of the localized theory classification and reach into Warner houses nationally. Presumably, that means the Strand on Broadway as well as Strand in Brooklyn.

In the meantime, it was stated, announcement of the inception of the scheme for the Philadelphia zone had been met with widespread editorial and civic endorsement in that city.

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## Walter Connolly Injured

Hollywood, Oct. 26.—Walter Connolly suffered a broken rib during scenes of Paramount's "Father Brown, Detective." The actor, however, was taped up on the set and continued working. The company was working at the Fox studios.

## Nathanson Heads Drive

Toronto, Oct. 26.—N. L. Nathanson, president of Famous Players Canadian Corp., has accepted the presidency of the forthcoming annual drive of the Federation of Jewish Philanthropies.

## Kalmine to Open Two

Pittsburgh, Oct. 26.—Harry Kalmine, zone manager for Warners, has decided to reopen two houses in this territory for week-ends. They are the Hollywood, in Dormont, and the Ritz in New Kensington.

## M-G-M Gets June Knight

Hollywood, Oct. 26.—M-G-M has signed June Knight, formerly under contract to Universal, to a long term contract. Her first role will be in "Broadway Melody of 1935."

## Press Books for Shorts

Warners are compiling press books to accompany the releases of the 13 "See America First" short subjects. The press books will be identical with those turned out on feature releases.

## Fox Is Speeding Up On Production Work

Hollywood, Oct. 26.—Production has been speeded up at Fox following a light summer season during which the studio averaged only four pictures each week. This week the studio has eight in production, including: "Helldorado," "Lottery Lover," "The County Chairman," starring Will Rogers: "Bright Eyes," starring Shirley Temple: "Insure Your Wife," a Spanish production: "Twenty-Four Hours," and "Thunder in the Night," Erick Pommer's next production.

Scheduled to start within the next two weeks are: "Dante's Inferno," and "One More Spring," starring Janet Gaynor and Warner Baxter.

## Pickets Found Guilty

Eight pickets who were arrested in front of the Globe Theatre on Oct. 17 have been found guilty of disorderly conduct by Magistrate Richard F. McKiniry in West Side Court. They received suspended sentences. Witnesses testified that the defendants, with nine others, blocked the theatre entrance. Magistrate McKiniry held that their action was mass picketing.

## To Show "Inca-Cuzco"

"Inca-Cuzco," record of the Bingham expedition to Cuzco, Peru, and of the visit of the Prince of Wales there is to be shown at the H.E.R. Laboratories next Wednesday night. It is being distributed by Inter-Continent Film Corp.

## War Film Is Revamped

"World's First War," a new edition of "Forgotten Men," is being released by Samuel Cummins and Jacques A. Koerpel through First Division.

## War Film to Rialto

"The First World War," produced by Truman Talley and Laurence Stallings of Fox Movietone News, will open at the Rialto Nov. 8.

## Kutinsky's Father Dead

William Kutinsky, father of Morris, who operates the Community, Queens Village, L. I., is dead after a long illness. He was buried yesterday.

## Toronto Confession Reopens Bomb Case

Toronto, Oct. 26.—The stench-bombing case of the Cum-Bac Theatre, on Labor Day, 1933, took a further sensational turn when Albert Gold, chief witness against two accused men, Lew Kendall and Fred Pitton, in the original proceedings, testified that he had committed the crime and not the two who had stood trial.

Kendall, who had been sentenced to one year in prison, and Pitton, both Toronto operators and members of the I.A.T.S.E., were immediately acquitted by Judge O'Connell, sitting in County Criminal Court.

Another turn occurred when Gold, who had spent four months in jail awaiting the hearing, was ordered released by the judge, but he was immediately rearrested as he left the courtroom on a charge of perjury. Gold was taken to the Police Court where the case was postponed to a later date and he was released on $2,000 bail.

## Ben Steerman Married

Pittsburgh, Oct. 26.—Ben Steerman, chief auditor for Warners here, and Miriam Wald, a secretary in the circuit's local booking office, slipped away to nearby Uniontown, Pa., today and told it to a rabbi. The new Mrs. Steerman is a native Pittsburgher. Her husband's home is in Philadelphia.

## Grainger East Nov. 1

Hollywood, Oct. 26.—James R. Grainger will leave for New Orleans, Atlanta and New York following the previews of Universal's "Imitation of Life" and "Night Life of the Gods," which will be about Nov. 1.

## Maurice Harris to RKO

Maurice Harris, formerly of the Columbia exploitation department, has joined RKO as assistant to John Dowd, handling exploitation in RKO theatres.

## Feist Back to Coast

Hollywood, Oct. 26.—Felix Feist will return to Hollywood Sunday night aboard the *Santa Helena* following a 10-day business trip to New York.

## Eastman Off 2¼ on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 34½ | 33⅝ | 34½ | — ⅝ | 400 |
| Consolidated Film Industries | 3½ | 3⅜ | 3⅜ | — ⅛ | 200 |
| Consolidated Film Industries, pfd | 15⅝ | 15½ | 15½ | ..... | 500 |
| Eastman Kodak | 104¼ | 103 | 103¾ | —2¼ | 1.000 |
| Eastman Kodak, pfd | 142¼ | 142¼ | 142¼ | — ¾ | 10.000 |
| Fox Film "A" | 12⅝ | 12 | 12¼ | — ½ | 1,300 |
| Loew's, Inc. | 29⅛ | 28¼ | 29 | ..... | 6 800 |
| Paramount Publix | 4 | 4 | 4 | ..... | 7,900 |
| Pathe Exchange | 1¼ | 1⅛ | 1¼ | + ⅛ | 1,100 |
| Pathe Exchange "A" | 13 | 12¼ | 12¼ | —1¼ | 6 |
| RKO | 2¼ | 1⅛ | 2 | — ⅛ | 5.600 |
| Warner Bros. | 4½ | 4½ | 4½ | — ⅛ | 2,900 |

## Technicolor Drops Half on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 12⅝ | 12¼ | 12¼ | — ½ | 800 |

## Paramount F. L. Bonds Lose 1¼

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 7 | 6½ | 6½ | — ½ | 6 |
| General Theatre Equipment 6s '40, ctf | 6⅝ | 6⅝ | 6⅝ | — ⅜ | 2 |
| Keith B. F. 6s '46 | 62⅞ | 62⅞ | 62⅞ | + ¾ | 1 |
| Loew's 6s '41, ww deb rights | 103⅝ | 102¾ | 102¾ | — ⅜ | 9 |
| Paramount F. L. 6s '47 | 55¾ | 55¾ | 55¾ | —1¼ | 12 |
| Paramount Publix 5½s '50 | 56½ | 55¾ | 55¾ | — ⅞ | 31 |
| Warner Bros. 6s '39, wd | 58 | 57½ | 58 | ..... | 8 |

## ◀ Purely Personal ▶

William Fox, Jack Leo, George and Sam Dembow, Louis Blumenthal, Herman Robbins, Lou Metzger, Louis Phillips, Arthur Hamerslag, Jack Alicoate, Herbert Ebenstein, Henry Randel and Robert Wolf were spotted yesterday among those luncheoning at the M. P. Club.

Walter Jourmann of Vienna, a composer, and Mrs. Jourmann; and Bron Kaper of Warsaw and his wife, all composers, are at the Edison, pending their departure for the coast to start work for M-G-M.

Jack Lewis, assistant to Joseph I Breen, heads back for Hollywood tonight. He same east on the new Union Pacific speed train, but goes back on the old-fashioned regular limited.

John Boles is on his way to Hollywood with Mrs. Boles via the Panama Canal. He will start work soon in Jesse L. Lasky's "Redheads on Parade."

Jules Levy leaves Sunday on a tour of Radio exchanges. He will visit the studio where he will confer with production heads on new product.

Jack Partington of F. & M. arrived on the coast yesterday by plane from New York. Harry C. Arthur gets in today.

Edward Raftery of O'Brien, Driscoll & Raftery returns from Detroit today. He will go back to the auto city on Monday.

Mark Sandrich, Radio director and Mrs. Sandrich, with their two sons, leave for the coast today on the *Santa Paula.*

Ginger Rogers left for the coast yesterday on the 20th Century after a week's vacation here.

Robert Hurel, manager of Canadian Cinema Co., Ltd., Montreal, sails today on the *Champlain.*

Adeline Schulberg plans to fly to the coast today after several weeks here on a vacation.

Lee Marcus is in town from Hollywood and is stopping at the Essex House.

Amos 'n' Andy have been booked into the Capitol next Friday.

Eugene Picker has lost 40 pounds and says he's feeling fine.

Walter Reade returns from Florida on Monday.

## Kramer Gets New Post

St. Louis, Oct. 26.—Al Kramer, former manager and treasurer of the Ambassador, has been made manager of the Tivoli, University City, Mo., a St. Louis Amusement Co. house. He replaces Silvert Setron, who has gone to the Egyptian, Milwaukee.

## Lee Marcus in Town

Lee Marcus, short subject production head for Radio, is in town visiting his mother. He will leave for Hollywood a week from today. He arrived by plane ahead of schedule.

## "Are You Mason?" Set

"Are You a Mason?" English comedy starring Sonnie Hale and J. Robertson Hare opens Monday at the Westminster Cinema. It was made by Twickenham.

# Revamping of RKO Started, Court Is Told

(Continued from page 1)

erences had been held and would ontinue.

Judge Bondy said he had been ad-ised recently that RKO had begun o show a profit for the first time in long while and indicated that he greed with Spring in the latter's con-ention that the trustee should fur-her a reorganization plan if the com-any's earnings continued their im-rovement. Spring is counsel for S. . (Roxy) Rothafel, an RKO claim-nt in the amount of $250,000, and or Charles R. Rogers Prod., a claim-nt in the amount of $300,000.

The hearing before Judge Bondy esterday was in connection with a etition for instructions from the court n consummating the agreement re-ently worked out with Consolidated ilm Industries under which RKO is iven until May, 1938, in which to etire $1,500,000 of secured notes out-tanding. Prior to the agreement, KO was obligated to retire the notes y Jan. 1, 1935, through five monthly ayments of $300,000 each, an obliga-ion which was described yesterday y Carl Newton, of counsel for the rustee, as a "physical impossibility."

### Backed by $50,000,000 Collateral

Pointing out that the $1,500,000 of otes outstanding are still secured by ollateral having a book value of $50,-00,000 which was given to secure n original $6,000,000 obligation, udge Bondy suggested that RKO night make an appreciable saving on nterest by negotiating a $1,500,000 oan "at four or five per cent" from bank and retiring the obligation at nce, using the present collateral as ecurity for the bank loan.

"Any bank should be glad to make loan with such collateral as that," udge Bondy remarked.

Newton told the court that the trus-ee's first step was to obtain an ex-ension on the maturities and then to eek means of retiring the obligation n the manner suggested, as such a rocedure would not be prevented by e present agreement with Consoli-ated. Judge Bondy then instructed e trustee to proceed with negotia-ons for a bank loan which would ermit immediate retirement of the 1,500,000 obligation and suggested at in the meantime efforts be made o obtain a reduction from Consoli-ated on the six per cent interest alled for in the agreement. Newton eplied that Consolidated had already een asked to make such a reduction nd had refused. Judge Bondy took e agreement under consideration and expected to act on it within the ext few days.

Concurrently with the making of e present note agreement, Consoli-ated exercised a two-year option hich it held for handling 60 per ent of the RKO print work.

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## am Nelson Back on Job

Hollywood, Oct. 26.—Sam Nelson, olumbia production manager, is back his desk after two months' ab-nce during which he recovered from nervous breakdown.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## "Hell in the Heavens"

*(Fox)*

Hollywood, Oct. 26.—Dealing with the French flying squadron during the World War, this one is a good attraction, supplying plenty of dramatic thrills and spine tickling air shots. The picture packs enough tense action to hold audiences that like this type, despite its story inconsistencies.

Warner Baxter becomes commander of his squadron when his chief is killed by The Baron, a German ace. The story thread exploits the individual, private fears of the squadron members, consisting of Russell Hardie, Ralph Morgan, William Stack, J. Carroll Naish, Arno Frey and Rudolph Ament, all of whom dream of their fears at night but fight fearlessly in the air during the day. Conchita Montenegro, only girl in the cast, furnishes the romance by being in love with Baxter.

The comedy interest is adequately upheld by Herbert Mundin and Vince Barnett. The climactic windup finds Baxter accepting the challenge from The Baron. Both crash in mid-air but recover to drink a toast to each other's courage. Baxter and Miss Montenegro head for a marriage license.

John Blystone's direction is sympathetic and vital. The photography by Bert Glennon is extraordinary. Byron Morgan and Ted Parson did the script. The cast portrayals are all good. The production should hold up well with enterprising exploitation. Previewed without production code seal. Running time, 80 minutes.

# Looking 'Em Over

## "That's Gratitude"

*(Columbia)*

Here is a good, clean comedy. Based on the Frank Craven play produced on Broadway by John Golden several seasons ago, it is something that will keep the entire family in happy mood. The story it tells is not exactly new, but it is embroidered with all those little details of human character that it seems immensely refreshing.

No straining for comic effects here, no striving after the belly laugh, but humor that is genuine and unaffected and that spreads a glow of warmth over an audience. Homey comedy best describes it.

Craven plays the chief role as he did in the stage production. He is a "legit" producer with a bad streak of luck. On tour he makes himself of assistance to Arthur Byron, a small-town business man in the grip of a stomach attack. When the show folds up he finds a haven at the Byron home. His host and his wife (Helen Ware) are sorely annoyed when Craven overstays his welcome. When he finally takes his leave he takes with him the ugly duckling daughter of the house (Sheila Manners), who has stage aspirations backed by real talent as a singer. In New York plastic surgery transforms the ugly duckling into a ravishing beauty, assuring the girl of success.

Playing a one-night stand in her home town, the young woman has the satisfaction of being welcomed with a fuss by the very people who once wouldn't look at her twice. At the end she finds her supreme happiness by eloping with the leading man (John Buckler).

Craven also adapted and directed. He has done a splendid job of it. Paired with Byron he provides some first-class fun. Also in the cast are Mary Carlisle and Charles Sabin. Every member of the cast gives a good account of himself.

Code seal No. 162. Running time, 64 minutes.

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## "The Silver Bullet"

*(Hollywood)*

"The Silver Bullet," a Tom Tyler western, has little to excite audiences past the childhood stage. It is quite routine in every department.

That old standby of the western picture, the Jekyll-Hyde town banker. is called upon again to provide the villainy. Tyler, in becoming the town's new sheriff, inherits a nice chunk of trouble. The fellow who runs the bank is using his position of trust to cover up his activities as the head of a gang of outlaws. When through a ruse they get Tyler to free one of their number, the brand-new sheriff has a lot of explaining to do. To clear himself of the suspicion of being one of the outfit, he

(Continued on page 4)

# Fox Wins New Move in Probe Of Theatre Co.

(Continued from page 1)

others brought about the receivership as part of a conspiracy against him.

He says that he personally guaranteed a payment of $1,000,000 as part of the purchase price on the Roxy theatre in 1929. The house was acquired by Fox Theatres for $2,930,-440. Fox's guarantee covered the last three installments, he says, and he is now being sued for the $1,000,000 by the Chicago Title and Trust Co., to which the guarantee was assigned.

Fox told the court he sold his controlling interest in Fox Theatres and that he came under control of Chase National. The receivership and default which followed the sale were part of a conspiracy against him, he says.

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## Mermaid Loses Suit To General Talking

(Continued from page 1)

reproducer after having made a number of payments and sued General Talking for return of the money. General Talking filed a counter claim for the balance. The case was tried this week before Justice Bonynge in the Supreme Court, Brooklyn. A jury awarded General Talking $3,400. Ephraim Berliner of Zeiger & Berliner, tried the case for General Talking.

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## Interstate Employes Receive 10% Raises

(Continued from page 1)

Theaters, Inc., of Texas, following an announcement by R. J. O'Donnell, general manager, that receipts in the Texas theatres are 10 per cent above those of last season.

Engineers received the largest increase. All cashiers, seven engineers, three assistant managers, and some 15 other employes who have been in service for more than a year, shared in the raise.

The raise for the operators is retroactive to Sept. 1, in accordance with their union agreement.

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## Say Exchanges Push Texas Scale Boosts

(Continued from page 1)

Daily, according to John Adams, secretary to R. J. O'Donnell of Interstate. Both Karl Hoblitzelle and O'Donnell, his general manager, are out of town.

Cole said that Interstate was insisting that product it plays at 40 cents top or better cannot play subsequent runs under 25 cents.

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## Reopen Cincy Terminal

Cincinnati, Oct. 26.—The Terminal, 208-seat house, located in the Union Terminal Station, which recently went dark, is being reopened by Harry Yutsi as a subsequent run spot on a grind basis. The house previously was operated by Willis Vance, president Ohio Valley Independent Exhibitors' League, who also has the Latonia, at Latonia, Ky., across the river from here.

# RCA Victor Will Remove All Flywheels

(Continued from page 1)

reproducing equipment, in view of the decisions in the American Tri-Ergon suits with respect to the so-called 'flywheel' patent, we reaffirm that we assume the full measure of responsibility undertaken by us under our contracts.

"Accordingly, we are preparing to modify all infringing soundheads installed in theatres operated by our customers so that they will not infringe. The expense involved in this work will be borne by the RCA Victor Co.

"Some replacement parts are now available and additional quantities are being manufactured. To insure prompt installation our service force is being increased. District service managers will contact all customers operating infringing devices and arrange for necessary modification promptly.

"We request you to give us prompt notice by wire, with full information thereafter by mail, of any action, by suit or otherwise, affecting the use of reproducing equipment furnished by us."

## Master Is Named for Pa. Tri-Ergon Accounting

Lewisburg, Pa., Oct. 26.—Frank H. Stross, former judge of the Northumberland County Common Pleas Court, was named special master by Federal Judge Albert W. Johnson here today to develop an accounting of profits, gains and benefits which have accrued to Wilmer and Vincent and Altoona Publix Theatres by reason of alleged infringement of the patents of American Tri-Ergon.

## *Justice Department Not to Aid Picture*

(Continued from page 1)

produced starring Melvin Purvis, Federal nemesis of John Dillinger and "Pretty Boy" Floyd.

No cooperation will be given by the department in the making of such a picture, the attorney general said, in response to questions as to whether he had received an offer said to have been made by a major producer.

"No picture will be made under our auspices, for that is not in accord with our ideas as to how we should proceed," he declared. "We have not been approached, but if we were, we would not be disposed to indulge in anything approaching sensationalism."

Paramount announced this week that Emanuel Cohen had put the scenario department to work on a story based on Department of Justice activities, but no mention was made of any effort to secure Federal cooperation.

## *O'Donnell to San Antonio*

Dallas, Oct. 26.—William O'Donnell, formerly a theatre manager in New York and brother of R. J. O'Donnell, general manager of Interstate Circuit, has left Dallas for San Antonio to join Texas Theatres.

# *Looking 'Em Over*

(Continued from page 3)

sallies forth alone to battle the gang. When his bullets fail to go off he saves himself from being shot by one of the gang by using a silver bullet given to him by his sweetheart (Jayne Regan).

Other players include Lafe McKee, Charles King and Franklyn Farnum. Bernard B. Ray directed. No code seal. Running time, 55 minutes.

## *Shorts*

### *"Flying Pigskins"*

*(Columbia)*

One of the World of Sports series that contains shots of football in all its stages. Scenes of teams working on practice fields and actual highlights of many important college games are interspersed between unusual views of football, such as sailors practicing on the deck of an aircraft carrier. Highly appropriate for this time of the year and a short that can be well recommended. Reviewed without a production code seal. Running time, 10 mins.

### *"Krazy's Waterloo"*

*(Columbia)*

In this one Krazy Kat is Napoleon and the artist's conception of the emperor's Russian campaign is shown. It should amuse audiences, particularly during the battle scenes. It can be recommended as an entertaining cartoon. Production code seal No. 153. Running time, 7 mins.

### *"Counsel on De Fence"*

*(Columbia)*

With Harry Langdon, Renee Whitney and Earle Fox in the cast, this is a pleasing short. Langdon is a dumb lawyer who saves the day for Miss Whitney, who is being tried for murdering her husband, by drinking the poison introduced as evidence in the case. The last part of the picture has Langdon struggling with stomach pumps in an amusing manner. Production code seal No. 324. Running time, 20 mins.

### *"Concert Kid"*

*(Columbia)*

A Scrappy cartoon that has Scrappy's kid brother a concert violinist. The whole reel concerns itself mostly with the two trying to extricate themselves from a wad of chewing gum. Fairly entertaining. Production code seal No. 319. Running time, 7 mins.

## Re-argue $800,000 Para. Fees Monday

(Continued from page 1)

Sept. 18 and has been under consideration by Joyce since.

Two points of bankruptcy law vital to the petitions of the Paramount trustees, Charles D. Hilles, Eugene W. Leake and Charles E. Richardson, for allowances of $100,000 each, will be argued Monday. The trustees contend that they are not subject to the bankruptcy provision which fixes allowances of trustees at one per cent of the moneys disbursed to creditors of the bankrupt and one per cent for services and also contend that they can compute their allowances on the basis of moneys paid out by subsidiaries of the bankrupt.

No moneys, at least in the form of dividends, have been paid to Paramount creditors. Attorneys for creditors of the company also allege that the moneys paid out by the subsidiaries have no bearing on the trustees' allowances as the subsidiaries are not in bankruptcy.

## *Jackson, Leyton Agents*

Hollywood, Oct. 26.—Ben Jackson, former New England exhibitor and manager of New York's Audubon, has teamed with Harold Leyton to manage actors, writers and directors here, devoting especial attention to writers.

Jackson was Fox studio manager for 10 years while Leyton was scenario head of the same studio for a similar period. A New York affiliation is to be made soon.

## "Bike Rider" Gets Indianapolis Lead

Indianapolis, Oct. 26.—"Six-Day Bike Rider" demonstrated strength last week at the Lyric by running $1,500 over par for a gross of $8,500. A vaudeville bill helped.

"Judge Priest" was the next best bet. It grabbed $3,500 at the Apollo in its third week.

Total first run business was $24,500. Average is $25,000.

Estimated takings for the week ending Oct. 20:

**"JUDGE PRIEST" (Fox)**
APOLLO—(1,171), 25c-40c, 3rd week. **Gross:** $3,500. (Average, $2,500)

**'ONE NIGHT OF LOVE" (Col.)**
CIRCLE—(2,638), 25c-40c, 2nd week. Last week at Indiana. **Gross:** $4,000. (Average, $4,000)

**"MRS. WIGGS OF THE CABBAGE PATCH" (Para.)**
INDIANA—(3,133), 25c-40c, 7 days. **Gross:** $5,000. (Average, $7,000)

**"SIX-DAY BIKE RIDER" (F. N.)**
LYRIC—(1,896), 25c-40c, 7 days. Vaudeville. **Gross:** $8,500. (Average, $7,000)

**'STUDENT TOUR" (M-G-M)**
PALACE—(2,431), 25c-40c, 7 days. **Gross:** $3,500. (Average, $4,500)

## *Rosenblatt in Omaha*

Division Administrator Sol A. Rosenblatt is in Omaha on code matters. Deputy Administrator William P. Farnsworth represented him at the last Campi meeting.

## *Mervyn LeRoys Coming*

Hollywood, Oct. 26.—The Mervyn LeRoys, accompanied by Sam Briskin, tonight left for New York, where they will examine the new plays.

# Equity-Guild Deal Provides For Autonomy

(Continued from page 1)

Equity until after the Equity counci meeting next Tuesday, when that bod is scheduled to vote on the guild affiliation agreement. It is understoo however, that the guild is opposed t Equity membership. Whether th council will approve an affiliation without such a provision is said to b problematical.

"The proposal assures the guild o absolute local autonomy withou Equity supervision of any kind s long as the constitution and by-law of the guild do not conflict with thos of A. F. of L.," Gillmore said. "Th guild would not even be a 'local' o Equity," he added. "It would be completely independent organizatio but an Equity affiliate."

Gillmore said he was optimisti concerning the chances of the affiliatio agreement being approved by th Equity council and membership an the membership of the guild. Th guild's board of governors approve the agreement last Tuesday in Hollywood.

## *Ruling Made in Two Trenton Labor Case*

Washington, Oct. 26.—The National Industrial Relations Board today passed upon cases involving employes of the Victory and Princes Theatres, Trenton, owned by the Hildinger-Bishop Co.

In the case of the Victory, tw members of the Independent Projectionists' and Stage Employes' Unio were discharged April 15 followin the consummation of a closed sho agreement with the I.A.T.S.E. Th board found that the two men wer the only employes in the group involved and had made efforts to bargain collectively with the Cosmopolitan Amusement Co. operators of th house and ruled that the company ha failed in its obligations by negotiatin an agreement with a union representing none of its employes. The cas was ordered sent to the Complianc Division.

At the Princess, one employe wa discharged upon the making of th closed shop agreement, but here it wa ruled that the management was in th right, the alliance representing th bulk of the employes.

## *Hear Whitestone Appea*

Leslie E. Thompson and Harr Hecht yesterday acted as a code appeal committee in the hearing o M-G-M, Columbia, Paramount, Bi "U", Majestic and Warners agains Abraham Drojin, John Gladstone an Henry Liman on illegal transfer o the Rialto, Whitestone, L. I.

## *Redraft Ohio Clearance*

Cincinnati, Oct. 26.—A redraf of the clearance schedule for th Greater Cincinnati, Columbus an Dayton territories is being drawn following an exhibitors' meeting here The redraft will be forwarded t Campi for approval.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 101 NEW YORK, MONDAY, OCTOBER 29, 1934 TEN CENTS

## Charges M. P. Council Aims Hit Theatres

### E. G. Levy States Short Fosters Competition

The charge that the "ultimate objective" of the M. P. Research Council's current efforts to raise a $200,000 campaign fund in furtherance of its new program calling, in the main, for abolition of block booking is the promotion of "widespread, non-theatrical exhibitions" in competition with established theatres, is made by Edward G. Levy, M. P. T. O. A. general counsel, in a bulletin distributed to exhibitors on Saturday.

The bulletin contains an address on the subject made by Levy earlier before the Better Films Council of New Haven. It cites criticism of the Research Council's activities by its own

(*Continued on page 6*)

## Missouri Receipts In '33 $8,014,000

WASHINGTON, Oct. 28.—Box-office receipts of $8,014,000 were reported for last year by 278 Missouri film theatres which had a total payroll of $1,785,000, while 43 legitimate and film and vaudeville houses took in $2,242,000 and had a payroll of $765,000, the U. S. Census Bureau reported yesterday.

Reports on the leading cities showed

(*Continued on page 3*)

## *Milwaukee Picketing Ban Ended by Appeal*

MILWAUKEE, Oct. 28.—The U. S. Circuit Court of Appeals at Chicago has reversed a decision by Federal Judge F. A. Geiger granting a preliminary injunction to the Rex Theatre Corp., Sheboygan, Wis., prohibiting picketing of the house by the I.A.T.S.E. and other unions.

The injunction was dissolved on the ground that Judge Geiger had not permitted William B. Rubin, attorney for the union, to show that the operators of the theatre violated the NRA code.

## *Friedlander Named 1st Div. Vice- Pres.*

Al Friedlander has been named vice-president of First Division. He has been serving as assistant to Harry H. Thomas, head of the company, and as director of advertising and publicity.

## Gains Shown By Premiums In N. Y. Area

### *Estimated 75% of Indies Are Using Practice*

Premiums are rapidly gaining headway in New York theatres. It is now estimated that 75 per cent of Greater New York independent houses have adopted the "giveaway" policy. Exhibitors are distributing linens, glassware, ebonyware, silver sets and other household articles on an average of three nights a week, it is computed. With the increased demand for free articles, the number of premium houses has risen to about 15.

One of the chief necessities for giving away articles, exhibitors claim, is because of the staleness of pictures showing at independent theatres. Exhibitors assert that, because of increased protection demands by circuits, it is impossible to get releases until

(*Continued on page 7*)

## SMPE Expects 200 At Sessions Today

Two hundred technicians, engineers and equipment manufacturers will attend the opening of the four-day S. M. P. E. convention today at the Hotel Pennsylvania.

The high-lights of the first day's session will be addresses at a luncheon by Martin J. Quigley, Hiram Percy Maxim, president of the Amateur Cinema League, who will introduce

(*Continued on page 3*)

### *More at Work*

**Cincinnati, Oct. 28.—Industrial employment in September was 7.1 per cent greater than September of last year, according to a survey completed by the Bureau of Business Research of the Ohio State University. The gain over August was .4 per cent.**

**The record was only 1.9 per cent below the average September increase since 1929.**

## Para. Sets Plans On National Drive

Paramount home office sales executives and district and division managers, returning from a three-day session in Hot Springs, have completed plans for a national sales drive which will be announced to the entire sales force this week. According to plans developed, the drive will last three months, starting Jan. 1, with bonuses for leaders.

Among those returning today are George J. Schaefer, Neil Agnew, J. J. Unger, Charles Reagan, Milt Kusell, Robert M. Gillham, Alec Moss,

(*Continued on page 3*)

## Production Gains Slightly on Coast

HOLLYWOOD, Oct. 28.—Production for the week ending Oct. 27 registers a slight increase in feature pictures and a decrease in short subjects before the cameras.

The chart shows 38 features and seven shorts in work as compared to

(*Continued on page 7*)

## *It Took Five Seconds*

**William Fox isn't talking these days. As owner of 90 per cent of the stock in American Tri-Ergon, which has filed 22 suits against producers, distributors and film laboratories, he is keeping mum on his plans.**

**Fox appeared jovial enough when a *Motion Picture Daily* reporter approached him. Where talking was concerned, however, the Sphinx was loquacious by comparison.**

**It was an interview and it wasn't. No matter in what classification newspaper curriculum places it, the episode lasted exactly five seconds.**

**"What . . . .," was as far as the reporter could get when Fox retorted:**

**"I'm not going to do any talking."**

**"And you won't say anything about reports of a settlement in the patent situation," the reporter managed to squeeze in.**

**"No," was the reply and a signal for Fox's exit.**

**At the time, he was accompanied by his brother-in-law, Jack G. Leo.**

## Contracts Get Full Approval In Campi Vote

### *Legal Committee Rules Code Not Violated*

Contracts being used by distributors for 1934-35 product are not in violation of the code and conform to all provisions of the optional standard license agreement provided for in the code, Campi's legal committee has held.

An analysis of the various clauses was recently made by the legal committee after Code Authority had received numerous complaints from exhibitors of alleged code violations in contracts. Nathan Yamins at first was appointed to make a study of all distributors' pacts and his report, after much arguing by the legal committee and Campi members, was finally voted down.

Because it was held that a minimum vote of six, either in the affirmative or negative, is necessary for a majority vote, Campi has decided to hold a rehearing on the Boston clearance and zoning appeal involving a Brookline,

(*Continued on page 7*)

## Bank Appeals Rule On Allied Owners

Notice of intention to appeal the U. S. District Court decision denying Manufacturers' Trust Co. the right to vote the $12,000,000 Allied Owners bond indenture, for which it is trustee, in Allied's reorganization proceedings was filed in Brooklyn on Saturday.

Allied Owners, a debtor corporation under Section 77-B of the bankruptcy laws, owns the Brooklyn Paramount, Loew's Kings, Pitkin and Valencia, and theatres at Birmingham, Ala.,

(*Continued on page 3*)

## *Consolidated Net on Quarter Is $187,841*

Consolidated Film Industries, Inc., reports a consolidated net income of $187,841 for the quarter ending Sept. 30. This is after depreciation and Federal income taxes, and compares with $320,782 for the previous quarter. For the nine months ending Sept. 30 the net income was $824,404, or 43 cents a share on the common, as against $716,478, or 22 cents a share on the common, for the same period in 1933.

MOTION PICTURE
DAILY

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## Leap Kills A. M. Elliott

DETROIT, Oct. 28.—Arthur M. Elliott, lately connected with the Trendle booking combine here and prior to that local RKO branch manager, died in a fall from the seventh floor of the Hotel Detroiter. The death was listed as a suicide. Business and other difficulties were given as the cause of his action, although he left no notes. He was 42 and divorced. The Variety Club here will handle the burial.

## Carl Schwarz Passes

DENTON, Md., Oct. 28. — Carl Schwarz, 54, owner of the Dentonia Theatre, independent first run here, died in the office of Dr. E. Paul Knotts of a heart attack. Schwarz moved to this city about two years ago from Bridgeville, Del.

## Warners' Lake Opened

CLEVELAND, Oct. 28.—Warners Lake, closed all summer, has reopened with a second run policy. John Manuel, formerly manager of the Kenton Theatre, Kenton, is in charge. The house will play full weeks and split weeks depending upon the program.

## Schwartz Leaves Hospital

CLEVELAND, Oct. 28. — Ernest Schwartz, recovering from bullet wounds received five weeks ago, has left the hospital and is now at his home.

# Insiders' Outlook

INTERESTING, very interesting, is the Warner experiment now under way in Philadelphia. That circuit's executives are determining which pictures are suitable for adults only and which for family entertainment. The "A" symbol for the former and the "F" for the latter are designed to aid discriminating picture fans in picking their attractions as they go. The idea, provided the judgment exercised in the selectivity process is impartial, has a very good chance of levelling off one of the tough spots in the road which the business is traveling in these times. . . .

▼

One of the troubles long has been the impression still current in the minds of some producers that every attraction they turn out in Hollywood is suitable for the complete range of humans to see. Of course, that is incorrect. There are certain kinds of vehicles which are strictly adult entertainment. On the other hand, one of the widespread complaints from outsiders looking in is that the heads of families have difficulty in learning what or what not to send their children to see. A designation, such as in the Warner experiment, at least gives the paying public something it is entitled to know. . . .

▼

It does not necessarily follow that too devout attention will be paid the idea. There will be the heads of many households who will be too busy or too negligent to follow through. There will be others who may resent the cataloguing of pictures and who may view any segregation as an invasion of their prerogatives. Yet there will be, for there must be, untold others who will cheer loud and long for being supplied some sort of an answer to the pressing social and moral problems inherent in films as the popular form of amusement for juveniles. . . .

▼

On the other hand, experience only will furnish the answer to the question if the classification plan will keep youngsters from flocking to the adult entertainment from which a scheme such as this endeavors to keep them. The old wheeze about forbidden fruit is as new as ever it was. But far and away the major benefit, as this column sees it, is that any "A" and "F" system will tend to keep the exhibitor clear of trouble. Reasonably enough, there is little a theatre operator can do beyond stamping types of pictures for certain types of audiences. If those audiences want to attend anyway, they will, accompanied by parents or not, unless the law against minors is strictly invoked. In that case, however, the responsibility will shift itself from exhibitor to parent where the burden of the job belongs in the first instance. . . .

▼

Nobody is talking, but many locally are speculating over the extent of the tieup between Wilentz and Allied. David T. is the attorney-general of New Jersey who tried and lost a code clearance case for the Ellwood in Newark versus Warners. Percolating is the yarn he will again attempt to become active in picture matters once the Bruno Hauptmann trial, which he will prosecute, is cleared. Up the line from the New Jersey code advisory committee to Campi, the all-highest, were the rulings against Wilentz in the Ellwood matter. He made an appeal to Washington which, so far as NRA and the film business goes, means Sol A. Rosenblatt. The deputy administrator advised Wilentz to forget it in view of the three unanimous ve
dicts against him. . . .

▼

Wilentz, however, is in t
open with the statement he has
peeve to settle. What form h
implied reprisal will take is whe
the conjecture enters, but so
indications are around he w
pick up code cudgels for Jers
Allied when Hauptmann is d
posed of one way or another.
true, this, almost automatical
would throw the honorable att
ney-general in conflict with Wa
ners about whom Wilentz on
made his sentiments very cle
It was a public utterance and
was not complimentary. . . .

▼

The mist and the fog surroun
ing Fox Met and the volum
written around its future do
seem to be bothering Geor
Skouras unduly any longer,
though time was when Geor
was worried. The tip begins a
ends in the 10-year pooling a
rangement signed between Sko
ras and A. H. ("Century Ci
cuit") Schwartz covering
Long Island theatres. . . . Post
exchanges are huddling the
days and are visibly excited a
excitable. . . .

KAN

## Pathe "A" Up One on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Consolidated Film Industries | 3½ | 3½ | 3½ | + ⅛ | 200 |
| Consolidated Film Industries, pfd | 15½ | 15⅜ | 15⅜ | — ⅛ | 400 |
| Fox Film "A" | 12¼ | 12¼ | 12¼ | ..... | 100 |
| Loew's, Inc | 29 | 28¾ | 28¾ | — ¼ | 1,100 |
| Loew, Inc., pfd | 36½ | 36½ | 36½ | + ⅝ | 100 |
| Paramount Publix, cts | 4 | 4 | 4 | ..... | 600 |
| Pathe Exchange | 1⅛ | 1⅛ | 1⅛ | — ⅛ | 300 |
| Pathe Exchange "A" | 13¼ | 13 | 13¼ | +1 | 200 |
| Warner Bros | 4½ | 4½ | 4½ | ..... | 900 |

## Trans Lux Lone Curb Issue

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Trans Lux | 1⅞ | 1⅞ | 1⅞ | ..... | 100 |

## Loew Bonds Gain Eighth Point

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 6½ | 6½ | 6½ | ..... | 1 |
| Keith B. F. 6s '46 | 63 | 62½ | 62½ | — ⅜ | 11 |
| Loew's 6s '41, ww deb rights | 102⅞ | 102⅞ | 102⅞ | + ⅛ | 1 |
| Paramount F. L. 6s '47 | 55½ | 55½ | 55½ | — ¼ | 5 |
| Pathe 7s '37 ww | 99 | 99 | 99 | ..... | 2 |
| Warner Bros. 6s '39, wd | 58 | 58 | 58 | ..... | 5 |

# Purely Personal

HERMAN BAHR has sold
semi-classical operetta, "The
low Nightingale," to Paramount a
future BING CROSBY vehicle.

ALINE MACMAHON has cut short
vacation here and is on her way
Taos, N. M., for two or three we
of rest.

SHIRLEY ROSS, M-G-M cont
player, is en route here from the c
for stage and radio work.

BEN LUCIEN BURMAN's "Steamb
'Round the Bend" has been purcha
by Fox.

## Tucker Welcome Growi

The list of guests who will att
the Welcome Home beefsteak din
to be tendered Sophie Tucker by
American Federation of Actors
Mecca Temple Nov. 3 is growing.

The guests who will sit on the
include:

Judge Aaron J. Levy, Max Gor
Daniel Frohman, Fannie Hurst, Ju
Lester Patterson, Bugs Baer, Gr
Whalen, William Morris, Joe Lau
Jr., Gene Buck, Harry M. War
Eddie Cantor, Walter Huston, V
Rogers and Adolph Zukor.

## Filming George V Reig

LONDON, Oct. 28.—"The Reign
King George V" is being prepared
London Films for release through
the British Empire at the celebrat
of the jubilee which will mark
monarch's 25 years on the thr
Winston Churchill is doing the sc
and Alexander Korda will direct.

## ᛁMPE Expects 200 At Sessions Today

(*Continued from page* 1)

s. Frances Taylor Patterson, di-
or of photoplay appreciation at
umbia University.
'he morning session will include
ety business and election of
ers for 1935, to be followed by the
ling of the following papers: "The
atregoers' Reaction to Audible
ture As It Was and Now," by M.
l; "Current Developments in Pro-
tion Methods in Hollywood," by
G. Tasker; "The Use of Motion
tures for Visual Education in New
k Schools," by Miss R. Hock-
ner, director of visual education,
v York, and "The Production Sit-
on in Russia," V. I. Verlinsky,
kino Corp.
'his session will be followed by the
cheon in the Roof Garden, at which
gley, Maxim and Mrs. Patterson
deliver their addresses.
'he afternoon session will include
following talks: "New Develop-
its in Micro Motion Picture Tech-
" by H. Rosenberg; "Some Tech-
al Aspects of Wild Animal Photog-
hy," by Martin Johnson; "X-Ray
ematography," by R. F. Mitchell,
l & Howell Co.; "Roentgen Cine-
tography," by R. F. James, West-
house Lamp Co., and "Application
X-Ray Photography in Industrial
velopment Work," by J. R. Town-
d, Bell Telephone Lab.
'he evening session will be turned
r to a showing of current pictures.

### Kunzman Here for Meeting

William Kunzman of National Car-
Co., Cleveland, is in town. He
l attend the four-day S.M.P.E.
sion which gets under way today at
Pennsylvania Hotel.

## ank Appeals Rule On Allied Owners

(*Continued from page* 1)

emont, O., and Glens Falls, N. Y.
$23,000,000 claim against Para-
unt Publix, based on the construc-
n and leasing of these theatres for
ramount, was recently settled and
l be made a part of the Paramount
blix plan of reorganization.
n the event the U. S. Circuit Court
Appeals upholds the Manufacturers'
ust appeal the bank would have the
st important voice in the reorgan-
tion of Allied Owners, as the $12,-
,000 of Allied bonds outstanding,
which the bank is trustee, repre-
its virtually all of the secured in-
tedness of the company.

## ara. Sets Plans On National Drive

(*Continued from page* 1)

n Velde, Herman Lorber, Arthur
nne, Knox Haddow, Fred Leroy,
k Roper and G. B. J. Frawley.
Other topics discussed at the south-
session were future sales policies,
n problems and sales cleanups.

### Sign Circuit Deal

Paramount has signed the Seider-
sey & Wheeler circuit on Long
and for its entire output. About 30
uses are involved in the deal closed
Henry Randel, Brooklyn and Long
and branch manager for Paramount.

# *What N. Y. Critics Think*

## *"Have a Heart"*

(*M-G-M*)

*American*—. . . . is one of those sob-and-smile combinations aimed right for the emotions, and usually finding a sure soft spot in the heart of its audience. It's sweet.

*Daily News*—. . . a sweetly sentimental piece that depends for its love interest on Jean Parker and James Dunn, and for its laughs on Una Merkel and Stuart Erwin. The film is called "Have a Heart" and it is possessed of a quality to be found in the Pollyanna tales.

*Evening Journal*—And the story fashioned for the occasion is a sentimental little piece for those who like to weep softly over the fictional vicissitudes of their screen heroines.

*Sun*—. . . has one of these, a mild little business called "Have a Heart," and it's a painfully sugary concoction.

*Times*—To triteness, saccarinity, hokum and sentimentality the new film at the Mayfair must plead guilty.

*World-Telegram*—Although sweetness and sentiment are drawn out almost to the point of pain in "Have a Heart," and though it is out of a simple and familiar mold—it is fair enough screen entertainment.

## *"Judge Priest"*

(*Fox*)

*American*—Mr. Rogers outdoes himself in the characterization of the gentle, foxy old Judge, and we hope he'll stay Southern instead of Middle-West or New England. But for all his scintillance in this star-spangled part, he must take Henry B. Walthall with him for every bow. . . . Both script and sets are well-nigh perfect and John Ford's direction is a great attribute.

*Daily Mirror*—You will enjoy the weep of your life at "Judge Priest." It's great entertainment. Don't miss it.

*Daily News*—This happy combination of the right players, the right author and scenarist and the right atmosphere makes this production one for your movie list.

*Evening Journal*— . . . Rogers' best, a heart-warming and genuinely moving glory of a sleepy Southern town in the nineties.

*Herald-Tribune*— . . . Nor can it be set down as one of Mr. Rogers' most enthusiastic fans. Nevertheless, it seems to me that in its sentimentally humorous way, "Judge Priest" is a decidedly entertaining motion picture that is easily the best thing the great Jeffersonian Democrat has yet contributed to the screen.

*Post*— . . . Very much a Will Rogers picture and one of the distinctly better ones. The comedian is wistful, homely and philosophic by turns, and his propensity for occasionally stepping over the borderline into coydom (if there is such a place) has been curbed not only by the dialogue but by the resourceful and level-headed direction of John Ford, who has equipped the picture with neat variations and a rousing staged climax.

*Sun*—It seems pretty safe to come right out and recommend "Judge Priest" to every moviegoer as grand, well-written, shrewdly acted comedy drama. It uses all the tricks and arts of hokum, from flag-waving to beautiful orphan daughters; and it's got more sturdy laughs in a reel than you can find in half a dozen comedies, including "The Merry Widow."

*Times*—The photoplay which Fox has assembled around Dr. Will Rogers, the eminent newspaper columnist, presents the cowboy Nietzsche in one of the happiest rôles of his screen career. . . . Also fortunate in its staging and in the superior direction of John Ford.

*World-Telegram*—Nothing could be much simpler than the story of "Judge Priest." . . And by the same token nothing could be much more delightful and entertaining.

## *"Little Friend"*

(*Gaumont-British*)

*American*—It is a tense story, well told by Director Berthold Viertal, and exquisitely played by the young dramatic artist, Nova Pilbeam, supported by a well-chosen cast of adults. The fourteen-year-old Nova contributes a portrayal that is hall-marked with sincerity and skillful artistry that may well set a goal for her elders.

*Daily Mirror*—It is a substantial and powerful story of a child's shattered world, heroic, pathetic and infinitely sensitive. . . . Nova Pilbeam . . . is a matchless artist.

*Daily News*—Little Miss Pilbeam's performance is so highly competent that she wrings the hearts of the beholders and brings tears of sympathy to their eyes.

*Evening Journal* — Charming, unaffected and responsive to the intelligent direction of Berthold Viertel, she makes the . . . picture this week engrossing entertainment.

*Herald-Tribune*—. . . Nova Pilbeam is of vast help to the occasionally overwrought but decidedly effective drama of marital disarrangement.

*Post*—Certainly the selection of Nova Pilbeam was a stroke of casting. This fourteen-year-old actress has the wistful appeal that strikes straight to the heart; her acting is irresistible in its unaffectedness, and the very qualities which she brings to the role poignantly reveal the dramatic crux which the authors have injected into the story. . . . The picture is a wise and sympathetic treatment of divorce as it affects the offspring. It is written with style and insight, and expertly directed by Berthold Viertel.

*Sun*—. . . one of the most human and poignant pictures of the year. . . . "Little Friend" is inconceivable without the presence of Nova Pilbeam, the fourteen-year-old actress whose performance shines through the entire picture. She plays with a depth and sincerity almost unique in motion pictures.

*Times*—. . . played in a style of directness and enormously effective simplicity by 14-year-old Nova Pilbeam. Under Mr. Viertel's penetrating guidance, the drama has been rigidly purged of the gaudy emotionalism which the theme invites. . . .

*World-Telegram*—A deeply moving story of the bewilderment, fear and indecision of a girl of 14 struggling to adjust herself to her parents' divorce is told with shocking honesty. . . .

Its principal role is played with uncanny intuition and skill by a 14-year-old English girl named Nova Pilbeam.

## *"Peck's Bad Boy"*

(*Fox*)

*American*—See this one—and take the kids along. It's fun for the whole family, with a tear or two tossed in to emphasize the laughs. Adapters, directors and cast have caught the spirit with which the piece is endowed and have made it as much an American screen classic as it has been a popular story during a quarter century or more.

*Daily Mirror*—This refreshing and understanding movie about the ancient troubles of the very young is a fine vehicle for Jackie Cooper.

*Daily News*—While it may have lost some of the fun of the original, the picture has gained something in dramatic effect.

It is a nice, homely little comedy with several touching episodes***.

*Evening Journal*—And, told with sympathy, and understanding, "Peck's Bad Boy" is an entertaining little drama for and about children, with Jackie Cooper once again demonstrating that he's one of the screen's most natural actors.

*Herald-Tribune*—"Peck's Bad Boy" is no doubt a pleasant little motion picture that you should enjoy quite ecstatically, provided you are: (1) feeling very homespun, or (2) conscientiously taking your young son to a clean film, or (3) given to nostalgic sighs over the joys of your own childhood.

*Post*—***may have been intended by the producers to be a hilarious sketch of a boyhood, but it turns out to be a pedestrian affair with nothing to redeem it but the aforementioned Master Cooper's ability to play tremolo on his vocal cords.

*Sun*—It is a mild drama of a small boy and his father***.

Jackie Cooper plays young Bill, and plays it with his usual moving combination of small-boy comedy and sympathy.***

A more forceful handling of the climactic situation would have made the picture much more important.

*Times*—Shrewdly arranged by Sol Lesser for the sentimental needs of a vast popular audience, the new edition of George W. Peck's book aims to please, and it succeeds admirably.

*World-Telegram*—***reasonably entertaining little human interest story. Although the film is paced a little too slowly for comfort and is stretched out both unreasonably and unnecessarily, it still manages to have a nice disarming quality about it that makes it easy for one to wax sentimental over the plight of its young hero.

## *Plan Munitions Film*

Samuel Cummins and Jacques A. Koerpel are producing a new film called "War Is a Racket," material for which was gathered by the former on his recent trip abroad. The picture is described as "an expose of munitions manufacturers."

## Missouri Receipts In '33 $8,014,000

(*Continued from page* 1)

35 film and five other theatres in St. Louis, the former with receipts of $2,966,000 and a payroll of $885,000 and the latter with a box-office of $724,000 and payrolls of $434,000.

Kansas City reported 37 film houses with receipts of $2,229,000 and payrolls of $410,000 and 14 vaudefilm theatres with receipts of $735,000 and payrolls of $191,000.

Other reports included St. Joseph, seven film houses with receipts of $450,000 and payrolls of $102,000; Springfield, five film houses with box-office of $167,000 and payrolls of $43,000.

## *Clark, Wobber Push Sales Drive in West*

LOS ANGELES, Oct. 28.—John D. Clark and Herman Wobber will hold a meeting Tuesday in San Francisco of the Fox sales force as the third tour in the Kent sales drive gets under way.

On Wednesday, Clark and Wobber will be in Salt Lake City for a second meeting which will be followed by one in Denver on Thursday and another in Kansas City on Friday. From Kansas City, the Fox sales executives will go to Oklahoma City, New Orleans, Memphis, St. Louis and Omaha. Other exchanges included in the itinerary will be Des Moines, Minneapolis, Dallas, Indianapolis, Cincinnati, Detroit, Cleveland, Atlanta, Chicago and eastern branches.

### Setting "Parade" Runs

Plans are under way by Fox to open "The White Parade" in 15 key cities simultaneously during the week of Nov. 16-23.

## *LeRoys Expect Heir*

HOLLYWOOD, Oct. 28.—Mrs. Mervyn LeRoy, the former Doris Warner, daughter of Harry M. Warner, will become a mother early next year, LeRoy confided to friends Saturday before his departure for New York. The LeRoys are accompanied east by Sam Briskin and will remain there several weeks to review current Broadway shows.

## *Warners Quit at Elyria*

ELYRIA, O., Oct. 28.—Warners, who have been operating the Capitol, are relinquishing their lease, and the house will revert to John Perkas, owner. Perkas operates the Rivoli, Rialto and Dreamland, and return of the Capitol will give him 100 per cent domination of the town.

50 Million Radio Fans
Want To See Him Again
*Father Coughlin Returns To The Air Again*
The FIGHTING PARSON
A Pictorial Review of the Man of the Hour
Rev. CHAS. E. COUGHLIN
Famous Detroit Commentator
State and Foreign Rights for Sale—Metropolitan Bookings Available
INTER CONTINENT FILM CORP.
50 East 42nd St., New York City

**Another glorious triumph by the man who directed "Back Street"!**

# MITATI
# OF LIF

Starring CLAUDETTE

## COLBERT

with

## WARREN WILLIAM

### ROCHELLE HUDSON

Ned Sparks, Henry Armetta, Baby Jane, Alan Hale

•

FANNIE HURST'S Novel
made into a great JOHN
M. STAHL PRODUCTION

A
UNIVERSAL
Picture
Presented by
CARL
LAEMMLE

ON

# Charges M. P. Council Aims Hit Theatres

(*Continued from page* 1)

membership, by recognized scientists and by "the very exhibitors whom it pretends to protect."

"While the M. P. Research Council is pretending to play the game of the independent exhibitor," the Levy message states, "it is making every effort to destroy him by encouraging and demanding non-theatrical competition. The M. P. T. O. of New York," he says, "has already passed a resolution condemning the Research Council's campaign to foster and promote unfair non-theatrical competition."

Levy cites efforts made by the council to obtain recognition in the film code of non-theatrical exhibitions on a par with established theatres and quotes from memorandums said to have been issued by Dr. William H. Short, head of the council, setting forth the same objective.

He also quotes from an article published in *Theatre Arts Monthly* criticising the council's activities, written by Kate Oglesbay, whom Levy identifies as a "Little Theatre executive, a member of Mr. Short's board and said to be a close friend of Mrs. August Belmont, who has since resigned the presidency of the Council." The article quoted charges that Short was responsible for the introduction in Congress of the Patman bill providing for Federal censorship of films and quotes Short as saying that he (Short) believes Federal regulation of films as important as Federal regulation of public schools.

"Against movements honestly designed to raise the quality of motion picture entertainment there can be no legitimate objection," Levy's message concludes. "But it is necessary to distinguish them from the fund-raising activities of paid professional reformers whose aim is to cram their own notions down the throats of America."

Short could not be reached on Saturday for comment on the Levy bulletin, but his secretary stated that he had "heard of but had not seen Levy's address, so could not comment on it intelligently."

## Says Educators Lack Valuation of Films

Columbus, Oct. 28.—That educators haven't realized the power of films as a teaching element was the opinion expressed by Dr. W. W. Charters, director of educational research of Ohio State University, in speaking before the first state convention of the Ohio M. P. Council.

"Often one exposure of a film changes the attitude of children toward certain races or ideals, but this apparent change in attitude diminishes as the child becomes older," he declared.

The council executive committee, organized for the purpose of promoting cleaner pictures, and having also as an objective the elimination of block and blind booking, formulated plans to conduct a state-wide survey of juvenile delinquency in Ohio. This will include the types of pictures liked by children, how many times they visit theatre each week, and their viewpoint of the pictures which they see.

Speakers at the final sessions of the two-day meeting included Dr. B. O. Skinner, state director of education, J. Real Neth and Russell A. Bovim, manager of Loew's Ohio.

## Cincinnati Editor Hits Gilman Charge

Cincinnati, Oct. 28.—The statement that "the movies have exploited our children," made by Mrs. Robbins Gilman, president of the Federal Congress of Parent-Teacher Ass'n., before the Ohio congress at Columbus, as reported in Motion Picture Daily, has inspired an editorial by William G. Stiegler, dramatic editor of the *Times-Star*.

It reads:

". . . Any such charge about 'exploiting children' is cheap balderdash and is typical of the exaggeration, the intolerance and unfairness of the misdirected crusading spirit run wild. It is time to pin the sponsors of some of these wholesale accusations down to specific instances.

"If Mrs. Gilman or any of her equally zealous lieutenants in this deafeningly vocal battle for cleaner films will furnish the titles of any pictures which they can prove 'exploited' children in the last two or three years, this department will cooperate to the extent of publishing those names in capital letters at the head of the column to serve as a warning to parents.

"We should like to add, however, that neither the producer nor the exhibitor is responsible if films for intelligent adult audiences are attended by children whose parents are utterly indifferent to their entertainment."

The last paragraph appeared in bold face type.

## Circuit in Buffalo To Aid Legion Plan

Buffalo, Oct. 28.—Buffalo Council, Catholic Legion of Decency, has received a promise of cooperation from Buffalo Theatres, Inc., operators of five neighborhood houses, in its campaign for family entertainment on Fridays and Saturdays. The legion membership now is 65,936, Dr. Edward S. Schweigler, diocesan director, reports. Of the pledge signers, 18,724 are children and 47,212 are adults.

## End Kenton-Schine Suit

Kenton, O., Oct. 28.—Suit brought by the Kenton Amusement Co. against Schine in Common Pleas Court here seeking to compel continuation of a 20-year lease on the Kenton, and personal operation of the house, has been terminated, although parties to the action refuse to say on what basis. Suits pending in Common Pleas Court by same plaintiffs against both Schines and Warners, involving damage to the theatre property, have been settled out of court and dismissed.

The Kenton will reopen Nov. 1 under management of G. H. Foster of Marion, O.

## Opens McRae, Ga., House

McRae, Ga., Oct. 28.—All Amusements, Inc., has opened a new Princess Theatre here. "Richest Girl in the World" was the initial attraction.

# "Night" Hits Big $9,000; Denver High

Denver, Oct. 28.—"One Night of Love" is the first feature here to go from the Denver to the Aladdin for a second week. The $9,000 take at the Denver, over par by $6,000, was the cause of the move.

Usually the switch is to the Paramount across the street, where admissions are 10 cents lower.

The Orpheum had a disastrous week. "Wake Up and Dream" was jerked at the end of the third day and "Gift of Gab" was substituted. "The Lemon Drop Kid" was helped at the Denham by a stage show and Irving Aaronson's Commanders orchestra. The take reached $7,500, up by $3,500.

Total first run business was $26,500. Average is $20,500.

Estimated takings for the week ending Oct. 25:

**"CARAVAN" (Fox)**
ALADDIN—(1,500), 25c-35c-50c, 7 days. **Gross:** $1,500. (Average, $2,500.)

**"THE LEMON DROP KID" (Para.)**
DENHAM—(1,500), 25c-35c-50c, 7 days. Stage show. **Gross:** $7,500. (Average, $4,000.)

**"ONE NIGHT OF LOVE" (Col.)**
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $9.000. (Average. $6,000.)

**"WAKE UP AND DREAM" (Univ.)**
ORPHEUM—(2.600). 25c-35c-50c, 3 days. **Gross:** $1.100.

**"GIFT OF GAB" (Univ.)**
ORPHEUM—(2,600), 25c-35c-50c, 4 days. **Gross:** $2,400. (Average for week. $6.000.)

**"GIRL OF THE LIMBERLOST" (Monogram)**
MAYAN—(966), 20c-25c-30c. 7 days. **Gross:** $2,500. (Average, $1,750.)

**"DEATH ON THE DIAMOND" (M-G-M)**
PARAMOUNT—(2,000), 25c-40c, 7 days. **Gross:** $2,500. (Average, $2,000.)

# "Priest" Buffalo Smash at $21,000

Buffalo, Oct. 28.—"Judge Priest" was the week's big news, getting $21,000, or $6,700 above normal. "La Cucuracha" attracted more attention in the Great Lakes than "Madame Du Barry" did.

Total take was $47,900. Average is $44,800.

Estimated takings for the week ending Oct. 26:

**"JUDGE PRIEST" (Fox)**
BUFFALO—(3,500), 30c-55c. 7 days. Stage: Three X Sisters: Fred Sanborn; Lucky Boys; Duke McHale. **Gross:** $21,000. (Average, $14,300.)

**"RETURN OF THE TERROR" (Warners)**
**"SHE WAS A LADY" (Fox)**
CENTURY—(3,000). 25c. 7 days. **Gross:** $7,200. (Average. $6.000.)

**"MADAME DU BARRY" (Warners)**
GEAT LAKES—(3,000), 25c-40c. 7 days. **Gross:** $6,400. (Average. $10.000.)

**"CARAVAN" (Fox)**
**"YOU BELONG TO ME" (Para.)**
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $6,500. (Average. $8.000.)

**"THE DEFENSE RESTS" (Col.)**
**"STOLEN SWEETS" (Chesterfield)**
LAFAYETTE—(3.300). 25c, 7 days. **Gross:** $6,800. (Average, $6,500.)

## Call Off Warner Party

Cleveland, Oct. 28.—Because of the death of John Becorra, former manager of the Variety Theatre, the Warner Club has cancelled its Hallowe'en party scheduled for Friday.

## Lewis to Havana

Dave Lewis, administrator of M-G-M's exchange in Cuba, has returned to Havana after a two weeks' vacation here.

# "Divorcee" Is Draw in Two Coast Houses

Los Angeles, Oct. 28.—"The Gay Divorcee" demonstrated strong drawing powers both in Hollywood and downtown. At the Warner Hollywood it topped par by $1,500 for a gross of $15,500 and at the RKO downtown it went to $14,500, over normal by $6,500.

"Cleopatra," with a stage show ran up to $21,405 at the Paramount. This is up by $5,405. "Affairs of Cellini" went into the Chinese and made a good showing, $12,500 on a scale of 30c to 65c.

Total first run business was $88,805. Average is $69,200.

Estimated takings for the week ending Oct. 24:

**"AFFAIRS OF CELLINI" (U. A.)**
CHINESE—(2,500), 30c-65c, 7 days. **Gross:** $12,500.

**"BARRETTS OF WIMPOLE STREET" (M-G-M)**
LOEW'S STATE—(2,413). 30c-55c, 2nd week, 7 days. **Gross:** $11,900. (Average, $14,000.)

**"CLEOPATRA" (Para.)**
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Rube Wolf and his orchestra. F. & M. revue. **Gross:** $21,405. (Average, $18,000.)

**"THE GAY DIVORCEE" (Radio)**
RKO—(2,700), 25c-65c, 7 days. **Gross:** $14,500. (Average, $8,000.)

**"THE GAY DIVORCEE" (Radio)**
WARNER BROS. (Hollywood)—(3,000), 25c-65c, 7 days. **Gross:** $15,500. (Average, $14,000.)

**"BIG HEARTED HERBERT" (Warners)**
WARNER BROS. (Downtown)—(3,000), 25c-40c, 7 days. Stage: 6 acts vaudeville. **Gross:** $8,800. (Average, $12,000.)

**"STUDENT TOUR" (M-G-M)**
**"SCHOOL FOR GIRLS" (Liberty)**
PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $4,200. (Average, $3,200.)

## "U" After Peggy Wood

Hollywood, Oct. 28.—Universal is negotiating with Peggy Wood to star in an original operetta titled "Sing Me a Love Song." Stanley Bergerman will produce. Harris and James Mulhauser are working on the screen play.

## Sign Television Star

Hollywood, Oct. 28.—The first star of television for pictures was signed by Universal yesterday. She is Eole Galli, sister of Maria Gambarelli. Miss Galli is in New York at present.

## Close Franchise Deal

Budd Rogers, sales manager of Liberty Pictures, has closed franchise deals for the Denver and Salt Lake territories with Gene Marcus, president of Majestic Pictures, who will distribute Liberty product in those sections.

## FWC in Profit Contest

Denver, Oct. 28.—A profit-sharing contest has been inaugurated by the Intermountain division of F. W. C. and will run 14 weeks. It is called the "Employees' Profit Sharing Contest."

## Sets Four Meetings

Four meetings have been set by Allied of New Jersey. Oct. 30, Nov. 13, 20 and 27 are the dates when members will convene at the Lincoln, the unit's headquarters.

# Contracts Get Full Approval In Campi Vote

(Continued from page 1)

Mass., situation. When Campi voted on this issue, the tally was five to three, two members being absent. Code Authority members at the last meeting held a discussion of this case with the result that a rehearing and new vote was ordered.

No action was taken on the Los Angeles and Kansas City clearance and zoning schedules, indicating that both will be sent back for clarification and modification. It was expected that the Los Angeles plan would be the first approved and to be put into effect. The Kansas City outline, approved by 90 per cent of exhibitors, also was in pretty good shape except for certain clarifications.

Distributors' chief objections to all schedules is inclusion of clauses whereby subsequent runs charging the same admissions are to be given identical availabilities following prior runs. This, it is held, will create a print shortage in each key city.

One plan suggested was to follow provisions in the uniform contract whereby subsequent runs can date within 30 days after prior runs, thus eliminating minimum and maximum clearance dates. Another thought was to change the national releasing scheme so that key cities do not release on the same date. It is figured that if Chicago prints were available before Kansas City, and Kansas City before Detroit, the print shortage situation would be reduced so some extent.

In the Mason City Fontenelle case involving transfer of lease, Campi is understood to have reversed the Omaha board which certified the complaint for Code Authority action. It is understood Campi's vote was seven to three for throwing the argument back to the local board, which in all probability will dismiss the complaint.

## *Cleveland Cases Up For Campi's Ruling*

Cleveland, Oct. 28.—Two cases have been certified to Campi by the grievance board. One is an overbuying complaint of the Alden Seitz Amusement Co., Sandusky, against the Warner Ohio, that city, and the other is a complaint on the 10 per cent cancellation clause filed by Jerome Steel, Apollo Theatre, Oberlin, against RKO Radio.

Stop orders have been issued in the complaints against Sam Deutsch, Sun, Cleveland, and Erie, Cleveland, on distribution of passes. A premature advertising complaint against C. W. Bickert, Palace, Ashland, has been certified to Campi.

## *Iowa Stand on Bank Nights Is Modified*

Des Moines, Oct. 28.—Modifications of the stringent rules laid down in previous grievance cases against bank nights were noted in the decisions handed down by the local grievance board in a case just passed on. Bank nights were allowed to continue in three Iowa towns where a non-competitive situation existed, but in the fourth bank night advertising was ordered discontinued.

This was the case of J. H. Johnston of the Princess, Stuart, Ia., against G. W. Morgan of the Grand at Greenfield, A. B. Petitt of the Iowa at Winterset, Allen & Allen of the Garden at Guthrie Center and J. C. Doop of the Rialto at Stuart. Since the complainant was operating a theatre in a town other than those where bank night was being carried on, the board decided his was not a competitive situation.

However, the Norman & Keuch theatre at Sac City, Ia., the Chieftain, was ordered to end bank nights immediately on complaint of W. W. Watt of the Casino at Sac City.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Evelyn Prentice"*

*(M-G-M)*

Hollywood, Oct. 28.—Starting as a domestic problem play of a busy lawyer, William Powell, with little time for his wife, Myrna Loy, it switches to motivate Miss Loy's harmless rendezvous with a poet, Harry Stephens, and winds up as a murder mystery in a courtroom with Powell defending Isabel Jewell, who is on trial for murder, and his own wife, a self-confessed slayer.

While it appears that the novel by W. A. Woodward, from which the screen play was adapted by Howard Emmett Rogers and Lenore Coffee, had a vogue, the film creates the impression of struggling with marital and extra-marital situations not so readily filmable. Aside from the fact that the characters fail to stimulate strong sympathies to win audience favor, the production pace is draggy in spots, except for a pickup at the finish when interest and suspense are aroused.

Both Powell and Miss Loy perform well, if not wholeheartedly, with their artistry shining forth. Una Merkle contributes her distinctive brand of joy. Edward Brophy, one of the screen's funniest men, makes the most of a small opportunity. Miss Jewell has her moment and registers. Rosalind Russell seems miscast while Cora Sue Collins is cute.

William Howard's direction has difficulty rising above the story values. The photography and sound are okay.

Although the marquee names of Powell and Miss Loy should draw, the film may require previewing to secure correct exploitation angle. No code seal. Running time, 88 minutes.

## *"College Rhythm"*

*(Paramount)*

San Diego, Oct. 28.—Take Lanny Ross, Joe Penner and his duck and peppy Lyda Roberti out of the picture, previewed at the Fox Theatre here, and you have just another college picture. With this trio of stars, Director Norman Taurog has turned out a rollicking, snappy, tuneful, bangup collegiate comedy which is a natural to all audiences.

There are plenty of crack exploitation angles in the melodious tunes by Harry Revel and Mack Gordon, radio and screen names, plus timely football season tieup.

The story by George Marion, Jr., has plenty of action and laughs, although just a wee bit improbable. The plot is built around the rivalry between wisecracking Jack Oakie and bespectacled, scholarly Lanny Ross on the football gridiron and in business life. Mary Brian furnishes the love theme, but Ross finally tumbles to the fact that he is that way about Helen Mack. Hard up after graduating from college, Oakie begs a job from Ross, son of a wealthy department store owner. The fun begins when Oakie turns on the collegiate atmosphere, much to Ross' disgust. Penner is easily the hit of the picture with his duck and nonsense. The audience at the preview got its biggest laugh out of a scene where Penner makes love to Goo-Goo, his duck. No code seal. Running time, about 80 minutes, but should be cut in the stadium cheering scenes and store opening.

## *Sennett Loses Suit*

Los Angeles, Oct. 28.—Mack Sennett has lost his $35,000 suit against Myrtle Mack for injuries suffered by him in the motor crash that killed her husband, Charles E. Mack, of Moran and Mack, in Arizona in January of this year.

## *Ontario Government Drops Studio Staff*

Toronto, Oct. 28.—Dismissal of 24 of the staff of the Ontario Government film studio at Trenton, Ont., and at Toronto, has been announced by the new provincial premier, Mitchell Hepburn. Only six employes are being retained and are to be transferred to the Department of Education to handle distribution of releases that may be appropriate for educational purposes.

Among those discharged were Major G. E. Patton, director in charge, who has been on the job since the studio was established 15 years ago; three cameramen, laboratory specialists, film editor, title artists, mechanics, office clerks and others. The payroll saving will be $57,000 per year. During the past 12 months with film production at a low ebb, the studio spent $75,000 and derived a revenue of $8,000 in rentals. The studio and equipment have been put up for sale.

# Gains Shown By Premiums In N. Y. Area

(Continued from page 1)

they are too old to have drawing power.

Even two features have failed to draw, some exhibitors contend, who insist the only way to get patrons is to offer household articles to the customers. In some theatres, exhibitors have been forced to give away premiums on Saturday nights, it is stated.

"It has come to a state of affairs that unless we give away these articles we cannot exist. We have tried to discontinue them, but our box-office proved this was suicide," one operator said.

According to the code, 75 per cent of exhibitors in a given territory must vote against giveaways before they may be stopped. That the practice will be banned in New York seems remote. Not one complaint on this issue has reached the local grievance board.

While the independents look to give-aways as a business salvation, circuits in general are shying clear of them. It is reported Warners are distributing free articles in some of their New Jersey houses, but this, it is said, only holds true in a few spots. It is not a general policy but applies only in highly competitive spots, it is declared.

### Form Rex Premiums

Rex Premium Corp. has been formed with Greater New York as its field of operations.

# Production Gains Slightly on Coast

(Continued from page 1)

36 features and eight shorts for the preceding week. In the final preparation stages there are 20 features and eight shorts scheduled to get under way within the fortnight, while 49 features and 20 shorts are in the cutting rooms.

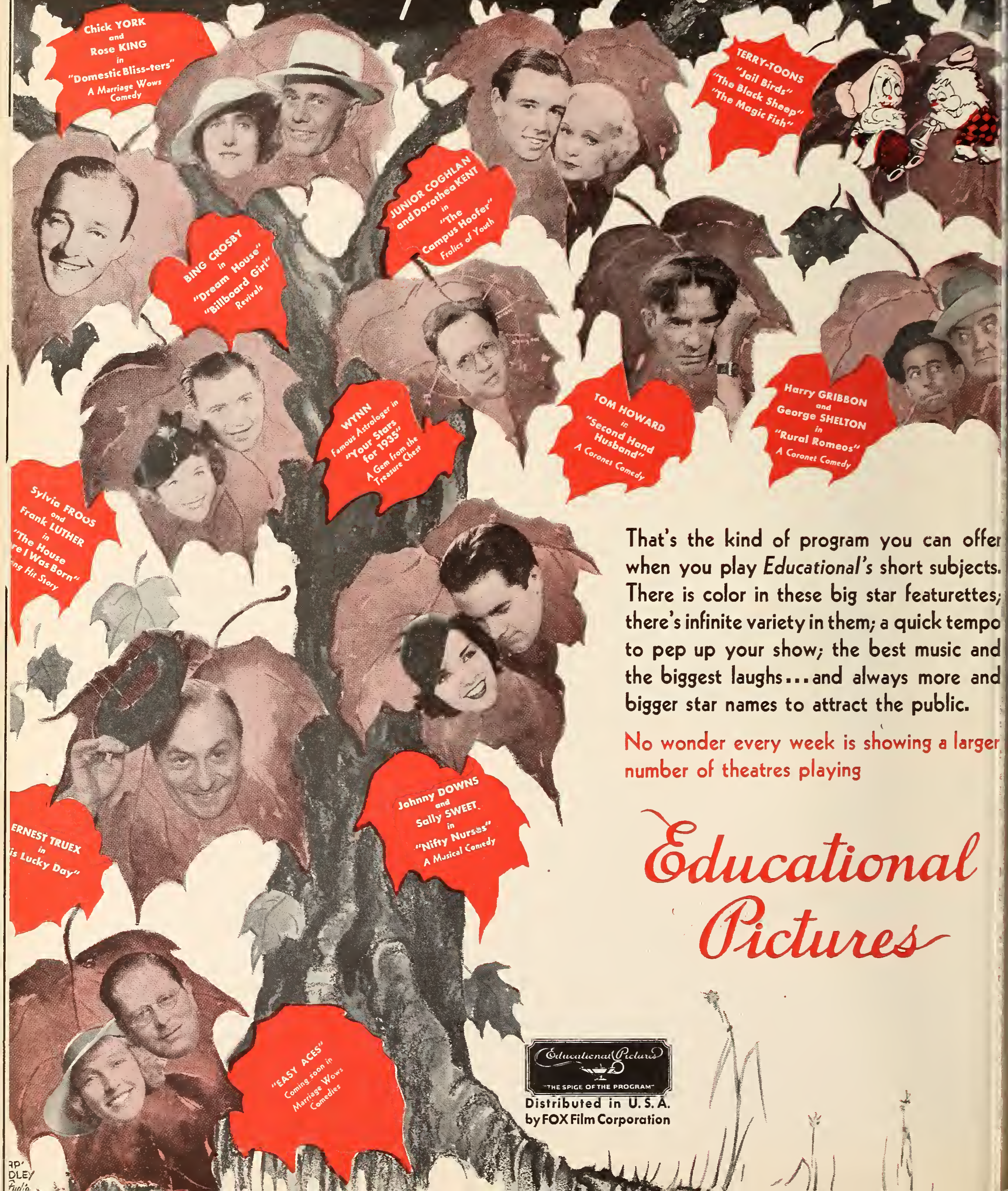
Warners, as in the past four weeks, continues to lead the field for activity with seven features in work, three preparing and eight editing: Paramount is a close second with seven, four and three; Fox has six, two and four; Columbia, five, zero and seven; M-G-M, three, three and 10; Radio, two, one and six; Universal, two, three and three; 20th Century, one, zero and zero; Roach, zero, zero and one, while the combined independent studios register a total of five, four and seven.

In the short subject division M-G-M has one before the cameras, one preparing and four editing; Roach has one, one and two; Columbia, one, zero and one; Radio, one, one and six, while the independents aggregate three, five and six.

## *Charnas Golden Wedding*

Cleveland, Oct. 28.—Mr. and Mrs. M. Charnas, father and mother of Harry Charnas of New York, Nat of Toledo, Phil of Bucyrus and Mrs. Jesse Fishman of Cleveland, celebrated their 50th wedding anniversary today with a dinner and reception at the Jewish Center.

# As FULL of COLOR . . . as the LEAVES of AUTUMN!


Chick YORK and Rose KING in "Domestic Bliss-ters" A Marriage Wows Comedy
BING CROSBY in "Dream House" "Billboard Girl" Revivals
JUNIOR COGHLAN and Dorothea KENT in "The Campus Hoofer" Frolics of Youth
TERRY-TOONS "Jail Birds" "The Black Sheep" "The Magic Fish"
WYNN Famous Astrologer in "Your Stars for 1935" A Gem from the Treasure Chest
TOM HOWARD in "Second Hand Husband" A Coronet Comedy
Harry GRIBBON and George SHELTON in "Rural Romeos" A Coronet Comedy
Sylvia FROOS and Frank LUTHER in "The House re I Was Born" ng Hit Story
ERNEST TRUEX in is Lucky Day"
Johnny DOWNS and Sally SWEET in "Nifty Nurses" A Musical Comedy
"EASY ACES" Coming soon in Marriage Wows Comedies
RP DLEY tudio

That's the kind of program you can offer when you play *Educational's* short subjects. There is color in these big star featurettes; there's infinite variety in them; a quick tempo to pep up your show; the best music and the biggest laughs . . . and always more and bigger star names to attract the public.

No wonder every week is showing a larger number of theatres playing

**Educational Pictures**

Educational Pictures
"THE SPICE OF THE PROGRAM"

Distributed in U. S. A.
by FOX Film Corporation

The Leading
Daily
Newspaper
of the
Motion
Picture
Industry

# MOTION PICTURE DAILY

Alert,
Intelligent
and
Faithful
Service to
the Industry
in All
Branches

VOL. 36. NO. 102 NEW YORK, TUESDAY, OCTOBER 30, 1934 TEN CENTS

## New Uses for Films Coming, Says Quigley

### Problem for Engineers, He Tells S. M. P. E.

One of the aftermaths of the clean icture drive will be a continuing emand that films, now devoted alnost entirely to theatrical entertainnent, will project themselves into new ields, declared Martin Quigley, at he noonday lunch of the S. M. P. E. n the Hotel Pennsylvania yesterday.

"It is the function of you engiieers to supply the answer to this," ie said. "It is the belief of many hat pictures should be given wider ises than those to which they have een applied."

Col. Roy Winton, secretary of the Amateur Cinema League and the next peaker, added to Quigley's thought long this line by saying that amateur ilms had reached the point where

(*Continued on page 4*)

## Wisconsin's 1933 Gross $6,601,000

WASHINGTON, Oct. 29.—Wisconsin ast year had 303 film and vaudefilm heatres with box-office receipts of 6,601,000 and payrolls of $1,404,000, t is revealed by the U. S. Census Bueau.

Milwaukee had 72 houses taking in 2,730,000 and paying $693,000 in salaies, while Madison had five, with reeipts of $296,000 and payrolls of $64,00; Kenosha had six with receipts of 167,000 and payrolls of $49,000, and Racine eight with receipts of $190,000 nd payrolls of $49,000.

## *Look for Equity to Approve Guild Move*

The agreement by which the Screen Actors' Guild becomes an affiliate of Actors' Equity Ass'n. and of the American Federation of Labor is exected to be approved by the Equity Council at the meeting of that body oday.

Frank Gillmore, Equity president, was optimistic yesterday on the

(*Continued on page 3*)

## *Grand Jury Indicts 3 Empire Officers*

Arthur Farkash, president; Joseph Blatt, business manager, and Joseph Teperson, counsel of Empire State

(*Continued on page 3*)

### *Shuffle Impends*

Reports were current yesterday of important impending changes in the Warner Philadelphia theatre zone. The changes, it is rumored, will break in about a week, but will not affect Leonard Schlessinger, zone manager. He has about 130 theatres under his wing.

Joseph Bernhard and Mort Blumenstock were in the Quaker City yesterday and could not be reached for a statement. The former returns today.

## Ostrer States BIP Plan Not To Be Revived

By BRUCE ALLAN

LONDON, Oct. 29.—While he was in America, he discussed a possible amalgamation with B. I. P. with his associates, but these talks will never be revived, Mark Ostrer said at the annual meeting of Gaumont British today. He presided.

G-B declared a final dividend of four per cent, or a total of seven per cent this year. A plan, involving £14,000,000 to consolidate various Gaumont British-owned subsidiaries, such

(*Continued on page 3*)

## *Individual Feature Sales Gaumont Plan*

Individual sales contracts for each of its 16 pictures will be the policy of Gaumont British, according to Jeffrey Bernerd, general manager. Bernerd is of the opinion that every exhibitor should see the picture he is buying before he signs a contract.

"Chu Chin Chow" has been booked over the entire RKO circuit in Greater New York and "Power" is set in all Loew houses in this territory.

## NRA May Hold A Hearing on Dues Schedule

WASHINGTON, Oct. 29.—Although but one objection to the exhibitor assessment schedule has thus far been received, approximately a dozen complaints from independents against the producer - distributor charges have reached the National Recovery Administration, raising the possibility that a formal public hearing may be resorted to in the effort to straighten out the controversy which appears to have arisen.

Within the next couple of days, Deputy Administrator William P. Farnsworth is expected to decide what action should be taken on the schedule, which when submitted was represented as having the unanimous approval of the Campi finance committee, including Edward Golden, alternate for W. Ray Johnston, head of Monogram, who appears to be behind

(*Continued on page 4*)

## *Denver Giveaways Amendment Drafted*

DENVER, Oct. 29.—Exhibitors here have gone off on a new tack in their effort to get Code Authority to permit giveaways. They have drawn up an entirely new section of the code covering the subject so that a vote of 75 per cent of the independents actually operating and 75 per cent of the affiliated houses can legalize the practice. The new section also provides that no grievance board shall declare

(*Continued on page 4*)

## *Runs, Hits, Mostly Errors*

By FRED BAEHLER

NYACK, N. Y., Oct. 29.—The exchequer of the Nyack Hospital was more comfortable today in anticipation of a check covering the proceeds of the alleged baseball game held here yesterday between the Nyack Eagles, organized by Ben Hecht and Charles MacArthur, and the "21" Hangovers, composed of New York's men-about-town who make their headquarters at the "21" Club. The game was held in the Clarson Stadium.

The Eagles claim a victory by a

(*Continued on page 3*)

# GRANTS DAMAGES IN PA. TRI-ERGON CASE

### *U. S. Judge Punishes 3 For Infringement; First Action of Its Kind*

SCRANTON, Pa., Oct. 29.—Altoona Publix Theatres, Wilmer and Vincent and the Locust Street Real Estate Co. of Harrisburg, Pa., were today ordered by Federal Judge Albert W. Johnson to pay to the American Tri-Ergon Corp. and Tri-Ergon Holding, A. G., a Swiss corporation, profits and damages for patent infringement. This is the first instance of a court compelling a defendant in a Tri-Ergon suit to reimburse the plaintiff for losses alleged to have been suffered through infringement of its double printing and flywheel patents.

On Friday Judge Johnson appointed Frank H. Stross, former judge of the Northumberland County Common Pleas Court, as a master to report on

(*Continued on page 3*)

## Legal Points Face Joyce on Para. Fees

Special Master John E. Joyce took under advisement yesterday the arguments of counsel on vital legal points affecting the allowance of fees aggregating approximately $800,000 to trustees, their counsel and special aids for services in connection with the Paramount Publix bankruptcy.

The trustees, Charles D. Hilles, Eugene W. Leake and Charles E. Richardson, have petitioned the court for interim allowances of $100,000 each; their counsel, Root, Clark, Buckner & Ballantine, ask $350,000. Joyce

(*Continued on page 4*)

## *Sinclair Asks Probe Of Film Activities*

LOS ANGELES, Oct. 29.—A demand that Congress investigate an alleged campaign of propaganda by film interests to defeat him in his race for the governorship of California has been made by Upton Sinclair. The request was contained in telegrams to Senator David I. Walsh (D.,

(*Continued on page 3*)

## *Short Silent About E. G. Levy's Charge*

Dr. William H. Short, head of the M. P. Research Council, withheld an answer yesterday to the charge made by Edward G. Levy, M. P. T. O. A.

(*Continued on page 2*)

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## Trade Loan Delays Scored by Giannini

WASHINGTON, Oct. 29.—In a conference here today with Chairman Jesse Jones of the RFC, A. P. Giannini, of the Bank of America, National Ass'n., attacked the delay of the Federal Reserve banks in approving applications for industrial loans. The banker discussed with Jones the formation of mortgage trust companies for relief of mortgage bondholders in need of aid.

## Liens Against Schulbergs

HOLLYWOOD, Oct. 29.—Federal income tax liens have been filed here against B. P. Schulberg and Mrs. Adeline J. Schulberg, agent.

Schulberg is charged with owing the government $19,910 on his 1933 earnings and his wife with owing $24,240 for the same year.

## Kern Signed by Radio

HOLLYWOOD, Oct. 29.—Jerome Kern has been signed by B. B. Kahane to write three songs for the screen version of "Roberta" for Radio. Kern, with Otto Harbach, did the book and lyrics for the production.

## Amkino to Show "Lenin"

Amkino will show "Three Songs About Lenin" to an invited group at the Paramount building Friday afternoon.

## Arthur Optimistic After Tour of West

Optimistic over business conditions, Harry C. Arthur of Fanchon & Marco returned yesterday from a three-week trip to St. Louis, Chicago, San Francisco and Los Angeles, declaring that "things are looking up."

"There is a wave of optimism sweeping through the country," he said, "particularly in theatre circles."

"Good pictures are doing the business," Arthur asserted, "despite rainstorms, snowstorms and blizzards. The apparent efforts by producers to make better pictures is evident and the results are bearing fruit."

Arthur points to "One Night of Love" as one example. He says this picture ran for 31 days in a St. Louis theatre seating 5,000, which is an all time record for that house. He also added that "The Gay Divorcee" and "Judge Priest" are corralling grosses three and four times the normal business.

## First Division to Get Chicago Branch

Chicago will most likely be the next spot First Division will set up its own exchanges. Harry H. Thomas, president, leaves for the Windy City Friday to look over the local situation and from there will tour other cities with a view to establishing the First Division trademark.

The last exchange center at which the company set up its own selling force was Atlanta, when a deal was made with M. C. Howard, who is in charge.

## Fox's Wife Testifies

Mrs. William Fox was a witness in Federal court here yesterday against Maurice Mannier, a chauffeur, who is on trial charged with demanding $50,000 of her under threat of kidnapping her grandchildren.

## Schenck to Coast Soon

Nicholas M. Schenck, president of Loew's and M-G-M, plans to leave shortly for the coast on his annual visit to the studios. No date for his departure has been set.

## Albany Gets Vaudeville

ALBANY, Oct. 29.—Vaudeville has been returned to Harmanus Bleecker Hall in an attempt to meet the competition of bulesque and vaudeville at Proctor's Troy week-ends.

## "Widow" at $39,219 For First 18 Days

"The Merry Widow" garnered $39,219.25 in the first 18 days of its two-a-day run at the Astor. For the first four days the gross tallied $12,364.25; for the next seven, $15,347, and for the last week, ending Sunday night, the picture did $11,508.

At the Rialto, "The Case of the Howling Dog" took in $15,500 for nine days.

"The Last Gentleman," at the Rivoli, took in about $27,000 for the first week, and the second week, ending tomorrow night, is expected to wind up with about $17,500. "Have a Heart," at the Mayfair, garnered $11,500.

## "Divorcee," "Wiggs" Big in Cincinnati

CINCINNATI, Oct. 29.—"The Gay Divorcee" proved a box-office magnet at the RKO Albee last week, leading the town with an estimated $18,000, which is $2,000 ahead of "Mrs. Wiggs of the Cabbage Patch," immediately preceding. The Astaire-Rogers opus moves to the RKO Lyric for its second downtown week.

"Mrs. Wiggs," incidentally, which moved to the RKO Grand following its week at the Albee, piled up approximately $4,500 in its second stanza, which is a record high for the Grand.

## Korngold Arrives Here

Erich Wolfgang Korngold, Viennese composer, will arrive in New York today on the *Majestic* en route to Hollywood to arrange the music for "Midsummer Night's Dream." Nijinsky, Russian dancer, is due in this country in a few days to go to the coast to coach the dancers in this production.

## RKO Directors Meet

A meeting of the board of directors of RKO Radio Pictures was held yesterday. Only "routine business" was transacted, according to a company statement.

J. R. McDonough, president of the picture company, who came east for the meeting, plans to return to Hollywood tomorrow.

## Schiller at His Desk

Col. E. A. Schiller, vice-president of Loew's, Inc., yesterday returned to his desk from a lengthy recuperation following his recent illness.

## Big Board Stocks Show Losses

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 34¼ | 34¼ | 34¼ | — ¼ | 100 |
| Consolidated Film Industries | 3⅜ | 3⅛ | 3⅛ | — ⅜ | 200 |
| Consolidated Film Industries, pfd | 15⅝ | 15¼ | 15¼ | — ⅛ | 700 |
| Eastman Kodak | 103½ | 103½ | 103½ | — ¼ | 100 |
| Eastman Kodak, pfd | 143¼ | 143¼ | 143¼ | +1 | 2,000 |
| Fox Film "A" | 11¾ | 11⅝ | 11¾ | — ½ | 600 |
| Loew's, Inc. | 29⅛ | 28¼ | 29 | + ¼ | 2,600 |
| Paramount Publix, cts | 4⅛ | 4 | 4⅛ | + ⅛ | 2,700 |
| Pathe Exchange | 1⅛ | 1⅛ | 1⅛ | ..... | 300 |
| Pathe Exchange "A" | 12⅝ | 12⅝ | 12⅝ | — ⅝ | 100 |
| RKO | 2⅛ | 1⅞ | 2 | ..... | 1,500 |
| Warner Bros. | 4⅝ | 4½ | 4½ | ..... | 1,100 |

## Paramount F. L. Bonds Advance 2

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Keith B. F. 6s '46 | 63 | 63 | 63 | + ½ | 1 |
| Loew's 6s '41, ww deb rights | 103 | 102⅞ | 102⅞ | ..... | 4 |
| Paramount Broadway 5½s '51 | 41¼ | 41¼ | 41¼ | —1¾ | 1 |
| Paramount F. L. 6s '47 | 57¾ | 55¾ | 57¼ | +2 | 51 |
| Paramount Publix 5½s '50 | 57¾ | 56 | 57¼ | +1⅝ | 110 |
| Warner Bros. 6s '39, wd | 58 | 57½ | 57¾ | — ¼ | 20 |

## Sees Films Change Little by Campaig

BALTIMORE, Oct. 29.—Speaking he today at the opening session of three-day film conference at the Emerson Hotel, Mrs. Robbins Gilma motion picture chairman of the National Congress of Parent-Teache Ass'n, declared there has been "n fundamental change in motion pictu producers in spite of the concentration of agitation for better films." A a substitute for commercial film entertainment for children, Mrs. Gilma recommended that a recreational program for the young be introduced.

"The objective of this new movement," she said, "is welfare and n profit. We want to take children recreation out of the hands of commercial money-makers and put it i the hands of professional recreationa leaders. Toward this end we hol that the power of boards of educatio should be extended to provide for direction and administration of children's recreation. And we ask tha every school board be equipped wit motion picture projectors to be use for instructive films to supplement th textbooks."

Mrs. Gilman recommended the extension of the little theatre movemen in this country, with special stress o the production of children's plays.

## Short Silent About E. G. Levy's Charg

(*Continued from page 1*)

general counsel, that Dr. Short's organization had as its ultimate objective the promotion of "widesprea non-theatrical exhibitions" in competition with established theatres.

Explaining that he had not yet see a copy of Levy's address containin the charge, Dr. Short said: "All know about it is what I have see in the papers, and from that I woul say that Levy is barking up the wron tree."

Levy's charges against the researc council were made in a recent address to the New Haven Better Film Council, copies of which were printe and distributed to M. P. T. O. A members last Saturday.

## LeRoy Sees No Early Spread of Color Us

CHICAGO, Oct. 29.—Use of colo isn't likely to spread in the near future, says Mervyn LeRoy. He personally prefers black and white, he says

LeRoy and Mrs. LeRoy, the forme Doris Warner, stopped off here between trains, New York bound. H said he would be in the metropoli about 10 days and would see as man plays as possible. His next will b "Oil for the Lamps of China." "Anthony Adverse" will not be starte until next March.

## To Show Sports Film

Frederick W. Rubien, secretary o the American Olympic Committee, an Ernst Schmitz, American representative of the German Tourist Information Office, will be hosts at a cocktai party Friday afternoon at the Waldorf. The feature of the party will b a preview of "The Olympic Winte Sports Capital," scenes of winte sports at Garmisch-Partenkirchen, sea of the 1936 Olympic Games winte sports.

# Ostrer States BIP Plan Not To Be Revived

(Continued from page 1)

Gainsborough, is expected to be bmitted to stockholders shortly. In nnection with it, the anticipation is at there will be issued privately 00,000 in 4½ per cent debentures perhaps 98, which is the current otation.

Ostrer expressed his satisfaction er progress made by Gaumont Brit- h of America and pointed out addi- onal revenue will swell the com- ny's coffers from America during e next year.

## Sinclair Asks Probe Of Film Activities

(Continued from page 1)

ass.) and Representative Wright atman (D., Tex.)

Sinclair quoted an industry trade per as "openly boasting" that Louis . Mayer, C. C. Pettijohn, Carey ilson and Irving Thalberg "entered war against me and are aiding the erriam campaign." Sinclair charged at these men disseminated "false opaganda" against him in screen in- rviews with voters appearing in wsreels released in the state.

"Whether or not you sympathize ith me or my platform is beside the oint," Sinclair's message continued. f the picture industry is permitted defeat unworthy candidates it can used to defeat worthy candidates. it can be used to influence voters stly, it can be used to influence vot- s unjustly."

Sinclair's demand for an investiga- on followed a protest made to Will ays that Pettijohn, M. P. P. D. A. ounsel, was "exploiting the candi- acy of my opponent."

## Look for Equity to Approve Guild Move

(Continued from page 1)

ances of the agreement being ap- roved. If the anticipated action is ken by the council, the agreement ill be submitted to the entire Equity embership at a subsequent meeting, d must also be approved by the uild's membership before becoming fective. Minor changes in the affil- tion plan may be made, it was re- orted, but these are not expected disturb the present plan of main- ining the guild as an independent ffiliate having absolute local au- onomy in all matters not opposed to e constitution and bylaws of the . F. of L.

## More Big Pictures Than Ever—Briskin

Chicago, Oct. 29.—This season tarted off with more big pictures an in many years, said Sam Briskin, olumbia production head, when he assed through here today on his way New York. He is on a two-week acation, but it will include business onferences.

There is a dearth of good acting alent, he insists.

Briskin will return to the coast by oat.

# Runs, Hits, Mostly Errors

(Continued from page 1)

score of 19-4 and the Hangovers assert they won 22-5. The umpire's official verdict returned the home team the winner 12-7. It may not end there.

The two teams appeared on the field preceded by the 71st Regiment Band, the Armonk Fire Dept. Fife and Drum Corp, the Nyack Police and Fire Department Silver Cornet Band and three elephants in charge of Mahout Krindler.

The Eagles wore sailor suits ranging from ordinary seaman style to gold-braided, epauleted admirals. The Hangovers were clad in a conservative raiment consisting of grey pants, red hose and red and white jerseys on the chests of which were embossed a brandy mug bearing a rampant "21". A football helmet topped the outfit. The spectators, about 600 in all, were wrapped in every conceivable covering seeking protection from the gale that blew across the field. Furs predominated.

The visitors took the field first and immediately allowed two runs to score, since they apparently were more interested in fortifying themselves with a fiery liquid known as "Balantine" than in the game.

The Eagles returned the compliment when they took the field by serving up balls that exploded into thin air when they smashed against the bats of the Hangovers. The umpire ruled the balls out a moment later when the pitcher missed one and it hit him, blowing off half his overcoat. Nice, quiet beginning.

### Get 3 in One Inning

The Hangovers came back strong an inning later and scored three runs by means of subterfuge. First Baseman Paul Gallico, attired as a Rear-Admiral, including sword, found that his weapon had been securely tied to the bag. It took the combined efforts of the infield to unfasten him and three men who were on the bases at the time easily scored.

Gallico retaliated later, however. He drew the same sword after reaching first base and defied any player to tag him out as he ran home, slashing to the right and left. Admiral Boris Morros immediately offered Gallico a job as a Paramount usher, saying he liked his ingenuity and the way he wore a uniform.

The Hangovers earned their next batch of runs by using a screen play. This little plan so confused their opponents when they saw eight or nine similarly clad players touring the bags that they didn't know which one to try tag out.

Bob Topping of the Hangovers was credited with a homer in a later inning when his long hit ball landed under one of the elephants wandering around center field. Winchell Smith, centerfielder for the Eagles, refused to go near the animal to recover the ball. Frank Buck rushed out as a substitute, but by the time he arrived and bravely recovered the pellet, Topping had scored.

The game was halted in the sixth inning when all the players rushed the press bench, which had just been presented with several bottles of liquid heat. The umpire relented, after threatening to call the game, when someone gave him a place near the front of the line.

The three bands quit in disgust at this point when they were informed they had been nicknamed "Stinkin', Blinkin' and Nod" by someone said to be posing as either Lee Garmes or Bobby LaBranche.

The Eagles garnered a run in the seventh that was not allowed. Bugs Baer, on first base, was presented with an overcoat, hat and camera. He then proceeded to walk around the bases, clicking his little box at every opponent passed. The latter all posed for him, but when he removed his disguise on reaching home plate the riot started.

The Hangovers wanted to use one of the elephants to run the bases. They figured they'd be out of reach of their opponents. Hal Rosson stole the ladder and that ended that.

The game ended in a comparatively tame fashion, with every player staggering from fatigue—or something. But they all drank a good game. Everyone then returned to town to the headquarters of the Hangovers and replayed the game, drink by drink.

### A Game of Trickery

Trickery rather than skill was the watchword of the day. MacArthur started the ball rolling by bringing the 71st Regiment band into enemy headquarters early Sunday morning. The noise almost completely shattered already frayed nerves and the game was nearly called when the tuba player got stuck in the lone doorway.

MacArthur was repaid, however, by having his band stolen by the enemy and found it three hours later leading his rivals in a parade on Fifth Ave.

The line-up of the game was changed every inning. Among those who played were:

*Eagles*: Bugs Baer, John Beignano, Frank Buck, Frank Case, Charles Ellis, Paul Gallico, Ben Hecht, Arthur Koenig, Robert Maxwell, Charles MacArthur, Lee Parcels, Henry Poor, Robert Ripley, Billy Rose, Harold Ross, Arthur Rosson, Jimmy Savo, Sal Savo, Robert E. Sherwood, James Thurber and William R. Thompson.

*Hangovers*: Buddy Adler, Harold Allen, Heywood Broun, Monte Brice, William Collier, Jr., Woolworth Donahue, Bradley Dresser, Ben Finney, Winfield Gardner, Erskine Gwynne, Francis T. Hunter, John Randolph Hearst, William Randolph Hearst, Jr., John Carl Krindler, Mac Krindler, James Lewis, Robert LaBranche, Phil Reisman and Tommy Shevlin.

## Serkowich, Curran Going to Columbia

Ben Serkowich and Charles Curran have joined Columbia, effective next Monday. The former replaces Arnold Van Leer, who recently joined Gaumont British, and the latter will replace Gregory Dickson, who resigned yesterday.

Serkowich, who has been identified with Publix for a number of years, will work under Ed Olmstead in the exploitation department, while Curran will handle advertising copy.

## Paul Lazarus on Coast

Hollywood, Oct. 29.—Paul Lazarus, United Artists sales executive, arrived here today on the last leg of a six-week trip across the country visiting exchanges. He leaves for New York the end of the week.

# Court Grants Damages in Patent Case

(Continued from page 1)

an accounting of profits, gains and advantages which have accrued to the defendant companies by reason of infringement of the Tri-Ergon flywheel patent.

The court also directed that a perpetual injunction shall restrain the defendants in the use or sale of equipment infringing on the flywheel patent.

Damages in the suit, it is said, may run into the millions. The case was brought before Judge Johnson here in December, 1933. The RCA, acting on behalf of RCA Photophone, was a defending party in the action.

The court's interlocutory decree, handed down Dec. 16, was taken to the Circuit Court of Appeals, which affirmed Judge Johnson's findings, and on Oct. 8 to the U. S. Supreme Court, which sustained the decision of the lower tribunals.

## Grand Jury Indicts 3 Empire Officers

(Continued from page 1)

M. P. Operators' Union, were indicted by the Kings County Grand Jury yesterday on charges of conspiracy and second degree grand larceny. Ernest Mauro, treasurer, was indicted for coercion of a theatre owner. The four entered a plea of not guilty before County Judge John J. Fitzgerald, who held them in $3,500 bail each.

The first three are accused of attempting to defraud the members of the union of $50,000 by collecting $200 from each on representations that the fund would be held in trust to guarantee to theatres that members of the union employed by them would give good service. It is alleged the money collected was used to carry on a campaign of coercion against theatre owners.

In handing up the indictments the Grand Jury expressed the opinion that gangsters were being used by union officials in the industry in Brooklyn to intimidate theatre owners.

## Abeles in Mexico City

Mexico City, Oct. 29.—Arthur Abeles has begun his duties as new manager of the Warner exchange. He succeeds Felipe Mier, who has taken over a projection machine and accessories business.

The most brilliant Soviet film since
"ROAD TO LIFE"
DOSTOYEVSKI'S
"PETERSBURG NIGHTS"
"Eloquent and stirring."
N.Y. HERALD-TRIBUNE
"Magnificent cinematic achievement."
N.Y. WORLD-TELEGRAM
"Presented in best Soviet tradition."
NEW YORK TIMES
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# New Uses for Films Coming, Says Quigley

(*Continued from page* 1)

many of them were worthy of comparison with standard film product and were suited for auditorium projection. He mentioned a science film recently produced by the Massachusetts Institute of Technology, and said sub-standard width films were now being used extensively in science, physics, medicine, teaching and industry. He agreed with Quigley in saying that civic groups and others seeking specialized films should not depend upon the producers of theatrical film for their supply.

In closing he thanked the S. M. P. E. for providing the apparatus that has made amateurs' work possible.

The luncheon was one of the opening features of the four-day fall convention.

At the morning session H. G. Tasker of the U. S. Research Laboratories was elected president as successor of Dr. Alfred N. Goldsmith. Other officers named were: Executive vice-president, Emery Huse; editorial vice-president, J. L. Crabtree; convention vice-president, W. C. Kunzmann; secretary, J. H. Kurlander; treasurer, T. E. Shea; governors, M. T. Betsel and S. K. Wolf.

### Spring Meet on Coast

Another of the opening day's developments was a decision of the board of governors to hold the spring convention next year in Hollywood. Closer relations with the Academy of M. P. Arts and Sciences and with engineers in the studio end of the industry were forecast by Tasker.

Frances Taylor Patterson, director of photoplay appreciation at Columbia University, pleased the engineers by saying that she had always admired the technicians of the business, and had often found in the course of her work that students remembered outstanding technical phases of films more often than they remembered story angles.

Subjects discussed at the morning session were: "Current Developments in Production Methods in Hollywood," Tasker; "The Use of Motion Pictures for Visual Education," Miss R. Hockheimer, director of visual education in New York City schools; "The Motion Picture Industry in Russia," V. I. Verlinsky, Amkino Corp. A picture called "Fundamentals of Acoustics" was shown, and reports were submitted by R. F. Mitchell for the non-theatrical equipment committee, and by W. E. Theisen for the historical and musuem committee.

Afternoon subjects were: "New Developments in Micro Motion Picture Technic," H. Rosenberger; "Some Technical Aspects of Wild Animal Photography," Martin Johnson; "The Theatregoer's Reaction to the Audible Pictures as It Was and Now," Mordaunt Hall; "Historical Notes on X-Ray Cinematography," R. F. Mitchell; "Roentgen Cinematography," R. F. James; "Application of X-Ray Photography in Industrial Development Work," J. R. Townsend and L. E. Abbott; "Applications of High Speed Motion Picture Photography in Industrial Development Work," H. I. Day.

At the evening session there was one talk—"Some Photographic Aspects of Sound Recording," by C. E. K. Mees, followed by the showing of films.

Sound will be the principal topic of the morning session today, with projection, architectural acoustic and theatre fronts making up the afternoon program.

# Legal Points Face Joyce on Para. Fees

(*Continued from page* 1)

questioned whether the allowances should be limited to the provisions of the old bankruptcy law which specify that the fees shall be two per cent of the moneys handled by the trustees for the bankrupt estate which, it is said, would limit the allowances to less than $50,000.

Arthur A. Ballantine, of counsel for the trustees, argued that the old law does not apply, since Paramount filed for reorganization under the new Section 77-B, and pointed out that the new statute provides that the court shall set a "reasonable" allowance. He also argued that the trustees, in any event, should have allowances computed on the moneys handled for Paramount Publix subsidiaries, even though most of these were not, themselves, in bankruptcy.

"The management and control of the producing and distributing subsidiaries," Ballantine said, "forms a very large part of the trustees' work. The budgets for those companies were set by the trustees and all checks disbursed by them are countersigned by the trustees."

### For Part Payment Now

Malcolm Sumner, reported to represent holders of 14 Paramount bonds, advocated a part payment, "on account," at the present time with final payment to be made when the legal points involved have been decided either by the U. S. Circuit Court of Appeals or the Supreme Court. He pointed out that the issues involved have not yet been determined in bankruptcy practice because of the newness of Section 77-B.

Morton G. Bogue, representing Paramount creditor banks and, also, counsel for the bondholders committee of Fox Metropolitan Playhouses, stated that the "on account" payment was the procedure adopted recently by Federal Judge Julian W. Mack in the matter of allowances asked by the receiver and counsel for Fox Met which, like Paramount, has also filed for reorganization under Section 77-B thus bringing to bear on its situation, likewise, the provisions of both the old and new statutes on allowances.

Samuel Zirn, counsel for several bondholders, argued that the trustees and their counsel are subject to the provisions of the old statute relating to compensation, that is the two per cent of the moneys handled for the bankrupt. He also argued that the moneys of the solvent subsidiaries should not be included in this computation.

# *Para. Loses Appeal On Customs Ruling*

WASHINGTON, Oct. 29.—The U. S. Court of Customs and Patent Appeals today rejected a petition of Paramount Publix Corp. for dismissal of a government appeal from a decision of the U. S. Customs Court in New York upholding the company's protest against rates of duty assessed against imports of projection apparatus and parts.

The collector of customs had assessed the imports at a higher rate than the company felt proper and its protest to the customs court had been upheld.

The petition for dismissal was based on the ground that the law required all such appeals on the part of the government to be made by the collector of customs or the Secretary of the Treasury and attacked the validity of an executive order issued by the President June 10, 1933, transferring the handling of all litigation to the Department of Justice.

The court ruled that Congress has authorized the President to transfer the functions of any department to another department and ordered the company to file its briefs on the issues involved within 30 days.

# *Denver Giveaways Amendment Drafted*

(*Continued from page* 1)

giveaways unfair competition unless it has 75 per cent authorization to do so in writing.

Nothing happened as a result of the "manifesto" several weeks ago in which theatre owners here decided to have nothing further to do with the code unless their demands were granted.

Code Authority yesterday confirmed receipt of the Denver draft for a change in the code. It was pointed out that unless the local exhibitors banned giveaways by a 75 per cent vote, it was not a Campi matter and Denver exhibitors could do as they pleased in adopting a new method for giveaways. Up to date no action on premiums has been taken by Denver theatre owners, it was stated.

# *Weeks Says G-B in All the First Runs*

George W. Weeks, general sales manager of Gaumont British, says he has closed deals for G-B product in every first run spot in America. The majority of the deals, he says, include the first group of eight releases.

Among the circuits included are: Publix, Loew's, RKO, F. W. C., Warners, Al Steffes in the northwest, Fox Met, and Feiber & Shea.

# *Para. Men Confer Here*

Myke Lewis of Los Angeles, Hugh Braley of Denver and Morris Mulligan, general manager of Paramount in Canada, are in town for home office conferences following the three-day Paramount divisional managers' meeting in Hot Springs. J. J. Unger, who also attended the session, left for Atlanta and New Orleans.

# *Tellegen Held Suicide*

HOLLYWOOD, Oct. 29.—Lou Tellegen was found stabbed to death in his bathroom this afternoon. The police verdict was suicide, with despondency given as the motive. He was 53.

# *Katz Wedding Expected*

HOLLYWOOD, Oct. 29.—The week-end wedding of Sari Maritza to Sam Katz caused little surprise in Hollywood circles. The ceremony was performed in Phoenix Saturday.

# NRA May Hold A Hearing on Dues Schedule

(*Continued from page* 1)

most of the protests which have com
in.

While unable to say what step
would be taken to iron out the situation, Farnsworth explained "there ha
been so much difficulty, because of th
failure to work out satisfactory schedules, we may have to call a publi
hearing to speed things up."

Although Farnsworth emphasize
that it is a matter of indifference t
him what sort of a schedule is adopted
his sole job being to see that one i
approved which is satisfactory to th
entire industry, there are indication
that the recovery administration i
becoming critical of the captious attitude of members of the industry
which has placed so many hurdles i
the way of settlement of the questio
of finances. Because of this, it ha
been intimated, the Administratio
may call the several branches of th
industry to Washington to thrash ou
the whole question in public hearing.

The majority of the complaints, i
was said, take the attitude that on
percentage basis the smaller companie
receive a heavier tax than do those a
the top, although it is admitted tha
in real money the latter pay more an
are further subject to assessments fo
theatre holdings. The complaints appear to take into consideration th
apparent effort of Campi to make thei
burden as light as possible, which resulted in the independent group bein
called upon for a total contribution o
but $18,000, instead of the $30,000 firs
proposed.

### Ask Pro-Rata Basis

In lieu of the present schedule, it i
suggested that the assessments fo
distributors should be "based on th
pro rata percentage that each distributor's gross income from film rental
bears to the total sum of $180,00
which is to be paid by the distributo
members as their share of code authority costs."

Among the complaints received, i
addition to that of Johnston, were letters from Arthur C. Bromberg, Monogram distributor in Atlanta; Premie
Pictures Corp., St. Louis; Monogra
Pictures, Detroit; Gold Medal Fil
Exchange and Majestic Pictures, Inc
Philadelphia; Security Pictures, Inc
New York; First Division Exchange
New York; Hollywood Film Corp
Boston; and Liberty Film Exchang
Washington.

The sole complaint against the exhibitor assessments came in toda
from Allied Independent Theatres o
Wisconsin, signed by R. A. Tesch
business manager. Explaining that th
organization represents approximatel
100 houses, Tesch attacked the schedule on the ground that "although th
major part of the total assessme
will be collected from independent
as witness the $30,000 from towns o
less than 25,000" they are given n
proportionate representation and th
schedule is therefore discriminatory.

Tesch suggested that assessmen
"be based on ratio of class representation on Code Authority until insistent demand for proper representatio
by thousands of independent exhibito
are acceded."

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Daily
Newspaper
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Motion
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Industry

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## Probe Is Up To Make-Up Of Congress

### Sinclair's Political Fate Also Factor

By CLARENCE LINZ

WASHINGTON, Oct. 30.—A Congresional investigation of alleged propaanda efforts in California by major tudio interests there, requested by Upton Sinclair of Senator Walsh of Massachusetts and Representative Patman of Texas, will depend upon he temper of the new Congress which onvenes in January, it is believed n well informed political circles here.

Defeat of Sinclair, it is pointed out, would do much to minimize the imortance of the subject, but his election, on the other hand, would put im in a position to make a strong emand for any such inquiry as he as already asked.

Whether the California situation s investigated or not, observers in

(Continued on page 18)

## Sinclair Probe Request Follows Reporter Story

"The open boasting" of an "industry rade paper" which cited Louis B. Mayer, Charles C. Pettijohn, Irving Thalberg and Carey Wilson as having entered a war against me and are iding the Merriam campaign" on which Upton Sinclair based his reuest to Washington for a Congresional probe of films appeared in Monay's *The Hollywood Reporter.*

## *Wilkerson Planning Trade Daily in N. Y.*

W. R. Wilkerson, publisher and edior of *The Hollywood Reporter,* yeserday was reliably reported preparing o invade the New York trade paper ield with a daily.

HOLLYWOOD, Oct. 30.—Asked to omment on reports he would pubish a trade daily in New York, W. R. Wilkerson said today:

"Nothing to it and no such intenions. I had the idea about a year ago, but it was kicked in the pants."

## *Rumors Gain of Cut At Phila. First Runs*

PHILADELPHIA, Oct. 30.—Following admission reductions by Warners at several Philadelphia neighborhood houses, which have suffered most from the depression, rumors are growing

(Continued on page 18)

## *Equity Council for Guild Move And Orders Agreement Drawn Up*

**Affiliation of the Screen Actors' Guild with Actors' Equity Ass'n. was "heartily indorsed in spirit" by the Equity Council yesterday, according to a statement issued following the meeting.**

**The council, however, directed its executives and legal staff to prepare a draft embodying the affiliation agreement which will be submitted to a second meeting of the council on Friday. This move is regarded as a formality occasioned by the importance of the affiliation and is expected to be ratified without objection. There were no dissenting voices at yesterday's meeting which was attended by more than 25 council members.**

## Theatre Seat Range Up to 1,000 Urged

Theatres of 1,000 seats are better than larger types and two smaller theatres in a densely populated neighborhood are better than one large one, declared Ben Schlanger yesterday at the second day's sessions of the S.M.P.E.

Schlanger, New York theatre architect and a steady contributor to *Better Theatres,* a Quigley publication, was discussing the general subject of "Proposed Architectural, Acoustic and Optical Standards in Motion Picture Design."

One-sixth of the theatres of the country have half the seating capacity,

(Continued on page 6)

## *Warner Has Narrow Escape from Motor*

HOT SPRINGS, W. Va., Oct. 30.—Albert L. Warner, who is here recuperating from a tonsil operation, was nearly killed recently by an automobile which almost ran him down during a snowstorm, it was learned today. Warner was bucking a heavy

(Continued on page 6)

## Leo Reported Set for Head Of Tri-Ergon

Jack G. Leo, brother-in-law of William Fox, will be elected president of American Tri-Ergon, succeeding Fox, it is reliably reported. The election will be held shortly, it is understood. Efforts to confirm the report at the local American Tri-Ergon office were unsuccessful yesterday. It was stated no information would be given out.

It is understood Leo will have charge of 26 offices planned throughout the country for the purpose of collecting anticipated assessments on theatres to be licensed under American Tri-Ergon patents. It is also reported that, in arriving at license fees, the

(Continued on page 6)

## *Drama, Music Best In Britain—Balcon*

LONDON, Oct. 30.—Michael Balcon, production general for Gaumont British just returned from the States, sees England's forte in the field of serious drama and musicals.

"I think British producers have demonstrated their ability already

(Continued on page 6)

## *Rule Transfer Illegal, But Board Aids Theatre*

Finding an exhibitor guilty of illegally transferring a theatre from one corporation to another to avoid contracts and at the same time recommending leniency by distributors in adjusting contracts is something new in local circles as far as the New York grievance board is concerned.

After listening to Morris Feldman tell how he transferred the De Luxe in Newark from the DeLuxe Theatre Corp. to Ralph Feldman, his son, because some of the distributors would not reduce rentals, thereby making it impossible for him to operate on

(Continued on page 16)

## Para. Delays On New Setup Annoy Court

### *Coxe Impatient, But He Grants Postponement*

Impatience over the inability of creditors and others to complete a plan of reorganization for Paramount Publix was indicated yesterday by Federal Judge Alfred C. Coxe at an informal hearing in chambers which revealed, at least, that the so-called Kuhn, Loeb plan, although still incomplete, is the only one in existence which has the continued support of those who represent a majority, in number and amount, of valid claims against the company.

Yesterday's hearing before Judge Coxe was on a request by Morton G. Bogue, counsel for a group of 12 creditor banks whose claims against Paramount aggregate $13,600,000, for a postponement of action in connection with the Paramount trustees' effort to examine officers of the creditor banks in advance of trial of a suit to set aside their claims as preferential.

Over the objections of Arthur A. Ballantine, of counsel for the trustees, Judge Coxe granted a postponement of the action until Nov. 14, after representatives of the principal Paramount

(Continued on page 6)

## *Mississippi Tax Is Ruinous, Kuykendall*

JACKSON, Miss., Oct. 30.—Speaking here today at the convention of the Independent M. P. Theatre Owners of Mississippi, Ed Kuykendall, head of the M.P.T.O.A., said that the state theatre tax was prohibitive and means death to many houses. Managers will pay their share of government costs, he continued, but they don't want discrimination in special taxes and they do want their sales tax category as it prevails in other businesses.

About 75 per cent of the members of the organization attended the session and all acclaimed Kuykendall

(Continued on page 6)

## *Para. Will Ignore Cummings' Frowns*

HOLLYWOOD, Oct. 30.—Paramount is going ahead with its Federal Secret Service film in spite of the ruling of Attorney General Cummings that the department will give no cooperation.

The story, to be called "Federal Dick," is being rushed. George Raft and Cary Grant are mentioned for leads.

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## Dyers' Strike Hits Paterson Theatres

Paterson, Oct. 30.—With 20,000 silk dye workers out on strike, exhibitors are showing some concern in Passaic Valley.

In the recent textile strike, the dyers remained at work, while the silk workers were out. Because of the small number of silk workers in Paterson compared with the number of dyers, little concern was felt. The dyeing industry here represents 85 per cent of the city's industry. Dyers want a thirty-hour week and $1 an hour. Motion picture operators want no strike, filled-up theatres.

## William Fox to Court

William Fox was subpoenaed yesterday to testify as a defense witness in the suit in which William Mannier, former Fox chauffeur, is alleged to have attempted to extort $50,000 from Mrs. Fox.

Mannier is on trial before Judge G. Galston and a jury in the Brooklyn Federal Court.

## Holmes in New Post

Andrew E. Holmes has been appointed vice-president of Donahue & Coe and will take up his new duties immediately.

For the past 12 years Holmes has been with the Philadelphia and local offices of N. W. Ayer & Son, Inc., as an executive.

## Eastman Sells Some Of Silver to Gov't

Rochester, Oct. 30. — Eastman Kodak today sold a portion of its 10,000,000 ounces of silver essential in the making of film to the government. The amount involved was not disclosed. The purchase was made under the silver recapture order whereby all silver with certain exceptions was to be turned over to the government.

Commenting on the sale, a U. S. Treasury spokesman said:

"At the time the order was issued, there was some question as to the status not only of film and camera manufacturing companies but as to motion picture concerns as well for the reason that silver is essential in the conduct of their business. As a matter of fact, these companies are merely complying with the executive order directing silver to be turned over to the government just as was done with gold earlier in this administration."

A Kodak official pointed out that it should be remembered that the company's holdings of silver were not for speculative purposes but solely as indispensable raw material used in its manufacturing operations. "Therefore," he said, "any silver that is sold to the government will eventually have to be replaced by the purchase from available sources of a supply at gradually increased prices."

## Warnerites Hold Dance

Several hundred Warner home office and exchange employes gathered in the grand ballroom of the Hotel Commodore last night for their Hallowe'en dance. The party began at 8 o'clock and lasted until the early morning hours.

## Warner on Club Board

Harry M. Warner, head of Warners, was elected a director of the M. P. Club yesterday, while Louis K. Sidney of the Capitol was named chairman of the entertainment committee.

## Discuss Charity Drive

Various leaders in the industry met at the M. P. Club yesterday to discuss plans for the Federation of Jewish Charities drive.

## Morrison Sees Good Season in Prospect

"While there is no tremendous improvement noticeable now, all indications point to a splendid season ahead," Ernest Morrison, division manager for Paramount Enterprises, Inc., and Sparks East Coast circuit, stated yesterday.

"All indices point to a good season, but there is nothing in the current condition to reflect this," he said. "There is little repairing going on. Within the last year 236 new residential houses were built in Miami Beach, which is a good sign for future business. Real estate is perking up," he stated. He has 16 houses under his supervision.

Morrison, who is here with Fred Kent, attorney for Paramount Enterprises and Sparks East Coast, leaves today for his headquarters in the Olympia Theatre Bldg., in Miami.

### Richmond Business Fair

Charles Somma, operating the Bluebird, Petersburg, Va., and A. Frank O'Brien, division manager for Wilmer & Vincent in Richmond, asserted yesterday business in the territory is fair, but better than last year. All 17 theatres in Richmond are operating except for the Lyric, a legitimate house.

Giveaways are rare in this territory, both theatre men held, declaring that every once in a while someone adopts the practice for a day or so.

## "U" Buys 'Flash Gordon'

Universal has bought screen rights to the comic strip "Flash Gordon" and will use it for a serial. King Feature Syndicate controls the newspaper rights. It appears every Sunday in all Hearst papers. Alexander Raymond of New Rochelle is the artist.

## Take Over the Aurora

Harry Harris and G. Morrow, operators of a number of New York houses, have taken over the Aurora on Amsterdam Ave. and have installed RCA High Fidelity sound.

## Mayfair Books "Galante"

Walter Reade has booked "Marie Galante" into the Mayfair, starting in two weeks.

## Columbia Up Quarter on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 34½ | 34½ | 34½ | + ¼ | 200 |
| Consolidated Film Industries | 3⅛ | 3⅛ | 3⅛ | ..... | 400 |
| Consolidated Film Industries, pfd | 15½ | 15¼ | 15½ | + ¼ | 200 |
| Eastman Kodak | 104 | 103⅜ | 103⅜ | — ⅛ | 400 |
| Eastman Kodak, pfd | 143½ | 143¼ | 143½ | + ¼ | 12,000 |
| Fox Film "A" | 12⅛ | 12⅛ | 12⅛ | + ⅜ | 100 |
| Loew's, Inc. | 29⅛ | 28⅜ | 28¾ | — ¼ | 1,000 |
| Paramount Publix | 4¼ | 4⅛ | 4⅛ | ..... | 1,400 |
| Pathe Exchange | 1¼ | 1⅛ | 1¼ | + ⅛ | 700 |
| Pathe Exchange "A" | 13 | 13 | 13 | + ⅜ | 100 |
| RKO | 1⅞ | 1⅞ | 1⅞ | — ⅛ | 100 |
| Warner Bros. | 4⅜ | 4⅜ | 4⅜ | — ⅛ | 1,200 |

## Trans Lux Shows Gain on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 12¼ | 12¼ | 12¼ | ..... | 100 |
| Trans Lux | 2⅛ | 2 | 2⅛ | + ⅛ | 1,800 |

## Warner Bonds Gain One-Quarter

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 6⅜ | 6¼ | 6¼ | — ¼ | 10 |
| General Theatre Equipment 6s '40, ctf | 5¾ | 5½ | 5½ | —1 | 20 |
| Keith B. F. 6s '46 | 63¼ | 63¼ | 63¼ | + ¼ | 1 |
| Loew's 6s '41, ww deb rights | 103½ | 102¾ | 103½ | + ⅝ | 2 |
| Paramount Broadway 5½s '51 | 41½ | 41½ | 41½ | — ½ | 5 |
| Paramount F. L. 6s '47 | 57¾ | 57½ | 57½ | + ¼ | 16 |
| Paramount Publix 5½s '50 | 57¾ | 57½ | 57¾ | ..... | 22 |
| Warner Bros. 6s '39, wd | 58 | 58 | 58 | + ¼ | 1 |

## Purely Personal

Countess Alexandra Tolstoy, daughter of Count Tolstoy, attended a special showing of "We Live Again" yesterday at th Middlesex Theatre, Middletown, Conn The picture is adapted from he father's book, "Resurrection."

Peggy Conklin leaves the coas for New York this week to play opposite Leslie Howard in Gilbert Miller's production of "Petrified Forest" on Broadway.

Joe Hummel, general foreign sale manager of Warners, returned yesterday from Mexico City after installing Arthur Abeles as manager of th Mexican branch.

Nick Kenny, radio columnist, wa master of ceremonies marking th special charity preview of "Transatlantic Merry-Go-Round" at the Rivoli a midnight.

Paul Ash has acquired a cane He was spotted yesterday walking down Broadway with Zac Friedman managing director of the Fox, Brooklyn.

Lorraine Foster, singer of hillbilly songs over the radio, who is soon to do a series of musical shorts, sing over WJZ tomorrow in "Kansady."

Don Mersereau, general manage of *The Film Daily*, leaves for Hollywood by air Friday. It will be hi first trip west and a short one.

Ben Blumenthal, back fron Paris, lunched with Richard A Rowland first and Charlie Pain next at the Tavern yesterday.

Budd Rogers, general sales manager for Liberty, leaves for Albany and Buffalo tonight on a short trip He will go west later.

Mervyn and Mrs. LeRoy have arrived in town from the coast on a visi to Mrs. LeRoy's parents, Harry M and Mrs. Warner.

Nijinskaia, sister of the dance Nijinsky, is en route to Hollywood to appear in Warner's "A Midsumme Night's Dream."

Erich Wolfgang Korngold, Viennese composer, is Hollywood bound to work on the music for "A Midsumme Night's Dream."

Helen Hayes left for the coast yesterday after a brief vacation here. He next picture for M-G-M is "Vanessa."

Dizzy and Daffy Dean, at the Roxy this week, were interviewed las night at 8 o'clock over station WOR

Anna Sten arrives in town today to attend the opening of "We Live Again" at the Music Hall tomorrow

Nick Lukas has replaced Donal Novis, who is ill, on the Capito stage for the rest of this week.

John B., better known as Jack Lewis, left for the coast last night. That's final. Also definite.

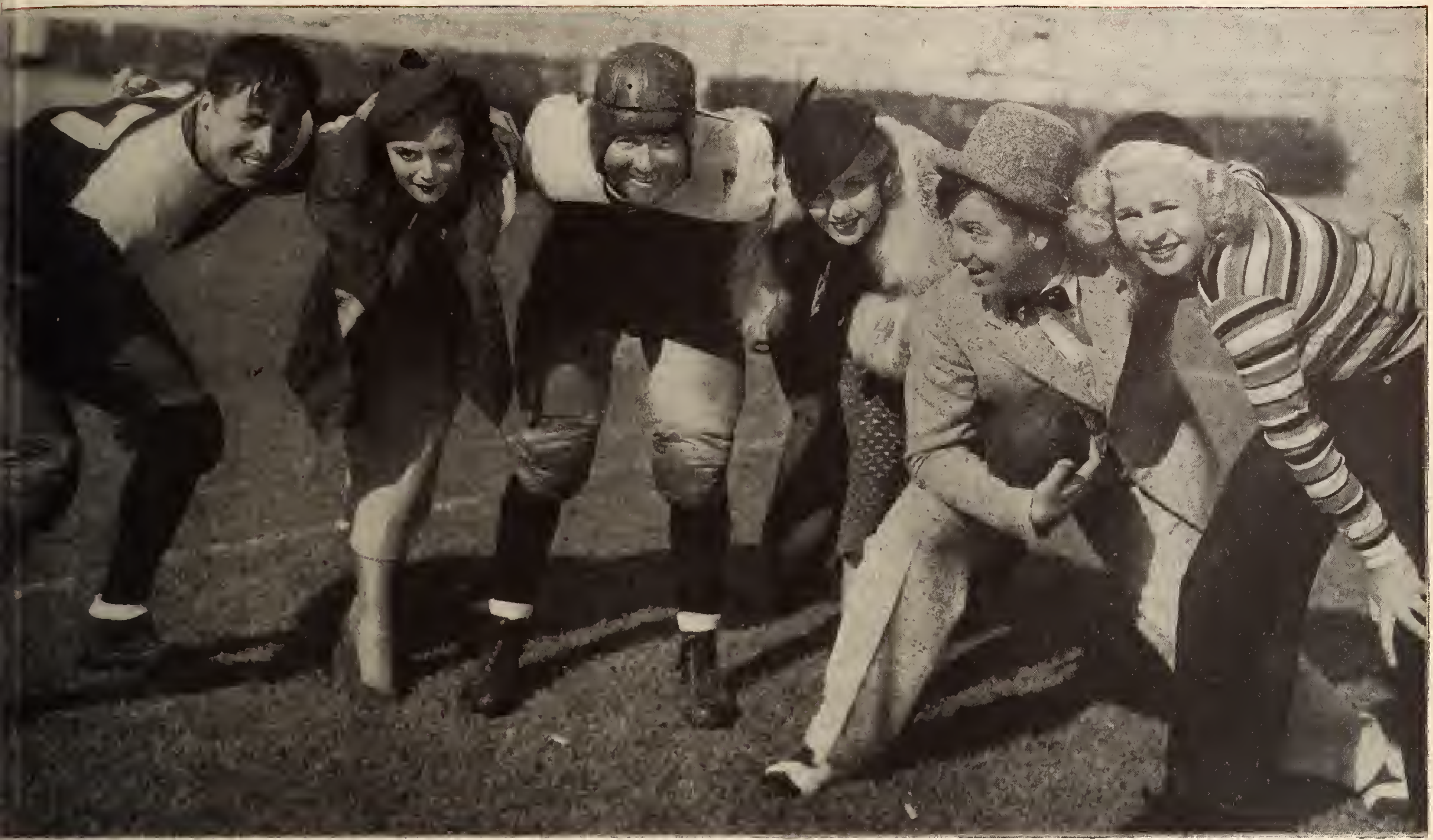
Joe Rosenthal of Consolidated Theatres, Canada, has returned from Montreal.

George Browne, I.A.T.S.E. president, returned from the coast by plane Monday.

James R. Grainger is due back from the coast in a few days now.

L. J. Schlaifer of Gaumont British is in Boston and returns today.

# HOLD THAT LINE!

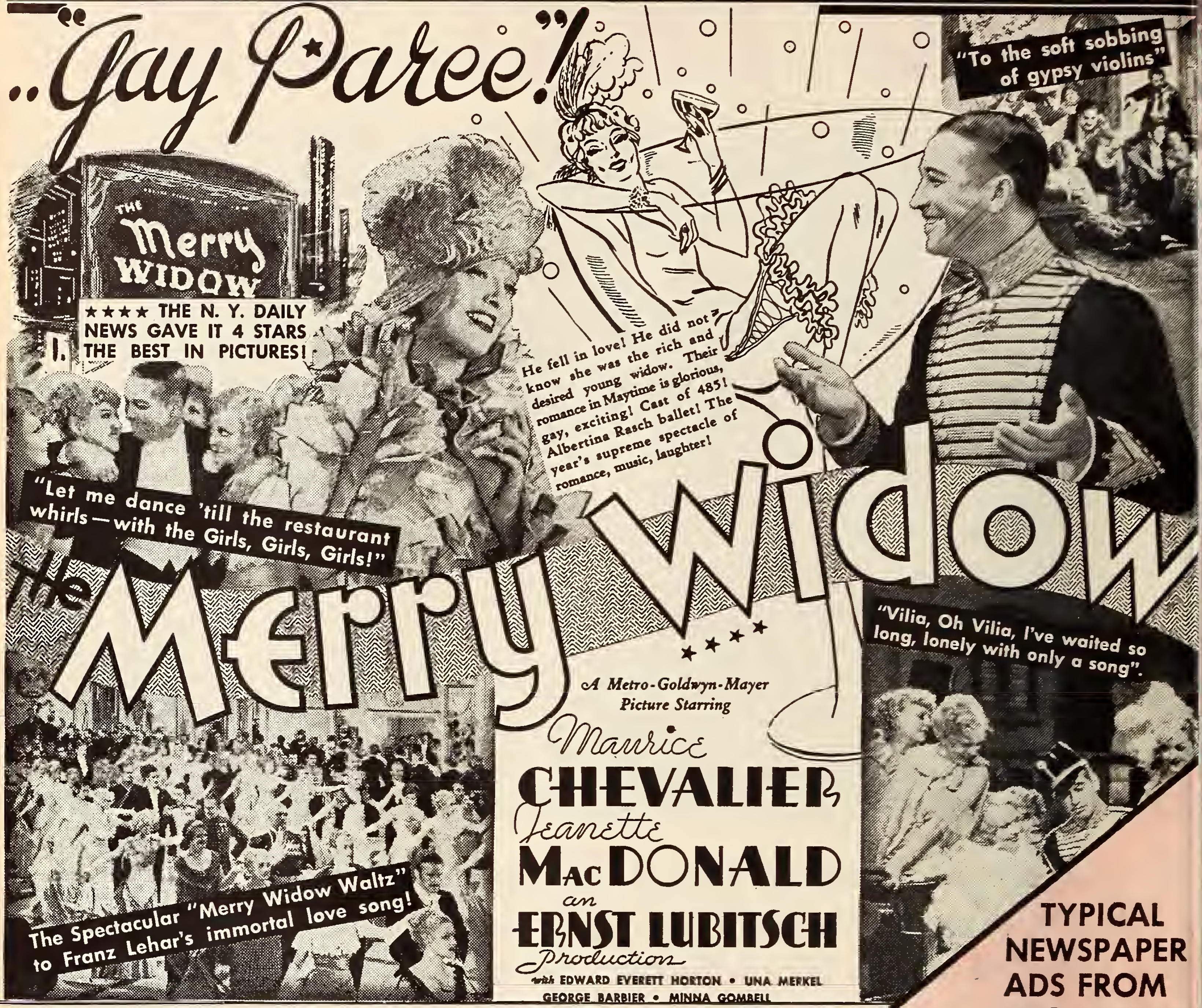


It's give and take with no holds barred as this madhouse sextette takes e field for a workout prior to the big game. Reading from right to left, ey're Lyda Roberti, the Bench-Warmer, blonde, beautiful and bughouse .... oe Penner, The Draw-Back, with a Duckskin tucked under his heart .... Mary rian, who ought to know better than to be seen in this company .... ack Oakie, the screen writer's ideal of what a football hero should be like nd isn't .... Helen Mack, a co-ed what's a co-ed .... and Lanny Ross ho once was Yale's 440 Champ but learned better! And they're all in

# COLLEGE RHYTHM

**OE PENNER • LANNY ROSS • JACK OAKIE • HELEN MACK**
**YDA ROBERTI • MARY BRIAN • GEORGE BARBIER and the All-American Co-Eds**
Paramount Picture directed by Norman Taurog with plenty of words and lots of music by Gordon & Revel

**GREAT NEWS! YOU SEE IT AT** **POPULAR PRICES** **WHILE IT'S THE RAGE OF BROADWAY AT $2**



"Gay Paree!"

THE Merry WIDOW

★★★★ THE N. Y. DAILY NEWS GAVE IT 4 STARS THE BEST IN PICTURES!

"To the soft sobbing of gypsy violins"

He fell in love! He did not know she was the rich and desired young widow. Their romance in Maytime is glorious, gay, exciting! Cast of 485! Albertina Rasch ballet! The year's supreme spectacle of romance, music, laughter!

"Let me dance 'till the restaurant whirls—with the Girls, Girls, Girls!"

The Merry Widow

★★★★

"Vilia, Oh Vilia, I've waited so long, lonely with only a song".

A Metro-Goldwyn-Mayer Picture Starring

Maurice CHEVALIER

Jeanette MacDONALD

an ERNST LUBITSCH Production

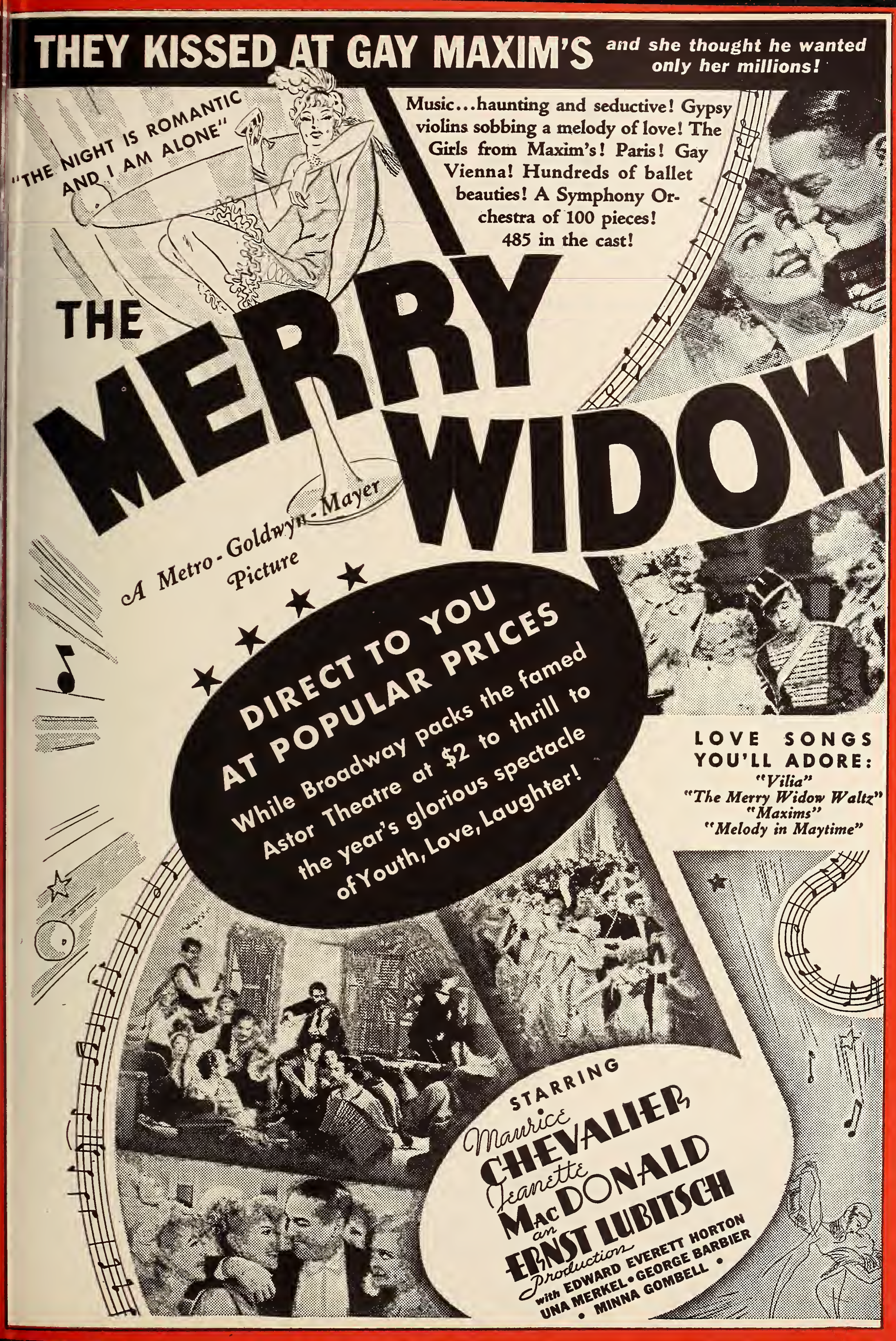
with EDWARD EVERETT HORTON • UNA MERKEL GEORGE BARBIER • MINNA GOMBELL

The Spectacular "Merry Widow Waltz" to Franz Lehar's immortal love song!

**TYPICAL NEWSPAPER ADS FROM SHOWMANS CAMPAIGN!**

# $2 WORTH!

Gayly the World's Biggest Musical Film Starts Nationwide on its Sensational Popular Price Career! The industry's One and Only $2 attraction, now in its 3rd merry week at the famed Astor, N. Y. playing twice daily.



**THEY KISSED AT GAY MAXIM'S** *and she thought he wanted only her millions!*

"THE NIGHT IS ROMANTIC AND I AM ALONE"

Music...haunting and seductive! Gypsy violins sobbing a melody of love! The Girls from Maxim's! Paris! Gay Vienna! Hundreds of ballet beauties! A Symphony Orchestra of 100 pieces! 485 in the cast!

# THE MERRY WIDOW

*A Metro-Goldwyn-Mayer Picture*

**DIRECT TO YOU AT POPULAR PRICES**

While Broadway packs the famed Astor Theatre at $2 to thrill to the year's glorious spectacle of Youth, Love, Laughter!

**LOVE SONGS YOU'LL ADORE:**

*"Vilia"*
*"The Merry Widow Waltz"*
*"Maxims"*
*"Melody in Maytime"*

STARRING
Maurice CHEVALIER
Jeanette MacDONALD
an ERNST LUBITSCH Production
with EDWARD EVERETT HORTON
UNA MERKEL • GEORGE BARBIER
• MINNA GOMBELL •

# Para. Delays On New Setup Annoy Court

(*Continued from page* 1)

creditor and claimant groups joined with Bogue in the request for an adjournment. It was urged by representatives of the bondholders' committee, of which Frank A. Vanderlip is chairman, and of the stockholders' committee, of which Duncan A. Holmes is chairman, that a reorganization of Paramount would be delayed if the trustees were permitted to proceed with their examination of the bank officers at this time.

It was made clear that a settlement of the bank group's claim has been agreed upon by the banks and the leading factors in the Paramount reorganization and that the settlement has been made a part of the Kuhn, Loeb plan of reorganization. The settlement, however, cannot be made effective until the Kuhn, Loeb plan has been completed. Thus the trustees' action against the banks will stand until the reorganization plan for Paramount has been accepted by the court.

Judge Coxe, reflecting some impatience over the delay in submitting a plan for Paramount, stated that he wanted to know "by what time the Kuhn, Loeb plan or other plans could be presented."

"It seems," Judge Coxe said, "that for the past year a plan has been 'just around the corner'."

### Say They Have Plan Ready

Malcolm Sumner, understood to represent holders of 14 Paramount bonds, told the court that he and E. L. Garvin, also representing bondholders, had a plan in readiness which they could submit "tomorrow."

"Whom do you represent?" Judge Coxe asked.

"I speak for our creditors and all other unrepresented creditors in this situation," Sumner replied.

"But without credentials," the court responded.

Judge Coxe advised Sumner that he "could not even submit a plan" without a creditor representation prescribed by the statutes behind it. Sumner said he disagreed on this interpretation of the law, whereupon the court declared that even if he were permitted by law to submit a plan, Sumner could expect no consideration for it from the court if it did not have the support of the prescribed amount and number of valid claims. The attorney stated later that he disagreed with this viewpoint, also, and contended that if his plan was more equitable than any other submitted the court would be obligated to instruct the creditors to accept it.

Neither the court nor representatives of any of the large creditor groups displayed interest in the Sumner-Garvin offer to submit their plan.

## *Para. Obtains First Stratosphere Films*

First films of a stratosphere flight were obtained by Paramount newsreel with the help of the Picards. Mrs. Picard did the camera work, and Paramount says the resulting films are satisfactory in spite of the accidental landing in a treetop in Ohio.

## *Holdovers*

**Los Angeles, Oct. 30.—Following in the footsteps of "Wonder Bar," "Dames" and "Here Comes the Navy" are the only pictures that have held up for three weeks at Warners' Hollywood.**

**"The Gay Divorcee," one of RKO's big fall noises, is being held for a third week at the Hillstreet.**

## *Drama, Music Best In Britain—Balcon*

(*Continued from page* 1)

insofar as straight drama is concerned and that their progress in this direction will continue to be marked in the future," he told MOTION PICTURE DAILY.

"Where musicals are concerned, the record of British producers stands on its own. It is true, of course, that we have not gone in so much for lines of chorus girls as much as we have for the tying on of musical effects with the action, but our general leaning here happens to swing in the latter direction on the theory this is what a musical properly should be."

## *Jersey Allied Talks About Coming Dance*

Committee reports on entertainment for an affair to be held in the middle of November, the tying in of shorts with features and the local buying situation were discussed yesterday by members of Allied of New Jersey.

A committee of four to review features for the general membership will be appointed shortly.

## *Omaha Has 3 Weddings*

OMAHA, Oct. 30.—Three marriages were recorded in one week on Film Row. Paramount exchange led the list with two when Johnny Harms, a poster clerk, married Edna East, and Gladys Waterhouse of the inspection department married a former Paramount employ, Clarence Pullman. At M-G-M, Anne Zwieback, secretary to Branch Manager H. J. Shumow, married Art Grossman.

## *Hamrick Renovating*

TACOMA, Oct. 30.—In line with his policy of modernizing all of his houses in Oregon and Washington, John Hamrick has let a contract for remodelling his Blue Mouse. B. F. Shearer Equipment Co. will renovate and furnish new equipment at a cost of $5,000.

## *Passaic Stops Shows*

PASSAIC, Oct. 30.—City commissioners have put a stop to weekly showings of German pictures here in an unlicensed building. Pictures had been going on for four weeks before the building inspector discovered that the building did not come up to theatre standards.

## *End Milwaukee Dispute*

MILWAUKEE, Oct. 30.—A dispute between the operators' union and the Park, operated by Manning Silverman, which had been hanging fire since May, 1934, was ironed out by the local labor committee at its first meeting here.

# Theatre Seat Range Up to 1,000 Urged

(*Continued from page* 1)

he said. Most of the big ones were designed for the purpose of crowding in as many seats as possible, regardless of how well spectators could see the screen, and it is a continual fight with overhead charges to support the stage productions these houses require, he asserted.

"If the number of seats poorly adapted for vision requirements were deducted from the sum total of seating," he continued, "it would be found that there is more nearly a condition of lack of seating capacity than that of over-seating."

He advocated a study of theatre standards to determine whether the present width of film is adequate. In this respect he said the addition of five millimeters in film width would give the picture a better shape and improve vision. Walks to seats could be cut to a minimum, in his opinion.

Further study should be made of tolerable angles of vision, he insisted, and no patron should be forced to watch a picture between the heads of those in front of him.

Continuing the discussion of the same subject, S. K. Wolf of Erpi said the ideal shape for a theatre was proportionately 2x3x5, height, width and length, respectively. Square theatres are acceptable but not desirable, he said, and shooting galleries, or long theatres, should be avoided. He also made these points:

### The Question of Curves

Pronounced, unbroken curved surfaces should be avoided. In theatres where there are deep stages, there should be as much space behind the reproducer as between the reproducer and the front row. On very deep stages a cyclorama of velour should be hung behind the reproducer. External noises should be guarded against and lobbies should be as far from the screen as possible. Seat absorption should also be studied.

Describing the problem of the engineer as one of "creating the illusion of reality," Dr. Alfred N. Goldsmith included among problems facing engineers the improvement of film stock, reduction of the number of lenses, improvements in blimp cameras, control boards for lighting sets, and enhancement of screen illumination.

F. H. Richardson, projection specialist of *Motion Picture Herald,* discussing the subject "The Need for Uniform Density in Variable Density Sound Tracks," declared it was impossible at present for one-man projection booths to adjust sound apparatus for compensations in tone due to varying densities of sound track. Proper volume level must be provided so that little or no change of fader positions will be needed, he asserted.

Other subjects discussed at the morning session of the four-day convention at the Pennsylvania yesterday were: "Piezoelectric Loud Speakers," A. L. Williams; "Sound Waves and Their Sources," a film provided by Erpi; "Performance and Use of Wave Filters, and a Mechanical Demonstration of Their Characteristics," C. E. Lane; "Cor parative Merits of 16mm Sound Optical Reduction and Re-Recording C. N. Batsel and L. T. Sachtleben.

Afternoon topics, in addition to t papers on theatre design presented Schlanger and Wolf, were: "Poss bilities of Engineering Developmen in the Motion Picture Industry," Gol smith; report of the projection pra tice committee, H. Rubin; report projection screen, committee, J. Kurlander; "Possible Improvemen in the Changeover System," op forum; "The Non-Rorating High I tensity D.C. Arc for Projection," D. Joy and E. R. Geib; "The Stablear Unitwin Motor Generator for the No Rotating High Intensity D.C. Arc I. Samuels; "Electronic Tube Co trol for Theatre Lighting," J. R. Ma heimer and T. H. Joseph; "Lumino Fronts for Theatres," C. M. Cutle Pictures were shown at the evenin session.

The convention will continue throug today and tomorrow and will close t morrow night with a banquet.

# Leo Reported Set for Hea Of Tri-Ergo

(*Continued from page* 1)

plans employed by Erpi and RCA v be used as models in addition to schedule by A.S.C.A.P. The abi of a theatre to pay according to gr income will be considered, it v learned.

Reports persist that RCA and E have made overtures to Fox to both patents, but that he has turne deaf ear to all offers.

Just how soon the proposed Am ican Tri-Ergon branches would opened could not be learned.

## *Mississippi Tax Is Ruinous, Kuykenda*

(*Continued from page* 1)

when he said that he was willing assist any organization in cleaning pictures.

All the present officers were elected.

NEW ORLEANS, Oct. 30.—Exhibit from this city who planned to atte the convention of the Independ M. P. Theatre Owners at Jacks Miss., canceled their plans at the l moment, probably due to the injury H. S. McLeod, president of the G States Theatre Owners, received w he hurt his leg in his theatre.

## *Warner Has Narro Escape from Mot*

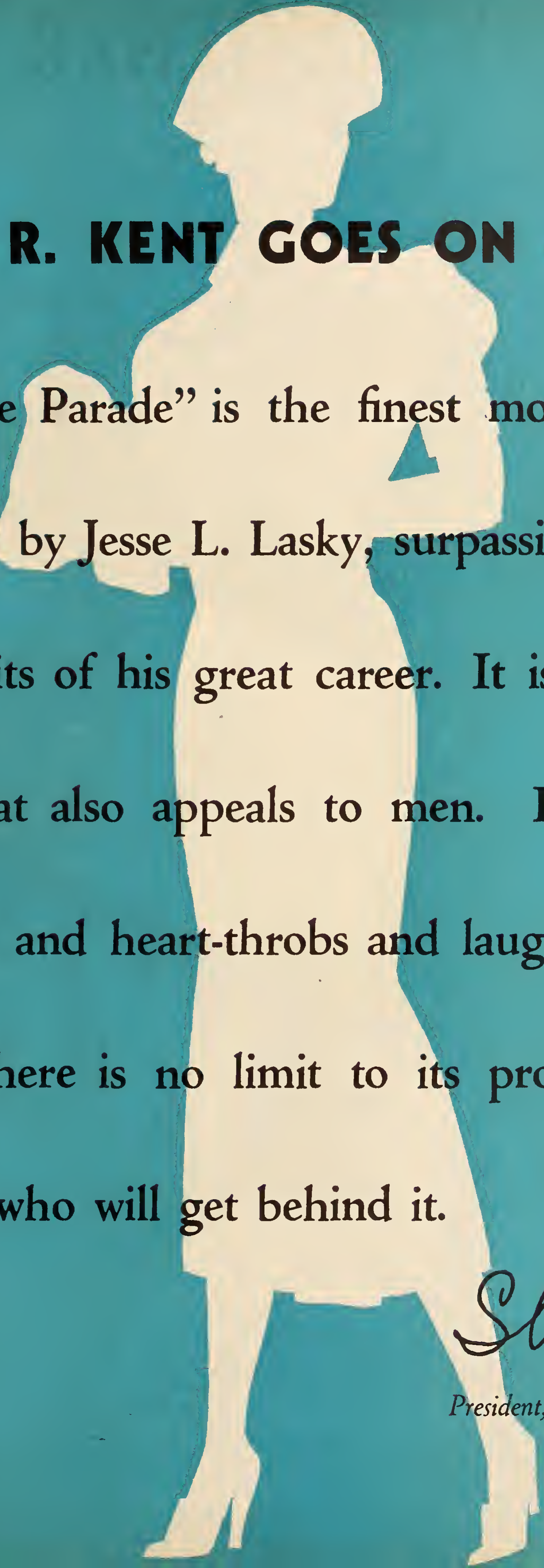
(*Continued from page* 1)

wind and snow flurry, protecting eyes with his arm as he was crossi a road, but fortunately an oncomi automobile approaching Warner, w could not see, stopped in time.

Warner plans to leave for N York in the next few days.

## *Goldstein Joins Rex*

Jack Goldstein has been named sal manager for Rex Premiums, Inc., su sidiary of Progressive Poster Servi The company will handle Ebony a silver ware.



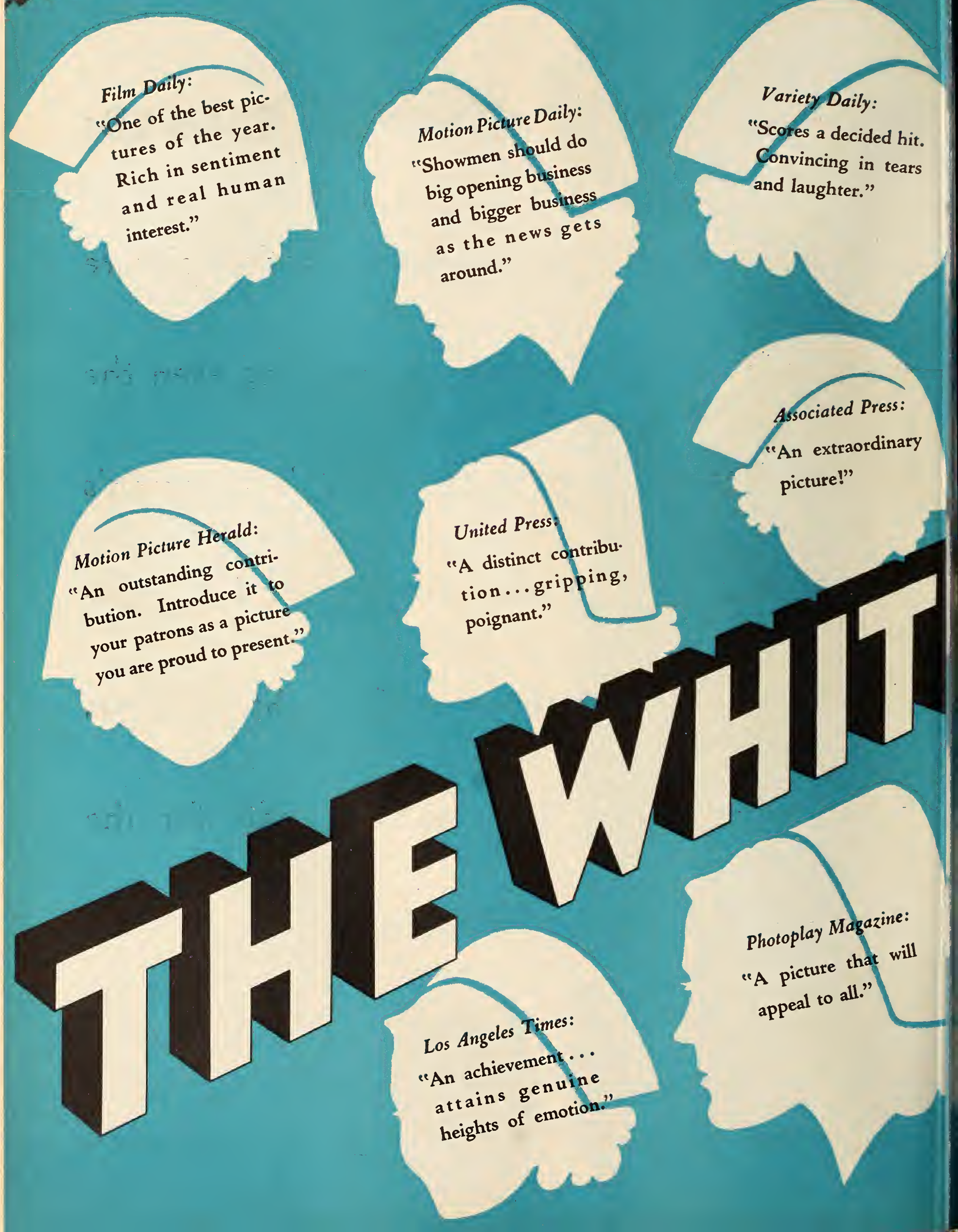
# SIDNEY R. KENT GOES ON RECORD:

"The White Parade" is the finest motion picture ever made by Jesse L. Lasky, surpassing even the greatest hits of his great career. It is a woman's picture that also appeals to men. It has more than tears and heart-throbs and laughter—it has a soul. There is no limit to its profits for the showman who will get behind it.

SRKent

*President, Fox Film Corporation*

# *and* EVERY REVIEWER JOINS



*Film Daily:*
"One of the best pictures of the year. Rich in sentiment and real human interest."

*Motion Picture Daily:*
"Showmen should do big opening business and bigger business as the news gets around."

*Variety Daily:*
"Scores a decided hit. Convincing in tears and laughter."

*Associated Press:*
"An extraordinary picture!"

*Motion Picture Herald:*
"An outstanding contribution. Introduce it to your patrons as a picture you are proud to present."

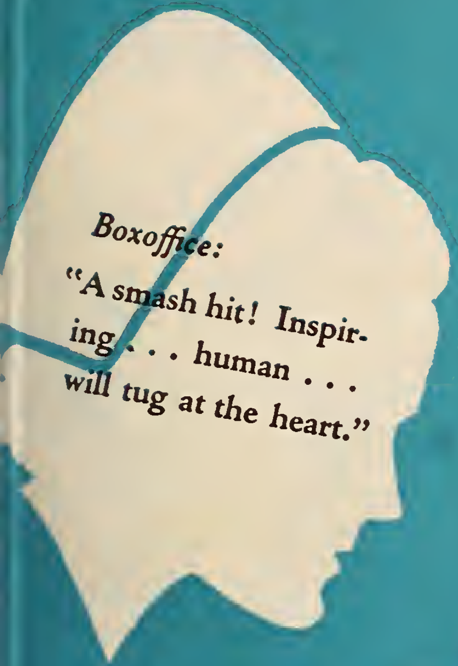
*United Press:*
"A distinct contribution...gripping, poignant."

# THE WHIT

*Photoplay Magazine:*
"A picture that will appeal to all."

*Los Angeles Times:*
"An achievement... attains genuine heights of emotion."

# THE PARADE OF PRAISE!



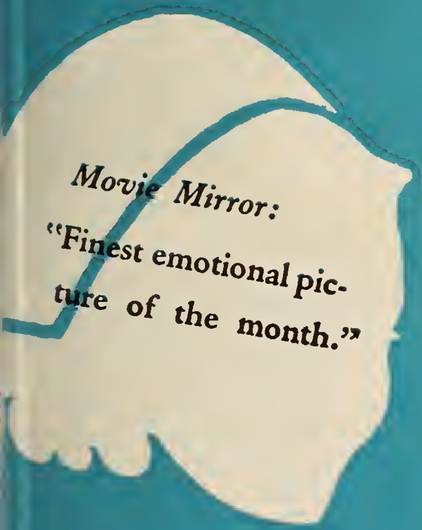
*Boxoffice:*
"A smash hit! Inspiring . . . human . . . will tug at the heart."

# PARADE

**JESSE L. LASKY Production**

The greatest hit of this great producer's career.

# LORETTA YOUNG
# JOHN BOLES



*Movie Mirror:*
"Finest emotional picture of the month."

Directed by Irving Cummings

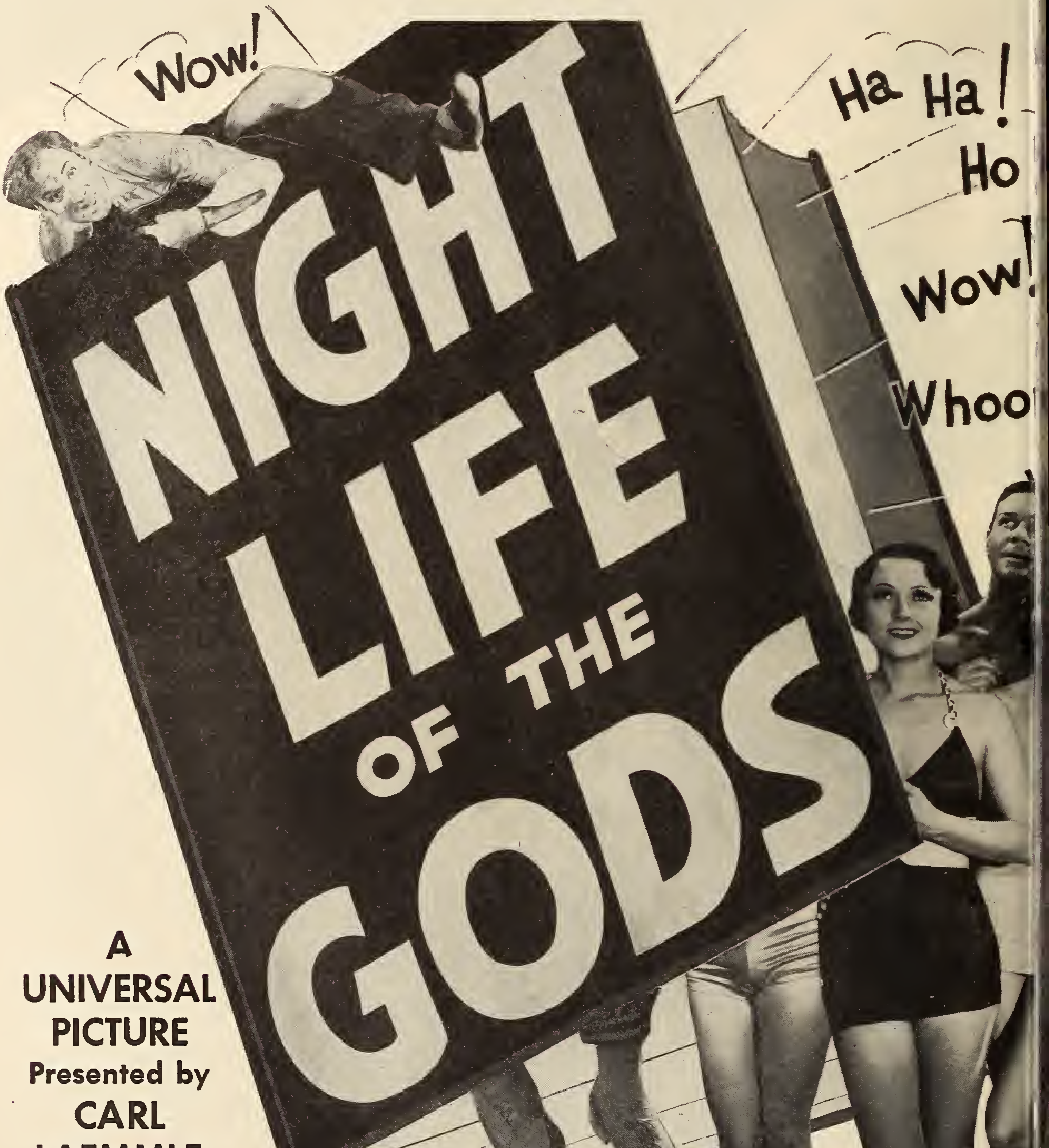
Screen play by Sonya Levien
and Ernest Pascal

From the novel by Rian James

Adaptation by Rian James and
Jesse Lasky, Jr.

FOX

# The Book That Rocke


Wow!
NIGHT
LIFE
OF THE
GODS
Ha Ha!
Ho
Wow!
Whoo

**A
UNIVERSAL
PICTURE
Presented by
CARL
LAEMMLE**

# ne World With Laughter

# .NOW ON THE SCREEN!

**Don't be incredulous; don't be surprised; don't be SHOCKED at ANYTHING you see in this, the screen scream of the century!...IT'S ALL IN FUN!...Statues come to life!...Folks are turned to stone!...Broadway's hot spots are turned upside down by a bunch of sports who really know how to go places and do things!...IT'S A COMEDY CLEANUP!**

## LOWELL SHERMAN'S

**Uproarious Production of**

## THORNE SMITH'S

**Riotous Novel**

# A Picture mad
# who loved “

# “ANNE OF G

L. M. MONTGOMERY'S

***with* ANNE SH**

**TOM BROWN O. P.**

*THANKSGIVING*

(IN

RKO-RADIO PICTURE
*Directed by GEORGE NICHOLLS, Jr.*
*Book published by L. C. Page & Co., Inc.*

# or the millions
# ttle Women"

# *EN GABLES"*

T AMERICAN CLASSIC

## EY *as* "ANNE"

IE HELEN WESTLEY

## *K ATTRACTION*

S)

# "Cleopatra" $6,500 High, Minneapolis

MINNEAPOLIS, Oct. 30.—"Cleopatra" topped Minneapolis grosses last week with a take of $6,500, over par by $500, at the State.

St. Paul's best bet was "The Barretts of Wimpole Street," also $6,500 and over average by the same amount.

"The Gay Divorcee" pulled a good $6,000 in its second week at the Orpheum here, and "The Last Gentleman" was strong at $4,500 in the Century.

Total first run business in Minneapolis was $24,700. Average is $21,000. St. Paul's total was $19,100. Average is $16,000.

Estimated takings:

***Minneapolis:***

***Week Ending Oct. 25:***

**"THE LAST GENTLEMAN" (U. A.)**

CENTURY—(1,000), 25c-40c, 7 days. **Gross:** $4,500. (Average, $4,000)

**"WAGON WHEELS" (Para.)**

LYRIC—(1,000), 20c-25c, 7 days. **Gross:** $1,700. (Average, $1,500)

***Week Ending Oct. 26:***

**"THE GAY DIVORCEE" (Radio)**

ORPHEUM—(2,900), 25c-50c, 7 days, 2nd week. **Gross:** $6,000. (Average, $5,500)

**"CLEOPATRA" (Para.)**

STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,500. (Average, $5,500)

**"A GIRL OF THE LIMBERLOST" (Monogram)**

TIME—(300), 25c-35c, 7 days, 2nd week. **Gross:** $3,000. (Average, $2,500)

**"BLUE DANUBE"**

WORLD—(400), 25c-75c, 7 days. **Gross:** $3,000. (Average, $2,500)

***St. Paul:***

***Week Ending Oct. 25:***

**"THE BARRETTS OF WIMPOLE STREET" (M-G-M)**

PARAMOUNT—(2,300), 25c-40c, 7 days **Gross:** $6,500. (Average, $5,500)

**"THE CASE OF THE HOWLING DOG" (Warners)**

RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500)

**"THE AGE OF INNOCENCE" (Radio)**

ORPHEUM—(2,000), 25c-40c, 7 days Music Hall Varieties. **Gross:** $4,500. (Average, $4,000)

**"THE LEMON DROP KID" (Para.)**

TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,800. (Average, $1,500)

**"THE LITTLE DAMOSEL"**

WORLD—(300), 25c-75c, 7 days. "The Drunkard" stage play, 2nd week. **Gross:** $2,800. (Average, $2,600)

# "Divorcee," Show Big in Providence

PROVIDENCE, Oct. 30. — Theatres chalked up another good week with three houses exceeding their average takes by comfortable margins.

In the matter of dollars and cents the RKO Albee topped the list, catching $9,100 with "The Gay Divorcee" on the screen and the Revelry Revue on the stage. The average take for this house is $7,000. Fay's, also with an average of $7,000, managed to garner $8,900 with a combo bill, booking "Kansas City Princess" and Paradise Night Club revue on stage. The Strand had a better-than-average week, but Loew's and the Majestic were off.

Total first run business was $39,450. Average is $40,500.

Estimated takings for the week ending Oct. 25:

**"THE GAY DIVORCEE" (Radio)**

RKO ALBEE—(2,300), 15c-40c, 7 days. Stage: "Revelry Revue." **Gross:** $9,100. (Average, $7,000)

(*Continued on page* 15)

# "Bike Rider" Top in Dull Phila. Week

PHILADELPHIA, Oct. 30.—Business took a header last week, hitting the lowest total gross in many weeks. Only the stage show houses topped their average, the Earle getting $14,000 with "Six-Day Bike Rider," a good figure considering a lack of stage name. The Fox hit $15,000 with "Peck's Bad Boy."

Disappointment was "One Night of Love" at the Stanley. This $11,000 is a good take, but the film was expected to go two weeks. It will get a second run downtown at the Karlton.

Total first run business was $68,550. Average is $69,200.

Estimated takings for the week ending Oct. 25:

**"MADAME DU BARRY" (Warners)**

ALDINE—(1,200), 40c-55c-65c, 6 days. **Gross:** $7,000. (Average, $7,000)

**"DEATH ON THE DIAMOND" (M-G-M)**

ARCADIA—(600), 25c-40c-50c, 3 days, 2nd run. **Gross:** $850. (Average, 6 days, $2,400)

**"OUTCAST LADY" (M-G-M)**

BOYD—(2,400), 40c-55c-65c, 6 days. **Gross:** $10,000. (Average, $12,000)

**"SIX-DAY BIKE RIDER" (F. N.)**

EARLE—(2,000), 40c-55c-65c, 6 days. Stage: Sylvia Froos; Barney Grant; Virginia Bacon & Co.; Cass, Mack, Owen and Topsy, Pischianni Troupe. **Gross:** $14,000. (Average, $12,000)

**"PECK'S BAD BOY" (Fox)**

FOX—(3,000), 35c-40c-65c, 6 days. Stage: Bennie Davis Revue. **Gross:** $15,000. (Average, $12,000)

**"THE LAST GENTLEMAN" (U. A.)**

KARLTON—(1,000), 30c-40c-50c, 6 days, 2nd run. **Gross:** $3,200. (Average, $3,500)

**"ONE NIGHT OF LOVE" (Col.)**

STANLEY—(3,700), 40c-55c-65c, 6 days. **Gross:** $11,000. (Average, $12,000)

**"WAGON WHEELS" (Para.)**

STANTON—(1,700), 30c-40c-55c, 6 days. **Gross:** $5,200. (Average, $6,000)

**"POWER" (Gaumont-British)**

LOCUST—(1,300), 40c-55c-65c, 3 days, 2nd week. **Gross:** $2,300. (Average, 6 days, $7,000)

# "Cristo" Montreal Leader at $9,000

MONTREAL, Oct. 30.—"The Count of Monte Cristo" at the Princess, on a dual with "Look for the Silver Lining," played to $9,000, or 50 per cent above average. It was held over for a second week.

There was plenty of fun at Loew's with "The Lemon Drop Kid" and a stage show headed bv Olsen & Johnson, the resultant take being $12,000. "Outcast Lady" was responsible for $10,000 at the Capitol, while the second week of "The Barretts of Wimpole Street" gave $8,500 to the Palace.

Total first run business was $39,000. Average is $37,000.

Estimated takings for the week ending Oct. 27:

**"OUTCAST LADY" (M-G-M)**

**"KANSAS CITY PRINCESS" (Warners)**

CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $10,000. (Average, $9,500)

**"THE LEMON DROP KID" (Para.)**

LOEW'S—(3,115), 30c-40c-45c-57c-75c, 7 days. Stage: Olsen & Johnson in "Cavalcade of Fun." **Gross:** $12,000. (Average, $10,500)

**"THE BARRETTS OF WIMPOLE STREET" (M-G-M)**

PALACE—(2,600), 34c-40c-50c-60c-75c, 7 days, 2nd week. **Gross:** $8,500. First week, $12,500. (Average, $11,000)

**"THE COUNT OF MONTE CRISTO" (United Artists)**

**"LOOK FOR THE SILVER LINING" (Columbia)**

PRINCESS—(2,272), 30c-35c-50c-65c, 7 **Gross:** $9,000. (Average, $6,000)

## *Says He's Through*

**Muncie, Ind., Oct. 30.—Charles Murray, comedian, has come back to his home town, Muncie, and announced his retirement.**

**"I'm going to take it easy now," he said. "They say the life of a movie actor is seven years and I've been in it 18 years longer than that." Murray is 61 years old.**

# "One Night," Washington, Hits $11,400

WASHINGTON, Oct. 30.—"One Night of Love" cracked a record at the Metropolitan last week by piling up $11,400 in its first full week. This is $7,300 over normal.

It was a week of big business. "Judge Priest" ran up to $18,500 in Loew's Palace, over par by $4,000, and "The Gay Divorcee" was a mild sensation at RKO Keith's with a take of $16,000, on the profit side of the line by $4,600.

"Six-Day Bike Rider," helped by the fourth anniversary vaudeville program at the Earle, took $21,300. "Have a Heart," with the assistance of Amos 'n' Andy, was good for $22,700 at Loew's Fox.

Total first run business was $94,600. Average is $71,200.

Estimated takings for the week ending Oct. 25:

**"SIX-DAY BIKE RIDER" (F. N.)**

EARLE—(2,218), 25c-77c, 7 days. Stage: Fourth Vaudeville Anniversary Show, Paul Ash, m. c., with Maxine Doyle, Guy Kibbee, Audrey Sieber, Henry Starr, George Freems, Lou Barrison, Ginger Pearson, Four Rockets, Sara Mildred Strauss Dancers, Tom Gentry & Orchestra. **Gross:** $21,300. (Average, $17,600)

**"THE BARRETTS OF WIMPOLE STREET" (M-G-M)**

LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement, second week). **Gross:** $4,700. (Average, $3,100)

**"HAVE A HEART" (M-G-M)**

LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Freemen Gosden & Charles Correll ("Amos 'n' Andy"), Alexander & Santos, Stone & Lee, Chester Frederics & Stewart Sisters. **Gross:** $22,700. (Average, $20,500)

**"JUDGE PRIEST" (Fox)**

LOEW'S PALACE—(2,370), 35c-77c, 7 days. **Gross:** $18,500. (Average, $14,500)

**"ONE NIGHT OF LOVE" (Col.)**

METROPOLITAN—(1,591), 25c-40c, 7 days (return engagement, first full week). **Gross:** $11,400. (Average, $4,100)

**"THE GAY DIVORCEE" (Radio)**

RKO-KEITH'S—(1,836), 25c-55c, 7 days. **Gross:** $16,000. (Average, $11,400)

## *Bartow Theatres Merge*

BARTOW, Fla., Oct. 30.—The two white theatres here have decided to bury the hatchet and combine. The Ernada, owned by D. V. Marquis, and the Bartow, owned by B. E. Gore of Tampa, have both sold their houses to a corporation, known as the Tower Amusement Co. Stock in the corporation will be held by the former owners of the property.

## *Loew Unit in Virginia*

RICHMOND, Oct. 30.—Loew's Theatre & Realty Corp. of Delaware has been domesticated in Virginia. It is expected the company will have a part in the presentation of stage plays and other attractions at the Lyric.

# "One Night," At $52,000, Chicago Wow

CHICAGO, Oct. 30.—"One Night o Love" was the week's high spot in the Loop. The $52,000 take was ove normal by $17,400 at the Chicago.

"The Gay Divorcee" was also among the winners. It garnered $26,000, up by $4,000, at the Palace, with a vaudeville show. "Barretts of Wimpole Street," in its second week, held up to $17,000 at United Artists.

Total first run business was $150,000. Average is $131,600.

Estimated takings:

***Week Ending Oct. 23:***

**"CHAINED" (M-G-M)**

ROOSEVELT—(1,591), 25c-35c-50c, 4t week, 7 days. **Gross:** $8,000. (Average, $11,000)

***Week Ending Oct. 25:***

**"ONE NIGHT OF LOVE" (Col.)**

CHICAGO—(4,000), 25c-35c-68c, 7 days B. & K. stage production with Diamon Brothers, Dick & Edith Barstow, Evan Girls. **Gross:** $52,000. (Average, $34,600)

**"KANSAS CITY PRINCESS" (Warners**

GARRICK—(900), 25c-35c-40c, 7 day **Gross:** $4,000. (Average, $5,000)

**"THE HUMAN SIDE" (Univ.)**

ORIENTAL—(3,940), 25c-40c, 7 day Stage: Blackstone, the magician; Le Parker & Co., others. **Gross:** $17,000. (Average, $15,000)

**"THE GAY DIVORCE" (Radio)**

PALACE—(2,509), 25c-35c-50c, 7 day Stage: Salici Varieties, Ben Blue, Funn Boners, Mann, Robinson & Morton c stage. **Gross:** $26,000. (Average, $22,000)

***Week Ending Oct. 26:***

**"BARRETTS OF WIMPOLE STREET (M-G-M)**

UNITED ARTISTS—(1,700), 30c-40c-60 2nd week, 7 days. **Gross:** $17,000. (Averag $17,000)

**"A LOST LADY" (F. N.)**

APOLLO—(1,400), 25c-35c-50c, 7 day **Gross:** $11,000. (Average, $12,000)

***Week Ending Oct. 27:***

**"THEIR BIG MOMENT" (Radio)**

STATE-LAKE—(2,776), 20c-25c-35c, days. Joe Lewis & Cabaret Revue, ar vaudeville. **Gross:** $15,000. (Average, $15 000)

# "Divorcee" Sets Up New Mark in Omaha

OMAHA, Oct. 30.—"The Gay Divorcee" did the best windup of an picture held over here in years, givin the Brandeis $6,000 for the secon week. This is $3,500 over par for first week, and is a record total fo two weeks at this house—$13,100.

"The Last Gentleman" and "Desirable" profited nicely with $9,400 a the Orpheum, and the World wa above average with $3,800 on "Crim Without Passion" and "Gift of Gab." "Cleopatra" slumped heavily.

Total first run business was $26,200 Average is $22,500.

Estimated takings:

***Week Ending Oct. 24:***

**"GIFT OF GAB" (Univ.)**

**"CRIME WITHOUT PASSION" (Para.**

WORLD—(2,200), 25c-40c, 7 days. **Gross** $3,800. (Average, $3,500)

**"CLEOPATRA" (Para.)**

PARAMOUNT—(2,800), 24c-40c, 7 day **Gross:** $7,200. (Average, $8,000)

***Week Ending Oct. 25:***

**"THE GAY DIVORCEE" (Radio)**

BRANDEIS—(1,500), 20c-25c-35c, 7 day 2nd week. **Gross:** $6,000. (Average, $3,500)

**"THE LAST GENTLEMAN" (U. A.)**

**"DESIRABLE" (Warners)**

ORPHEUM—(3,000), 25c-40c, 7 day **Gross:** $9,400. (Average, $7,500)

# "Cristo" Good For 5th Week In Pittsburgh

Pittsburgh, Oct. 30.—Business was off all over town last week with a couple of exceptions. The downtown sensation continued to be "The Count of Monte Cristo," which did a nice $5,250 in its fifth week at the Fulton and could have held over again. The house, however, was forced to yank it due to the insistence of several exchanges demanding playing dates.

The only other house to turn a profit was the the Alvin, where "Caravan" and a stage show rolled up a nice $11,750. Otherwise, things were way off. "Cleopatra," even with a good show to bolster it, couldn't better a very ordinary $18,250 at the Penn, while "Happiness Ahead" dipped to $7,200 at the Stanley. The Pitt slipped again, getting only $5,200 with "Young and Beautiful."

Total grosses in six first runs were $52,150. Average is $56,500.

Estimated takings for the week ending Oct. 25:

**"CARAVAN" (Fox)**
ALVIN—(2,000), 25c-40c, 6 days. Stage: Johnny Perkins, Helen Honan, Three Fon- als, John and Mary Mason, Miss Low Door Lun. **Gross:** $11,750. (Average, 10,000.)

**"COUNT OF MONTE CRISTO" (U. A.)**
FULTON—(1,750), 15c-40c, 6 days, 5th veek. **Gross:** $5,250. (Average, $4,500.)

**"CLEOPATRA" (Para.)**
PENN—(3,300), 25c-75c, 6 days. Stage: Al Tarhana, Allen and Kent, DeLong Sisers and Jack Denny's band. **Gross:** $18,-50. (Average, $22,000.)

**"YOUNG AND BEAUTIFUL" (Mascot)**
PITT—(1,600), 15c-40c, 6 days. Stage: 'Anatol's Affairs of 1935" with Harry Rose, Jean Boydell and the Seamon brothrs. **Gross:** $5,200. (Average, $6,000.)

**"HAPPINESS AHEAD" (Warners)**
STANLEY—(3,600), 25c-50c, 6 days. **Gross:** $7,200. (Average, $9,000.)

**"OUR DAILY BREAD" (U. A.)**
**"BIG HEARTED HERBERT" (Warners)**
WARNER—(2,000), 25c-40c, 6 days. **Gross:** 4,500. (Average, $5,000.)

# "Divorcee" Is Record Maker In Cleveland

Cleveland, Oct. 30.—"The Gay ivorcee" broke a five-year record at e Hippodrome with a $16,500 gross. "Six-Day Bike Rider" more than oubled Allen average business with gross of $7,000. "The Last Gentlean," on the same bill with the Fokine allet and Grace Hayes, played to 20,000.

Total business was $58,000. Average $41,000.

Estimated takings for the week endg Oct. 26:

**"SIX-DAY BIKE RIDER" (F. N.)**
ALLEN—(3,300), 20c-30c-40c, 7 days. **ross:** $7,000. (Average, $3,000)

**"THE GAY DIVORCEE" (Radio)**
WARNERS' HIPPODROME—(3,800), 30c-c-44c, 7 days. **Gross:** $16,500. (Average, ,000)

**"LOST LADY" (F. N.)**
RKO PALACE—(3,100), 30c-35c-44c, 7 ys. **Gross:** $9,000. (Average, $10,000)

**"THE LAST GENTLEMAN" (U. A.)**
LOEW'S STATE—(3,400), 30c-40c-60c, 7 ys. Stage: Fekine Ballett, Grace Hayes. **ross:** $20,000. (Average, with stage show, 3,000)

**ELLE OF THE NINETIES" (Para.)**
LOEW'S STILLMAN—(1,900), 30c-35c-c, 7 days, 2nd week. **Gross:** $5,500. (Avere, $4,000)

# *Boston Grosses Prosperous; "Priest" $6,000 Over Par*

Boston, Oct. 30.—The eighth consecutive rainy week-end brought joy and dollars to managers hereabouts. Takes were up all along the line, with "Judge Priest" at the Metropolitan garnering a fine $34,000 at the Metropolitan. This is $6,000 over the line. The "Shuffle Along" revue was on the stage.

"What Every Woman Knows" was $3,000 up on a $19,000 take at Loew's State. "Million Dollar Ransom" had a strong $18,000 at the Boston, the second week of "The Gay Divorcee" at Keith's was still on the profit side of the ledger, and a dual, "Our Daily Bread" and "Kansas City Princess," made money at $10,000 in the Fenway.

Total first run business was $108,000. Average is $94,000.

Estimated takings for the week endings Oct. 25:

**"MILLION DOLLAR RANSOM" (Univ.)**
BOSTON—(2,900), 25c-50c, 7 days. Vaudeville. **Gross:** $18,000. (Average, $16,000)

**"OUR DAILY BREAD" (U. A.)**
**"KANSAS CITY PRINCESS" (Warners)**
FENWAY—(1,800), 30c-50c, 7 days. **Gross:** $10,000. (Average, $9,000)

**"THE GAY DIVORCEE" (Radio)**
**(Second Week)**
KEITH'S—(3,500), 25c-65c, 7 days. **Gross:** $17,000. (Average, $16,000)

**"WHAT EVERY WOMAN KNOWS"**
**(M-G-M)**
LOEW'S STATE—(3,700), 35c-50c, 7 days. **Gross:** $19,000. (Average, $16,000)

**"JUDGE PRIEST" (Fox)**
METROPOLITAN—(4,350), 30c-65c, 7 days. Shuffle Along revue. **Gross:** $34,000. (Average, $28,000)

**"OUR DAILY BREAD" (U. A.)**
**"KANSAS CITY PRINCESS" (Warners)**
PARAMOUNT—(1,800), 30c-50c, 7 days. **Gross:** $10,000. (Average, $9,000)

# "Priest" Big In K. C.; Gets $9,200 Start

Kansas City, Oct. 30. — "Judge Priest" is doing tremendous business at the Fox Uptown, where it is in a second week. The first week's take was $9,200, against $3,500 average.

The Tower garnered $8,700, above par by $1,700, with "I'll Fix It" and a stage show, while "Gay Divorcee" in a second week at the Mainstreet held up well at $7,800. "What Every Woman Knows," the Midland's feature, was considerably off at $8,600. "Wagon Wheels" was below par at the Newman.

Theatres encountered terrific competition in the American Royal Livestock and Horse Show, which hung up an attendance record of an estimated 200,000 during the week.

Total first run business was $40,300. Average is $34,500.

Estimated takings:

***Week Ending Oct. 24:***

**"WAGON WHEELS" (Para.)**
NEWMAN—(1,800), 25c-40c, 7 days, plus Saturday midnight show. **Gross:** $6,000. (Average, $7,000.)

***Week Ending Oct. 25:***

**"THE GAY DIVORCEE" (Radio)**
MAINSTREET—(3,100), 25c-40c, 7 days, 2nd week, plus Saturday late show. **Gross:** $7,800. (Average, $7,000.)

**"WHAT EVERY WOMAN KNOWS"**
**(M-G-M)**
MIDLAND—(4,000), 25c-40c, 7 days, plus Saturdy midnight show. **Gross:** $8,600. (Average, $10,000.)

**"I'LL FIX IT" (Col.)**
TOWER—(2,200), 25c-35c, 7 days, plus Saturday midnight show. Stage: "Fall Frolics," with Joe & Jane McKenna; Smith, Strong & Lee; Williams & Fall; Silver King, and others. **Gross:** $8,700. (Average, $7,000.)

***Week Ending Oct. 26:***

**"JUDGE PRIEST" (Fox)**
UPTOWN—(2,000), 25c-40c, 7 days. **Gross:** $9,200. (Average, $3,500.)

## *Vaude to Louisville*

Louisville, Oct. 30. — Vaudeville has been returned to the National. The programs also include a stage band. Will Harris, formerly with B. & K., is directing the stage shows and Robert Nolan is master of ceremonies.

# "Divorcee" Is Up in Seattle Despite Storm

Seattle, Oct. 30.—Severe storms reduced all grosses here last week, with "The Gay Divorcee" at the Music Hall the only attraction surviving the shock. The $7,200 gross was over par by $700.

"The Count of Monte Cristo" was still doing well in the third week at the Blue Mouse where it is playing an extended run from the Music Hall. The take was $3,400.

Total first run business was $27,800. Average is $31,000.

Estimated takings for the week ending Oct. 26:

**"COUNT OF MONTE CRISTO" (U. A.)**
BLUE MOUSE—(950), 25c-40c-55c, 7 days, 3rd week of extended run from Music Hall. **Gross:** $3,400. (Average, $4,000)

**"SERVANTS ENTRANCE" (Fox)**
FIFTH AVENUE—(2,450), 25c-40c-55c, 5 days. **Gross:** $4,400. (Average, $7,000)

**"NAME THE WOMAN" (Col.)**
**"WHOM THE GODS DESTROY" (Col.)**
LIBERTY—(1,800), 10c-15c-25c, 7 days. **Gross:** $3,750. (Average, $4,000)

**"SIX-DAY BIKE RIDER" (Warners)**
**"MILLION DOLLAR RANSOM" (Univ.)**
MUSIC BOX—(950), 25c-35c-50c, 7 days. **Gross:** $3,200. (Average, $3,500)

**"GAY DIVORCEE" (Radio)**
MUSIC HALL—(2,275), 25c-40c-55c, 7 days. **Gross:** $7,200. (Average, $6,500)

**"OUTCAST LADY" (M-G-M)**
PARAMOUNT—(3,050), 25c-35c, 7 days. Stage: Gus Arnheim & Band. **Gross:** $5,900. (Average, $6,000)

# "Divorcee," Show Big in Providence

(*Continued from page 14*)

**"LEMON DROP KID" (Para.)**
**"WAGON WHEELS" (Para.)**
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $6,800. (Average, $6,500)

**"KANSAS CITY PRINCESS" (Warners)**
FAY'S—(1,600), 15c-40c, 7 days. Stage: Paradise Night Club Revue. **Gross:** $8,900. (Average, $7,000)

**"WHAT EVERY WOMAN KNOWS"**
**(M-G-M)**
LOEW'S STATE—(3,800), 15c-40c, 7 days. Maurice at organ. **Gross:** $7,500. (Average, $12,000)

**"CARAVAN" (Fox)**
**"BACK PAGE" (Pyramid)**
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $6,100. (Average, $7,000)

**"RICHEST GIRL IN THE WORLD"**
**(Radio)**
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,050. (Average, $1,000)

# Arliss Film Tops Frisco In Dull Week

San Francisco, Oct. 30.—"The Last Gentleman" was the only attraction in town to develop any strength last week, and its showing was nothing to get excited about. The take at the United Artists was $10,000, over par by $2,000.

"Kentucky Kernels" made an average $13,000 at the Golden Gate, and a dual, "A Lost Lady" and "Mrs. Wiggs of the Cabbage Patch," was good for $11,000 at the Paramount, but elsewhere business was off.

Total first run business was $77,500. Average is $83,000.

Estimated takings:

***Week Ending Oct. 23:***

**"KENTUCKY KERNELS" (Radio)**
GOLDEN GATE—(2,800), 25c-35c-40c, 7 days. Stage, band. **Gross:** $13,000. (Average, $13,000)

***Week Ending Oct. 24:***

**"LEMON DROP KID" (Para.)**
**"BIG HEARTED HERBERT" (Warners)**
FOX—(4,600), 15c-30c-40c, 7 days. **Gross:** $10,000. (Average, $11,000)

**"A LOST LADY" (Warners)**
**"MRS. WIGGS OF THE CABBAGE PATCH" (Para.)**
PARAMOUNT—(2,670), 15c-25c-55c-65c, 7 days. **Gross:** $11,000. (Average, $11,000)

**"BARRETTS OF WIMPOLE STREET"**
**(Columbia)**
WARFIELD—(2,700), 25c-35c-55c-65c, 7 days, 2nd week. **Gross:** $22,000. (Average, $23,000)

***Week Ending Oct. 25:***

**"ONE NIGHT OF LOVE" (Col.)**
ORPHEUM—(3,000), 15c-30c-35c-40c, 7 days, 8th week. **Gross:** $4,500. (Average, $9,000)

**"CLEOPATRA" (Para.)**
ST. FRANCIS—(1,400), 15c-35c-55c, 7 days. **Gross:** $7,000. (Average, $8,000)

**"THE LAST GENTLEMAN" (U. A.)**
UNITED ARTISTS—(1,200), 15c-35c-55c, 7 days. **Gross:** $10,000. (Average, $8,000)

# "Wagon Wheels" at $2,900 in Oklahoma

Oklahoma, City, Oct. 30. — The best comparative business of the week was done at the Capitol by "Wagon Wheels" which took $2,900, up by $400.

"The Notorious Sophie Lang," with Jack Crawford on the stage for four days, was good for $2,300 at the Liberty, but "Crime Without Passion," which held the screen for the last three days of the week without the aid of a stage show, took only $400.

Total first run business was $12,600. Average is $13,500.

Estimated takings for the week ending Oct. 27:

**"HIDEOUT" (M-G-M)**
CRITERION—(1,700), 10c-20c-36c-41c-56c, 7 days. **Gross:** $4,000. (Average, $5,000)

**"HAPPINESS AHEAD" (F. N.)**
MIDWEST — (1,500), 10c-26c-36c-56c, 7 days. **Gross:** $3,000. (Average, $4,000)

**"WAGON WHEELS" (Para.)**
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,900. (Average, $2,500)

**"NOTORIOUS SOPHIE LANG" (Para.)**
LIBERTY—(1,500), 10c-15c-26c-36c, Jack Crawford on stage, 4 days. **Gross:** $2,300. (Average week, $2,000)

**"CRIME WITHOUT PASSION" (Para.)**
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $400. (Average week, $2,000)

## *"St. Louis Kid" Latest*

Hollywood, Oct. 30.—Warners have changed the title of "The Perfect Week-End" to "The St. Louis Kid." James Cagney stars.

# Predict K. C. Zoning Will Start Dec. 1

Kansas City's clearance and zoning schedule will in all probability be the first to be adopted by Campi and put into effect. December 1 looks like the most probable date for the plan to be put into operation.

When the schedule came before an appeal committee in New York numerous independents and circuit operators in Kansas City notified Campi that 90 per cent of exhibitors in the territory were in favor of the plan. It was also suggested that it be adopted as of Dec. 1. Other than general protests by M-G-M and Paramount, no complaints against the plan were registered.

Recommendations by the appeal committee will be put before the main Campi body on Nov. 8, when it is expected the schedule will be approved.

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KANSAS CITY, Oct. 30.—Protest against Kansas City's proposed clearance schedule by Paramount and M-G-M at Campi's code session last week proved a bombshell here when the trade learned of the objections through MOTION PICTURE DAILY.

The general impression had been that all distributors, at least the major companies, favored the schedule as submitted. All local exchange managers of major companies, all affiliated circuit houses and a majority of independent exhibitors had approved the plan and wanted Campi's immediate adoption.

### Retarding Selling Season

The selling season here is being seriously retarded in the absence of a clearance and zoning schedule. Adoption of the new plan is urged as desirable for two reasons: to speed product buys and to stabilize the local price situation.

The objections by M-G-M and Paramount to basing clearance on admission prices and to making product available at the same time to subsequents charging the same admission are puzzling to local distributors and exhibitors in view of the fact this method has been found workable here for the last five years. Observers fail to understand the position of the companies in question in light of the fact all provisions of the schedule are in line with the clearance principles recently enunciated by Campi.

Various interpretations are placed on the protest by the two major companies. The version that finds most credence is that an attempt is being made to split the Kansas City clearance situation wide open, in which event "no clearance" would be declared and the distributors would be able to sell to the highest bidder on their own terms.

Another view is that Publix and Loew's, affiliated with the protesting companies, may want to return to the old 25-cent admission here, and, for this reason, want to assure themselves of adequate protection for their local first runs regardless of admission price.

## *Handle 196 Appeals*

**Of the 250 appeals filed with Campi, 196 have been disposed of by Code Authority to date.**

## *L. A. Zone Decision Reversed by Campi*

LOS ANGELES, Oct. 30.—Reversing a decision of the local clearance and zoning board, Campi has decided in favor of Fox West Coast by ruling that the Uptown and Forum are in the same zone.

Warners recently won a victory when the local board decided that the two houses were in different zones. F. W. C. took an appeal and sent John Bertaro and Port Major to New York to air the situation before a Campi appeal committee. Before the local ruling, F. W. C. purchased its film for the Uptown ahead of the Forum.

### Sustains Philadelphia Ruling

Decision of the Philadelphia clearance and zoning board in the case of the Fern Rock, Philadelphia, against Stanley Co. of America, operating the Colney and Felton; and Warners, operating the Lindy, Philadelphia, was sustained by Campi. The local board decided that the theatre buying first run should have a maximum of seven days clearance over the other three houses and the other three houses should have the same availability on repeat runs.

Campi dismissed the certification by the Des Moines board of a complaint by Mr. & Mrs. W. B. Krouse, Mason City, Ia., against W. E. Millington, Mason City, and L. L. Kaplan, Waterloo, Ia., on interference of operation of the Iowa.

## *K. C. Bank Nights Hit By Move to Stop Film*

KANSAS CITY, Oct. 30.—Stopping film service is proving a powerful weapon in the hands of the local grievance board in its fight against bank nights. Rather than risk being deprived of film, exhibitors running bank nights have decided to comply with the board's order, upheld by Campi, to discontinue the practice. Threats openly voiced that users of bank nights would fight the order through a Federal injunction action have failed to materialize.

J. F. Rigney, one of the last holdouts against the order, will discontinue the practice, he said tonight as the board prepared to serve notice on distributors tomorrow that they immediately stop serving theatres where bank nights are employed.

The premium ban put into effect last Friday midnight has the premium users in an uproar. Thirty-five independents have signed a telegram to Campi protesting the ban, charging irregularity in conducting the exhibitor poll on the practice. Several have announced they will continue the use of premiums until the board actually takes steps to cut off their film supply.

## *Cleveland Goes Home*

J. W. Cleveland of the Takoma, Washington, D. C., left for the Capital yesterday after appearing before a Campi appeal committee on a clearance case involving his theatre.

## *Reade to Appeal on Perth Amboy Award*

Walter Reade has appealed from a decision of the New York grievance board whereby Aaron Shusterman was granted 70 pictures for the Strand, Red Bank, and 68 for the Roky, Perth Amboy, N. J.

Reade, who operates the Carlton in Red Bank, was willing to give up the 70 pictures in this situation, but in Red Bank he says he is in need of pictures. He has three houses operating and a fourth to be opened shortly with only 350 pictures, he states.

Reade's contention is that if he were to give up 68 pictures in Perth Amboy he would be stuck for product. The decision of the local board was a joint one for both situations, and in order to appeal from the Perth Amboy verdict he must also take exception to Red Bank. The hearing is set for Monday.

## *Long Is Ordered to Divide with Frels*

DALLAS, Oct. 30.—On the ground that the Jefferson Amusement Co. had been actuated by personal malice toward Rubin Frels and not on sound business judgment in building theatres at Victoria, El Campo, Yorktown and Columbus the grievance board has ordered a 50-50 split of product between Frels and J. G. Long.

Long bought the theatres, the board states, with full knowledge of the circumstances leading to their construction. He took over the heavy film buys of Jefferson.

The decision was not unanimous and Long has appealed.

## *Omaha Board Again Bumps Bank Nights*

OMAHA, Oct. 30.—For the third time the local grievance board has ruled against a bank night in the case of E. M. Tracy, owner of the Princess at Storm Lake, Iowa, against G. R. Norman, manager of the Empire in that city.

Norman, against whom the charges were filed, indicated he would appeal. The hearing was without rancor and when the board rendered a "cease and desist" order, both plaintiff and complainant left the hearing room arm in arm.

## *First Division Expanding*

Several exchange deals whereby First Division will establish its own trademark are pending in western cities. The first new branch will be located in Chicago. Harry H. Thomas, president, leaves for the Windy City on Friday to close a deal and from there will visit other prospective situations. He will be gone about two weeks.

## *Will Distribute "Legong"*

World distribution rights to "Legong" outside of the United States and Canada have been obtained by Paramount International Corp. The film was produced by Marquis Henri de la Falaise de la Coudraye.

## *No Capitol Holdover*

"What Every Woman Knows" will not be held over at the Capitol, it was decided yesterday. Amos 'n' Andy will make personal appearances at the house starting Friday.

# Rule Transfer Is Illegal, But Help Theatre

(*Continued from page 1*)

a profitable basis, the board could d nothing else but find him guilty. Loui Nizer, attorney for distributors, insisted that the board hand down decision, but stated he would do al in his power to help him get reductions.

Milton Kusell of Paramount an Harry H. Thomas of First Division in executive session, stated they woul help Feldman out and George F Thompson, impartial member, volunteered to talk to Columbia and RK for the exhibitor.

Ben Roman of the Renaissanc complained of Vitagraph forcin shorts, but the board dismissed th case when it was revealed that th contracts in question were signe Nov. 25, 1933, and approved Dec. 2 five days before the code was pu into effect. The board ruled it ha no jurisdiction.

The overbuying complaint of th Liberty, Freehold, N. J., against Walter Reade was postponed two week Harry Suchman, attorney for the Liberty, and Leo Justin are trying t adjust the product situation.

## *Haines-Rogoff Hear Four Appeal Case*

Four appeal cases were heard yesterday by Roy Haines and Edwar Rogoff. Because W. C. Michel, firs vice-president of Fox, and alternat for S. R. Kent, was unexpectedl called to court, no Campi membe heard the cases.

Tower Theatre, Inc., of Miam against Paramount Enterprises, Inc Coral Gables, and Paramount an Rosetta in Miami on bank night Fred Kent, attorney, and Leonar Morrison, division manager for Paramount, defended the company. Th plaintiff was not on hand.

Charles Somma, Bluebird, Petersburg, Va., against Loew's and Wilme & Vincent houses in Richmond o clearance and zoning. Walter Vincen and A. Frank O'Brien represented th defendants, while Somma appeared o his own behalf.

A. E. Lichtman, Booker T Theatr Richmond, against Loew's and Wilme & Vincent on clearance and zoning.

J. W. Cleveland, Takoma, Washington, D. C., against Seco, Silve Springs, Md. The local board grante the plaintiff seven days' clearance ove the respondent. Cleveland appeare for himself while Samuel L. Boyd appeared for Seco.

## *Freeport Buying Hit*

Century circuit is defendant in a overbuying complaint filed yesterda for the Cameo, Freeport, L. I., b Weisman, Quinn, Allen & Spett. Th complainant contends that the Grov and Freeport have bought all first ar second runs in the town, leaving th Cameo without an available pictur

## *Schenck Delays Return*

LONDON, Oct. 30.—The return Joseph M. Schenck to America ha been postponed to later this week.

DAVID LOEW

spends upward

of $12,000,000

annually for film.

He reads

**MOTION PICTURE DAILY**

The Industry Buying Power Reads

MOTION PICTURE DAILY

# Probe Is Up To Make-Up Of Congress

(*Continued from page* 1)

Washington believe that films will bulk more largely in Congressional activities in 1935 than they did last season. Demands for restrictive legislation are expected to be made by various religious bodies which last summer launched their campaign against indecent films. Independents are expected to continue their agitation for the elimination of block booking.

The industry, however, is seen in a better position to resist adverse action due largely to its voluntary clean-up campaign and concessions made in block booking through greater liberality in the cancellation clause prerogatives under the NRA code.

The make-up of Congress will determine whether pictures are to be a subject of investigation. If next month's elections send representatives of pronounced radical character to Washington, it is anticipated the industry will be made the butt of considerable publicity-bringing agitation.

## *Fight on Sinclair Praised by Editor*

KANSAS CITY, Oct. 30.—The industry has sufficient reason for seeking the defeat of Upton Sinclair in his campaign for governor of California, declares the *Kansas City Journal-Post*.

"Upton Sinclair complains that the motion picture industry has entered a war against his candidacy for governor of California," the paper says in an editorial.

"If we have read the news aright, it was Mr. Sinclair who started the war, not only against the motion picture industry but against all business, which means also against all employes of business.

"There are some things about the movies that we don't like, but we are with them 100 per cent in their efforts to prevent Mr. Sinclair from making California an economic wilderness.

"If the movies are successful in defeating Mr. Sinclair, we'll feel like forgiving them for all their shortcomings."

## *Rumors Gain of Cut At Phila. First Runs*

(*Continued from page* 1)

that slashes will be made at some first runs, with the top cut from 65 to 55 cents. There are rumors also of policy changes, with the possibility that the Stanton will be renovated and S. L. (Roxy) Rothafel may operate the Mastbaum under Warners.

## *Felix Feist to Hawaii*

SAN FRANCISCO, Oct. 30.—Felix F. Feist, general sales manager of M-G-M, arrived tonight from Hollywood and New York en route to Honolulu for a short vacation.

## *Pathe Directors Meet*

The regular meeting of the board of Pathe Exchange, Inc., was held yesterday. Only routine business was transacted, according to the company.

# *Looking 'Em Over*

## *"The First World War"*

(*Fox*)

The world's film libraries, known and hitherto unknown, passed through the editorial hands of Laurence Stallings to sum up the results obtained in "The First World War." It is an excellent job of its kind, intensified by the cryptic but effective narrative of Pedro de Cordoba.

Epoch-making events in the light of the backwash of the Great War here parade themselves in authentic newsreel shots, climaxed by the clips themselves and dramatized as no Hollywood studio could do it by the inherent drama of the incidents.

The story of preparation for the conflict, as seen through the camera's eye traveling through many countries, is told through a sort of prelude and terrific, awe-shaking war shots concentrated into one grand melee of carnage with no particular attention fastened on the combatants of any nation.

"The First World War," as impressive and as unrelieved as it is, thus becomes a dubious quantity as straight entertainment goes. Rather, it is a serious, thought-provoking document of how nations and men can so quickly shed their veneer of civilization on the twin altars of political and economic gain.

The picture will require extensive and intensive exploitation to get it by these continued depressed times. Deserving of a break becauses it rates, "The First World War" becomes a questionable grosser.

Production Code Seal No. 040. Running time, 72 minutes.

KANN

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Limehouse Blues"*

(*Paramount*)

HOLLYWOOD, Oct. 30.—London's unknown purple, sector of vivid excitement, here is revealed on canvas not so colorful, although fairly interesting.

George Raft, half white, half Chinese, from America's underworld, takes control of Limehouse by bumping off Montagu Love, former head man, in Oriental style. Raft's love life conflicts between Anna May Wong, who loves him, and Jean Parker, an alley denizen whom he loves. Miss Parker, however, loves Kent Taylor, whom Raft puts on the spot. Realizing her affection for Taylor, Raft rushes to save him, sacrificing his own life before police guns.

He gives an undistinguished performance. Miss Parker and Taylor have played better roles. Miss Wong, although beautiful, is given little emotional opportunity and all the other players perform adequately but none stand out. Alexander Hall's direction, usually original and distinctive, seems hampered here by convenient situations and uninspired dialogue. The story is an original by Arthur Phillips with the screen play by the author and Cyril Hume. Harry Fishbeck's photography is fine.

The production has eye value with a certain glamour. Where melodrama is relished this should rate okay. In other spots it assays only a fair attraction. Production Code Seal No. 300. Running time, 65 minutes.

*"The St. Louis Kid," which opens at the Strand this morning, was reviewed by wire from Hollywood on Oct. 9 under its former title, "Perfect Week-End."*

*"Transatlantic Merry-Go-Round," this morning's opener at the Rivoli, was covered by Hollywood wire on Oct. 5.*

*"We Live Again," tomorrow's occupant at the Music Hall, was reviewed from Hollywood on Sept. 24.*

*"Kansas City Princess," which debuts at the Roxy Friday, was also reviewed from the coast by wire on Aug. 7.*

## *Cremation for Tellegen*

Lou Tellegen, who died a suicide in Hollywood Monday, will be cremated on the coast following a Masonic funeral. Instructions to this effect were wired west yesterday by his fourth wife, Eva Casanova, who said she was complying with the actor's wishes.

## *Astaire Set for 7 Years*

HOLLYWOOD, Oct. 30. — Radio has signed Fred Astaire to a seven-year contract for his exclusive services.

## *Termer to Chester Hale*

HOLLYWOOD, Oct. 30.—Chester Hale has been signed by M-G-M to a new long term contract as dance director.

# "Divorcee" $9,000 Indianapolis Lea

INDIANAPOLIS, Oct. 30.—"The Ga Divorcee" was outstanding in a du week. It reached $9,000 at the In diana, over the line by $2,000.

"Judge Priest" finished its fourt week with $2,000, under par by $50 at the Apollo. "Kansas City Princess at the Lyric, pulled a good $7,500.

Total first run business was $26,00 Average is $25,000.

Estimated takings for the week en ing Oct. 27:

"JUDGE PRIEST" (Fox)
APOLLO — (1,171), 25c-40c, 4th wee
**Gross:** $2,000. (Average, $2,500)
"A LOST LADY" (Warners)
CIRCLE—(2,638), 25c-40c, 7 days. **Gros** $3,500. (Average, $4,000)
"THE GAY DIVORCEE" (Radio)
INDIANA—(3,133), 25c-40c, 7 days. **Gros** $9,000. (Average, $7,000)
"KANSAS CITY PRINCESS" (Warners
LYRIC—(1,896), 25c-40c, 7 days. Vaudeville. **Gross:** $7,500. (Average, $7,000)
"WHAT EVERY WOMAN KNOWS" (M-G-M)
PALACE—(2,431), 25c-40c, 7 days. **Gros** $4,000. (Average, $4,500)

## *Mrs. Gilman Asserts Films Promote Crim*

BALTIMORE, Oct. 30.—Films we attacked as an incentive to crime b Mrs. Robbins Gilman, motion pictu chairman of the National Congre of Parent-Teacher Ass'n., in an ad dress today at the three-day film con ference at the Emerson Hotel here

"I have no doubt," she declare "that much of the kidnapping, trun murders and other such crimes com mitted in this country are due to th stimulus given to feeble minds by th motion pictures."

Mrs. Gilman also charged that "th American film definitely undermin confidence in American womanhoo is a grave war menace and decided lowers the prestige of the white ra among the people of other races."

In an attack on Will Hays, Mr Gilman said he could "no longer hid behind the skirts of the women clubs," which, she asserted, had "pr tected him long enough." She urge support of proposed Federal legisla tion providing for a government com mission to regulate industry practic and supervise production. Telegram from abroad asking that restrictio be placed upon the industry for th sake of America's prestige were re by Mrs. Gilman.

Mrs. Gilman said that if the you people of the country failed to ta advantage of the recreational oppo tunities open to them the day mig come when they would be prohibit from attending film theatres under certain age.

## *Magazine Ban Lifted*

HOLLYWOOD, Oct. 30.—Publicity d rectors, at a conference today wi Jack Grant, new coast representati of *Motion Picture* and *Motion Pi ture Classic*, agreed to lift the ba which they have maintained again the two magazines for the past tw months on stipulation that they su mit to studio supervision in comm with other fan publications. Th magazines will in the future mainta their own "white" list of writers.

## *Loew's Gets Tax Refun*

WASHINGTON, Oct. 30.—Loew's an subsidiaries received an income tax r fund of $74,260 today.

# hio Grossed $19,846,000 During 1933

WASHINGTON, Oct. 30.—Ohio's 536 lm theatres last year had box-office eceipts of $19,846,000 and payrolls of 4,156,000, while 19 legitimate and audefilm houses took in $884,000 on n aggregate payroll of $284,000, it as reported today by the U. S. Cen-us Bureau.

The bureau also reported on Illinois, nnouncing that 447 film theatres had eceipts of $19,454,000 and payrolls of 4,470,000, and 104 legitimate and audefilm houses took in $13,652,000 nd had payrolls of $2,653,000.

Returns on the larger cities showed hicago to have 189 film theatres with ox-office receipts of $13,997,000 nd payrolls of $3,447,000 and 36 her theatres with receipts of $9,255,-00 and payrolls of $1,803,000. Other linois cities for which figures were eported included Rockford, where 11 lm theatres took in $692,000 and had ayrolls of $96,000; Springfield, with ght houses taking in $496,000 with ayrolls of $114,000; East St. Louis, x houses with receipts of $238,000 nd payrolls of $63,000; Peoria, three lm houses with receipts of $101,000 nd payrolls of $26,000, and five other ieatres with receipts of $507,000 and ayrolls of $109,000; Decatur, three lm houses with receipts of $89,000 nd payrolls of $19,000 and three other ieatres with receipts of 222,000 and ayrolls of $51,000; Evanston, three ouses with receipts of $303,000 and ayrolls of $40,000, and Cicero, five ouses with receipts of $198,000 and ayrolls of $51,000.

In Ohio, Cleveland reported 76 film eatres with receipts of $4,827,000 and yrolls of $1,157,000; Cincinnati, 39 eatres with receipts of $2,825,000 and yrolls of $514,000; Dayton, 21 ouses with receipts of $1,236,000 and yrolls of $238,000; Akron, 28 houses ith receipts of $1,240,000 and payolls of $260,000; Canton, 10 houses ith receipts of $622,000 and payrolls $141,000; Youngstown, six houses ith receipts of $453,000 and payrolls $127,000; Toledo, 19 theatres with ceipts of $720,000 and payrolls of 79,000; Columbus, 19 theatres with ceipts of $1,340,000 and payrolls of 44,000; Lakewood, six houses with ceipts of $198,000 and payrolls of 1,000; Springfield, 10 houses with ceipts of $359,000 and payrolls of 0,000; and Hamilton, three houses ith receipts of $155,000 and payrolls $39,000.

## Max Marcus Passes

CLEVELAND, Oct. 30.—Max Marcus, , known by the oldtimers in the in-stry as "Daddy" Marcus, died after lingering illness at his home, 13,033 iclid Ave. He is survived by his ughter, Mrs. Omalie Miller; a andson, Henry, and a brother, Ju-s Marcus of Dresden, Germany.

Marcus was born in Berlin. When came to the United States he be-me affiliated with his brother-in-law, oe Mark, in Mark's Strand Theatre, ew York.

He was a pioneer theatre owner re and an active member of the eveland M. P. Exhibitors' Ass'n., which he was honorary vice-president until his retirement from business.

# *Variety Club Chatter*

## *Cincinnati*

CINCINNATI, Oct. 30.—WILLIAM J. HILLIAR, who admits he is a magician par excellence, and, therefore, doesn't have to prove it, was one of the Kings for a Day last week, agreeing to perform the Indian rope trick without a rope. He proved to be a better magician than claimed. He, himself, disappeared, as a result of which COL. ARTHUR FRUDENFELD, co-king, carried on the program alone, regaling the barkers with paraphrased Mother Goose rhymes applying to many of the members present.

Wednesday afternoons has been set aside for women between 12 o'clock and 5 o'clock, during which they are given use of the club quarters for card games and similar festivities.

Card nights, which proved so popular last season, have again been inaugurated on Friday nights.

Next meeting of the Cincinnati tent is set for Nov. 12 when Barker NELSON TROWBRIDGE is to be the regal one for the day. He promises some extraordinary talent from his Shubert Theatre.

Father CLETUS MILLER, club chaplain, made his first appearance of the season at the tent last week, with the promise to be among those present at every meeting henceforth.

New members added to the local roster include WILLIAM MACK, United Artists, and FRANK COLE, Lincoln Theatre.

## *Washington*

WASHINGTON, Oct. 30.—Time rolled back years and years to furnish the major diversion of the weekly luncheon of Tent No. 11, spread by CHARLES H. OLIVE and SIDNEY B. LUST, the kings for a day, when the 80-odd barkers and guests were regaled with photographs taken "'way back when."

Guests were ISAAC GANS and ELWOOD STREET, director of public welfare of the District of Columbia.

Following the stereopticon glimpse into the past, the temporary kings presented BOB MURPHY and family, DOROTHY and DICK, from Loew's Fox stage show, and CHARLIE HILL, the original "tune detective," and LORA HOFFMAN, soprano, from the Earle stage.

During the past fortnight four full and one associate members have been added to the register: PETE MACIAS, restaurateur and night club operator; ARTHUR GODFREY and HARRY C. BUTCHER, CBS announcers; GENE FORD, manager of Loew's Fox; and, associate member, HARRY SUMMERVILLE, managing director of the Willard Hotel, where the tent has its quarters.

In the shift of officers on the Variety Club caused by the recent resignation of JOHN J. PAYETTE as chief barker and the advancement of RUDOLPH BERGER into that position, J. LOUIS ROME, former second assistant, was made first assistant chief barker and CARTER T. BARRON was elevated from canvasman to second assistant chief barker.

HARRY S. BROWN, branch manager for First Division, was appointed canvasman to make up the complement of 11 on the board of governors.

Barker BUTCHER has been added to the publicity committee for the first annual dinner and ball on Nov. 24. Barker GODFREY was put to work on the entertainment committee.

Canvasman BROWN has been named as chairman of the House committee, taking the place of Canvasman A. JULIAN BRYLAWSKI, who has been given the chairmanship of the membership committee formerly headed by Barker FAYETTE.

## *More Film Men Off Ontario's Payroll*

TORONTO, Oct. 30.—Three more heads have fallen in Ontario as a result of the further political slashing of Premier Mitchell Hepburn and the new Liberal Government.

Thomas Scott of Toronto has been dismissed from the post of director of the amusements branch, Provincial Treasurer's Department, in which, for 10 years, he has had his finger on theatre taxes, collection of the amusement tax and administrative details. Scott, incidentally, was secretary of the M. P. Exhibitors' Protective Ass'n., the first organization for independents in Ontario, prior to his government appointment.

Another official to go is E. Woodburn, Ontario inspector of theatres. The third to be lopped off was James J. Moxley of Ottawa, veteran theatre manager, who has been holding down the job of registrar of deeds at Ottawa for the Provincial Government. Moxley is building a new theatre in the capital.

Scott and Woodburn will not be replaced. Their offices have been abolished.

## *Madison Licenses Cut*

MADISON, Wis., Oct. 30.—A reduction in theatre licenses ranging from $50 to $100 has been approved by the Common Council. Under the new schedule, theatres with a seating capacity of less than 500 must pay an annual license fee of $50, those with a capacity of more than 500 and less than 1,200 are charged a $100 fee and over 1,200 seating capacity a $200 annual fee. The previous license fee ranged from $150 to $300.

## *Educators Ask Ban On Brooklyn House*

The Board of Education has petitioned License Commissioner Paul Moss to revoke the theatre permit, granted the Trans Lux Movies Corp. in 1926 by former License Commissioner Sidney S. Levine, to erect a theatre adjacent to Erasmus Hall, High School, Brooklyn.

Moss has reserved decision on the case until a later date and, meanwhile, work on the house, which was only started recently, has been temporarily halted.

## *Arklamiss Asks $51,919*

NEW ORLEANS, Oct. 30.—Claims held by Arklamiss Theatres against Saenger Theatres, Inc., total $51,919.24, it was learned here today. The Arklamiss claims, which are part of Saenger reorganization plans, apparently, cover a number of outside claims which the company took over as cheaply as possible.

# Ask for End Of "Special Privileges"

OMAHA, Oct. 30.—Calling for the election of Edward R. Burke, Omaha, to the U. S. Senate, Division Administrator, Sol A. Rosenblatt, in the first of a series of political addresses, pleaded for the elimination of the "special privilege."

"Those who challenge President Roosevelt's principle of abolishing special privilege are those who enjoy special privilege at the expense of the public welfare," Rosenblatt said.

In addition, he pointed out that the Roosevelt policies call for war on crime and graft, to build up the moral and spiritual values of national life; likewise a reversal of the trend of the last three generations by swinging now in the direction of a wider distribution of wealth and the opportunities of the nation.

"Ninety per cent of the banks of America showed increases in deposits in the six months from Dec., 1933, to June 30, 1934," he said. "That means people are back at work and earning money. These gains are nationwide."

Among showmen present at Rosenblatt's address were Will Singer, manager of the Brandeis; Sam Epstein, president of Epstein Theatres, and Howard Shortly, representing Harry Goldberg interests.

Rosenblatt was unable to meet with the local code board and a luncheon arranged for him with board members had to be cancelled. He conferred shortly with Regina Molseed, code secretary. Most of his spare time was spent in visiting his mother, Mrs. Mollie Rosenblatt.

## *Germany Lists Film Employes at 7,000*

WASHINGTON, Oct. 30.—Seven thousand people are engaged in production in Germany, according to a report by Acting Commercial Attache Douglas Miller, in Berlin, to the U. S. Department of Commerce.

Of this personnel, 6,000 are located in Berlin and 1,000 in Munich. All are organized in the Film Estate and are divided among 17 sections.

The actors' section comprises about 5,000, while the remaining 2,000 are made up of directors, cameramen, sound men, architects, etc. Out of the 5,000 actors about 3,500 are listed as solo actors and 1,500 as extras.

At present there is an influx of extras. Some 300 new applicants for membership are accepted daily, the great majority of applicants coming from theatres, music halls, and cabarets in Berlin and other cities.

## *Mexico City Houses To Be Open Sundays*

By JAMES LOCKHART

MEXICO CITY, Oct. 30.—Film houses are to be allowed to remain open Sundays despite the fact that bakeries, dairies, butchers, restaurants, saloons and other activities have been put under the Sabbath ban.

LADY BY CHOICE

LADY BY CHOICE

LADY BY CHOICE

LADY BY CHOICE

LADY BY CHOICE

LADY BY CHOICE

LADY BY CHOICE

LADY BY CHOICE

LADY BY CHOICE

LADY BY CHOICE

LADY BY CHOICE

LADY BY CHOICE

*We have told you this title again and again; you might as well familiarize yourself with it; you will hear it again and again.*

•

*SCREEN PLAY:*—Gives it AAAA and says "A great picture, amazingly dramatic and delightful comedy . . . . . drama in a logical plot to a happy fadeout."

*PHOTOPLAY:*—"Better see this film soon and spare yourself the ordeal of having all your friends tell you the story . . . . . human . . . . . compelling naturalness and humor."

*SCREENLAND:*—"LADY BY CHOICE" eclipses LADY FOR A DAY—and is THAT an achievement? You had better not miss this."

*MOVIE CLASSIC:*—"Entertaining from start to finish; a banisher of blues; all kinds of praise can be heaped on the stars for their performances."

*SCREEN BOOK:*—"May Robson repeats the success of her famous hit: 'A LADY FOR A DAY'; highly dramatic . . . excellent comedy touches."

•

with

**CAROLE LOMBARD**
**MAY ROBSON**
**ROGER PRYOR**
**WALTER CONNOLLY**

Story by Dwight Taylor
Screen play by Jo Swerling
**Directed by David Burton**

A *Columbia Picture*

The Leading
Daily
Newspaper
of the
Motion
Picture
Industry

# MOTION PICTURE DAILY

Alert,
Intelligent
and
Faithful
Service to
the Industry
in All
Branches

'OL. 36. NO. 104 NEW YORK, THURSDAY, NOVEMBER 1, 1934 TEN CENTS

## N. Y. Censor Clips 2,195 For 1933-34

### ;ain Over Previous Year; Revenue $170,670.79

Albany, Oct. 31.—During the year nding June 30 the New York Censor oard, known officially as the M. P. ivision of the State Education Deartment, reviewed 8,362 reels of film ith 2,195 eliminations, according to report just submitted bv Irwin Esnond, director.

Fifteen films were rejected comletely, but two of these were later evised and licensed.

Eliminations were for the following easons: indecent, 838; inhuman, 79; nding to incite to crime, 511; imoral or tending to corrupt morals, 52; sacrilegious, 15.

The number of film subjects viewed as 1,769, practically the same as the previous year when the

(Continued on page 6)

## 3areford to Talk On Code Cost Plan

Washington, Oct. 31.—Harold S. areford, chairman of the Campi nance committee, is slated to confer omorrow with officials of the amuseents division and the budget branch f the division of research and planing of the NRA with respect to ction to be taken on complaints reeived against the producer-distribur assessment schedule.

Rather than go through the lengthy rocedure of a public hearing, it is

(Continued on page 6)

## 3rock Joins Fox as Associate Producer

Hollywood, Oct. 31.—Following his elease from his four-picture contract ith Radio, Lou Brock last night igned with Fox, where he starts ork Monday as an associate proucer. His first will be a musical ased on an idea of his own.

He has been succeeded at Radio y Felix Young, whose first producon will be an untitled musical, with William Powell vehicle, "Star at lidnight," to follow.

## Varner Meeting to Be Held on Dec. 10

Annual stockholders meeting of Varners will be held in Wilmington n Dec. 10. Five directors will be

(Continued on page 2)

## Hoblitzelle Helps Para., Richards Deal

### Agreement on Operation Of Circuit Nearer

Karl Hoblitzelle, Paramount operating partner for Interstate Circuit, Texas, has been named intermediary in the current negotiations between the Paramount Publix trustees and E. V. Richards in connection with the latter's participation in the reorganized Saenger Theatres picture.

Richards, who has been here for the past week for conferences with the trustees on a proposed limitation of his interest in the new Saenger company, is understood to be remaining in town in the hope of concluding the negotiations within the next few days. Progress toward an acceptable under-

(Continued on page 6)

## Fleischer Claims New Depth Effect

A camera attachment which, it is claimed, provides an economical third-dimensional film effect has been perfected by Max Fleischer and has been satisfactorily employed in several of his cartoons released through Paramount recently.

Fleischer's development, patents on which have been applied for, is described as being based on the theory

(Continued on page 2)

## Garbo Finally Signs New M-G-M Contract

Reports that Greta Garbo planned to retire were definitely set at rest yesterday by official M-G-M announcement that she had signed the contract which Motion Picture Daily reported on Oct. 8 was awaiting her.

### "Tentative Final"

M-G-M has coined a new term for production purposes. It's a cross between a tentative title and a final one.

In changing "Backfield" to "The Kid from College," the company calls the latest name a "tentative final title."

## Roll of 1,000 New Year Aim For the SMPE

Predictions that the S. M. P. E. membership will pass the 1,000 mark during the coming year were made at the annual fall banquet held last night at the Hotel Pennsylvania as a feature of the four-day convention.

The present membership is 930, highest point in the history of the society, diners were told last night. During 1934 the roll has been increased by 375 by the membership committee headed by E. R. Geib.

Four papers were read and one report was made at the morning session yesterday. The papers were: "International Sensitometric Standardization," W. Clark, Eastman Kodak; "Some Factors in Photographic Sensitivity," S. E. Sheppard, Eastman Kodak; "Rear Projection for Process Photography," G. G. Popovici, Eastern Service Studios, and H.

(Continued on page 2)

## Rothafel Return as Roxy Head Opposed

Possibility of S. L. Rothafel returning to the Roxy as operating head is definitely off. A committee representing first mortgage bondholders met Tuesday night to discuss the Rothafel situation, but decided against it.

## No. California Theatre Owners Rebuff Sinclair

San Francisco, Oct. 31.—Northern California exhibitors today rebuffed efforts of Upton Sinclair, EPIC candidate for the governorship, to enroll them in his fight against "nefarious influences of the moving picture industry in politics, on the morals and the industry of the country."

Sinclair's proposal was made in the following telegram to Morgan Walsh, president of the Independent Theatre Owners of Northern California:

"*The Hollywood Reporter* openly boasted that the moving picture industry dominated by Will H. Hays, Louis B. Mayer, C. C. Pettijohn and Irving Thalberg has started a war against me and raised funds for

(Continued on page 6)

## Fox Re-Signs Kent; Rumors Of Shift End

### W. C. Michel, John Clark Get Pacts, Too

Sidney R. Kent continues as president of Fox Film for another three-year period.

Sidney R. Kent

The board of directors, in a meeting yesterday, abrogated his existing pact and substituted in its place a brand-new contract tying him to his present association for 36 more months. Persistent reports, published principally in Hollywood trade papers, to the effect Kent was considering a new Alma Mater, were thereby officially laid low.

It was disclosed at the same time that W. C. Michel, executive vice-president, and John D. Clark, general manager of distribution, had been signed to new contracts for a similar term of years.

The members of the board joined

(Continued on page 2)

## Fox 39-Week Net Is $1,506,212.67

A net profit of $1,506,212.67 after Federal taxes for the 39 weeks ended Sept. 29 was reported yesterday by Fox Film. This compares with a loss of $226,345 for the similar period of 1933. Earnings for the 39-week period of this year are equivalent to 61 cents per share on "A" and "B" stock. The consolidated earned surplus at Sept. 29 stood at $3,251,650.

In the third quarter the profit from operations before Federal taxes was $356,971, compared with a profit of $256,061 for the same quarter of 1933.

Theatre operations of Wesco Corp. are not consolidated because of the bankruptcies of the principal operating subsidiaries of that company.

## Stage Pinning Hope On 1934-35 Season

Legitimate theatres in New York are pinning their hopes on the 1934-35 season. If it is as bad as some of its

(Continued on page 2)

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

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*Editor*
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*Advertising Manager*

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## *Stage Pinning Hope On 1934-35 Season*

(*Continued from page* 1)

recent predecessors, the future of the stage for years to come will be affected, according to a survey made by the *Billboard's* Theatrical Index.

Profits in 1933-34, the survey shows, were better than in the previous year for some attractions, but many of them dropped below the previous year. Roadshows have picked up slightly.

## *Balaban, Immerman In*

John Balaban and Walter Immerman of the B. & K. circuit arrive from Chicago today to conclude negotiations for Paramount product. Barney Balaban has been here for the last three days and plans to spend another week conferring with home office executives.

## *Don Bell Takes His Life*

BRAWLEY, Cal., Oct. 31.—Don Bell, 65, co-inventor of the projection machine, ended his life here today by inhaling gas from his car exhaust. Poor health and business reverses were blamed.

## *Lesser, Cline Sail*

GENOA, Oct. 31.—Sol Lesser, Eddie Cline and George O'Brien are aboard the *Rex*, which arrives in the United States on Nov. 7.

## Fox Re-Signs Kent; Shift Rumors End

(*Continued from page* 1)

with the representatives of the Chase National Bank, the largest Fox stockholders, in passing a resolution endorsing the work of the management and expressing pleasure at results of the last two years.

### Skouras Set on FWC Pact

LOS ANGELES, Oct. 31.—Charles Skouras and Edward Zabel, his secretary, are expected to leave New York Friday for the coast after working out details for reorganization of Fox West Coast. It is understood Skouras is set for a new five-year operating contract as a result of his work in realigning the coast setup.

## *Loew's Tax Refund Details Given Out*

WASHINGTON, Oct. 31.—How the income tax refund of $74,260 awarded yesterday to Loew's and its subsidiaries breaks up was revealed in detailed figures made public today by the Bureau of Internal Revenue.

Overassessments admitted by the bureau were as follows:

Loew's, $6,485.63; Brevoort Holding Co., $483.51; Humanova Producing Co., $286.94; International Vaudeville Co., $78.85; Loew's Memphis Theatre Co., $350.81; Marcus Loew Booking Agency, $105.48; Marcus Loew Realty Corp., $338.55; Mascot Amusement Co., $36.48; Monarch Amusement Co., $283.89; New Broad Co., $281.79; Putnam Theatrical Corp., $3,834.61; Seventh & Broadway Building Co., $2,606.41; Greeley Square Amusement Co., $715.79.

## *Skouras Men Meet*

Managers of Skouras Manhattan, Bronx and Westchester houses held their weekly meeting yesterday with William White, division manager, presiding. Bookings and other details were discussed. In the morning the managers saw "Pursuit of Happiness" at the Audubon.

George Rich and Jules Laurent, Long Island division managers, held a meeting of their forces on Tuesday.

## *Breen Returns West*

Joseph I. Breen, Production Code Administrator, left New York for Hollywood yesterday.

## Fleischer Claims New Depth Effect

(*Continued from page* 1)

of a shortening of the perspective point in the camera. The process employs a machine, said to weigh more than a ton and composed of 500 working parts yet, according to Fleischer's estimates, its use would not increase production costs more than 15 per cent. He claims its advantages are even more apparent in feature film photography than in cartoons and asserts that the process would not require new or altered projection equipment and is designed for exhibition on standard screen surfaces.

Samples of the process appear in the colored cartoons, "Poor Cinderella" and "Little Dutch Mill."

## *Cammack to Become An Aide to Reisman*

ST. LOUIS, Oct. 31.—Ben J. Cammack, manager of the local Warner exchange, has resigned and has joined Radio as assistant to Phil Reisman, in charge of foreign activities. Cammack is now in New York and in a few weeks will leave for South America to take charge of RKO in Argentina and Brazil, making his headquarters in Buenos Aires.

James Winn, Warner manager in San Antonio, succeeds Cammack here.

Efforts to reach Phil Reisman and Ned Depinet for further details last night were unavailing.

## *Many on Ampa Program*

Talent lined up for today's Ampa meeting includes Nick Lukas, Constance Collier, Herbert Rawlinson, the Three X Sisters, Dizzy and Daffy Dean, Harry Ellis, Sylvia Simms, Dave Fine, Robert Simmons, and Sophie Tucker, if her boat arrives in time.

Major Edward Bowes will be guest chairman and C. Edward Carrier will introduce six finalists in the Loew-M-G-M-*Daily Mirror* contest.

## *Radio in Trinidad Deal*

A deal for the complete Radio lineups for this season and last has been closed by the RKO Export Corp. with the British Colonial Film Exchange, Ltd., of Trinidad, British West Indies.

## *Eastman Up 2⅛ on Big Board*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 35 | 34½ | 35 | + ½ | 200 |
| Consolidated Film Industries | 3¼ | 3¼ | 3¼ | + ⅛ | 100 |
| Consolidated Film Industries, pfd | 15¼ | 15¼ | 15¼ | — ¼ | 400 |
| Eastman Kodak | 105½ | 104¼ | 105½ | +2⅛ | 300 |
| Fox Film "A" | 12¼ | 12¼ | 12¼ | + ⅛ | 100 |
| Loew's, Inc. | 29½ | 29 | 29½ | + ¾ | 1,700 |
| Loew's, Inc., pfd | 96 | 96 | 96 | +1⅛ | 100 |
| Paramount Publix | 4⅛ | 4 | 4 | — ⅛ | 3,900 |
| Pathe Exchange | 1¼ | 1⅛ | 1¼ | ..... | 300 |
| Pathe Exchange "A" | 12⅞ | 12⅝ | 12⅝ | — ⅛ | 200 |
| RKO | 2 | 1⅝ | 1¾ | — ⅛ | 4,400 |
| Warner Bros. | 4½ | 4¼ | 4¼ | — ⅛ | 2,900 |

## *Technicolor Up Half on Curb*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13 | 12⅝ | 12¾ | + ½ | 12 |
| Trans Lux | 2¼ | 2 | 2 | — ⅛ | 9 |

## *Paramount Publix Bonds Off 2¾*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Keith B. F. 6s '46 | 63¼ | 63¼ | 63¼ | ..... | 1 |
| Loew's 6s '41, ww deb rights | 103½ | 103½ | 103½ | ..... | 3 |
| Paramount F. L. 6s '47 | 56¼ | 55 | 55 | —2½ | 21 |
| Paramount Publix 5½s '50 | 56½ | 55 | 55 | —2¾ | 14 |
| Warner Bros. 6s '39, wd | 58 | 58 | 58 | ..... | 6 |

## Roll of 1,000 New Year Aim For the SMP

(*Continued from page* 1)

Griffin, International Projector Corp
"The 16mm Sound Film Outlook
W. B. Cook, Kodascope Librarie
The report was from the color con
mittee. The committee reported th
for some months it had been workin
on a glossary of technical and pr
prietary terms used in color photo
raphy and that the results would
published in the society's journal.

The banquet was held at 7:30
the ballroom of the hotel. Its pri
cipal feature was an address by D
F. B. Jewett, vice-president of A.
& T. Laboratories, Inc. An awa
for the best paper submitted for t
society's journal during the year we
to Dr. P. A. Snell, who has sin
passed away. It was received by h
widow.

Dancing and other Hallowe'en fe
tivities followed the dinner.

The convention will close wi
morning and afternoon sessions t
day.

## *Warner Meeting to Be Held on Dec.*

(*Continued from page* 1)

elected for a term of two years. On
stockholders of record Nov. 2 will
permitted to vote.

On Dec. 18, the board o irecto
meets in New York to elect officer
At this time the present executi
personnel is expected to be continu
without change.

Directors whose terms expire a
S. P. Friedman, Sam E. Morris, Mo
ris Wolf, C. S. Guggenheimer ar
J. P. Laffey. Reelection of the pre
ent executive setup by the new boa
is certain.

## *Gets Award Saturday*

Formal presentation of the *Phot*
*play* gold medal for 1933, awarded
Radio's "Little Women," will be ma
Saturday evening in the NBC studio
The ceremony will be broadcast ov
the NBC network, with WJZ the loc
outlet. Kathryn Dougherty, editor
the magazine, will present the awa
and Ned Depinet, head of RKO Di
tributing Corp., will accept it for t
producers.

## *New House for Shorts*

Sam Jax Theatre Corp. has clos
a deal with the Erlanger interests
take over the Gaiety on Broadway f
shorts and newsreels. Because of
temporary deadlock with the uni
on the operators' scale, the date f
opening has not been set.

## *Sues Over Word Proce*

Trimble De Roode filed an i
junction, accounting and damage s
yesterday against Universal over t
use of an animated word proce
claimed to be patented by him. Oth
suits will follow, it is understood.

## *Gets Liberty Franchise*

Budd Rogers, general sales manag
of Liberty Pictures, has closed a fra
chise deal for his company's curre
lineup with Metropolitan Film E
change, for Seattle and Portland.

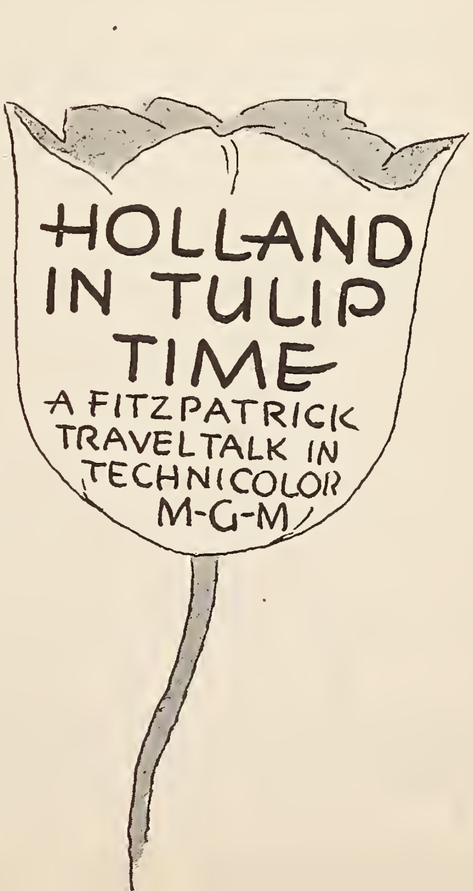
# "HELLO! IS MISTER THOMAS OF MICHIGAN AMONG OUR READERS TODAY!"

**We got that awfully swell letter you wrote.**

**We're taking the liberty of reproducing it.**

> "Dear M-G-M:
>
> I played your colored short 'HOLLAND IN TULIP TIME' with ....... The comments on the short exceeded those on the feature, this in spite of the fact that ....... is an outstanding attraction. Your company's shorts have been splendid. Sincerely,
>
> MARTIN THOMAS."
>
> BRAUMART THEATRE COMPANY.
> (operating theatres in 4 cities in Michigan.)

Thanks so much, Mr. Thomas! And wait 'till you see the next Fitzpatrick Traveltalks in Technicolor "Zion, the Canyon of Color" and "Ireland, the Emerald Isle." M-G-M's pride.


HOLLAND IN TULIP TIME
A FITZPATRICK TRAVELTALK IN TECHNICOLOR
M-G-M

# SWELL FIGURES!

**NEW ORLEANS . . .** "Excellent $12,500! Tow
topper!" — Var

**CINCINNATI . . .** "Whams town for $15,500! Everybody happy!" —Variety

# TRANSATLANTIC

**INDIANAPOLIS . . .** Best business of any U. A. release in 1934! And you know what that means!

**RO**
High
relea

*A Reliance Picture*

*Produced by*
**EDWARD SMALL**

*Released thru*
**UNITED ARTISTS**

**COLUMBUS . . .**
arvelous! Sunday bigger
an Saturday!

**HOUSTON . . .**
Biggest opening in years!
Yet third day doubled first-
day receipts!

# ERRY-GO-ROUND

**DETROIT . . .**
Opened bigger than "Monte
Cristo"! And that was BIG!

. .
ny U. A.
played!

with
**JACK BENNY**
**NANCY CARROLL**
**GENE RAYMOND**
**SYDNEY HOWARD**
**MITZI GREEN**
**SID SILVERS**
**FRANK PARKER**
**THE BOSWELL SISTERS**
• Sidney Blackmer •
Ralph Morgan - Shirley Grey
Sam Hardy - William Boyd
Jean Sargent - Patsy Kelly

# N. Y. Censor Clips 2,195 For 1933-34

(*Continued from page* 1)

total reached 1,762. There was a drop in the number of cuts, however. In 1933-1934 scenes and titles eliminated totalled 3,035, but 1,242 were of titles of silent pictures, leaving a total of 1,793 scenes cut in 1932-1933. This, apparently, is an increase of 402 in the number of scenes cut in the 1933-34 year.

Net revenue to the state for 1933-34 was $170,670.79. Receipts for the year were $231,497.88. Expenses totalled $60,827.09. The net revenue was a gain of $8,973.32 over the previous year. Since the organization of the commission in 1921 the net profit to the state has been $1,688,764.63.

"The fact the 8,362 reels of film were reviewed during the year, that 15 pictures were rejected outright, and that 2,195 eliminations were made on statutory grounds, will give some idea of the amount of work that is done," Esmond reports. "During the entire time that this division has been in operation, we have succeeded in keeping off the screen pictures exploiting prostitution, venereal disease, white slavery, narcotic drugs, unnatural love, sterilization, nudism and films destructive of our form of government. We have also eliminated a very great number of scenes of lust, crime, indecency and immorality, as well as scenes that are inhuman and sacrilegious."

## *Rosenblatt Speaks Upon Film "Morale"*

Omaha, Oct. 31.—Though unscheduled, Sol A. Rosenblatt, code administrator, took a few minutes off from his political campaigning shortly before he departed to address the Omaha Council of Jewish Women on motion picture "morale."

He praised the National Council of Jewish Women in congressional activities and said "much can be done to elevate the morale of films if you women as mothers will select the pictures your children shall see."

### Wants New Film Setup

Baltimore, Oct. 31.—The suggestion that pictures for the young be taken out of the hands of "individuals, organizations and companies conducting recreation for personal profits or dividends for stockholders" and placed in those of educators and dramatists of professional standing was made today by Mrs. Robbins Gilman, motion picture chairman of the National Congress of Parent-Teacher Ass'n., at the close of a three-day film conference at the Emerson Hotel here. She urged the formation of new production and distribution agencies.

## *Schulberg Completes Paramount Contract*

Hollywood, Oct. 31.—B. P. Schulberg has completed his current contract with Paramount. He said he was not sure whether he would renew with Paramount. He leaves for New York around Dec. 1.

## Bareford to Talk On Code Cost Plan

(*Continued from page* 1)

probable tomorrow's conference will result in some concessions to straighten out the complaint of the Monogram group without disturbing the setup for the major integrated companies. The only complaints received have been from this group, it was said, and it is believed a satisfactory compromise may be worked out without difficulty.

No further complaints have been received against the exhibitor schedule, and it will be given the Recovery Administration's approval. The only kick against the schedule was from Allied of Wisconsin.

## *Expect Calm Hearing On Agents' Control*

Washington, Oct. 31.—Hearings on the recommendations of the agency committee, which open tomorrow, are destined to be devoid of fireworks, it is indicated by the lack of applications for time reported today by Deputy Administrator William P. Farnsworth.

So far, Farnsworth said, he has received no applications and is without any idea who, if anybody, will appear. It is probable that the hearings will not be heavily attended, it having been reported that few of the Hollywood producers felt it necessary to send representatives across the country.

As far as can be learned, about the only subject on which there may be any serious division of opinion is the attendance of agents at meetings between producers and actors with respect to matters other than employment.

## *K. C. Moves to Stop Rigney Film Service*

Kansas City, Oct. 31.—The grievance board moved swiftly today for the first time to compel compliance with decisions instructing all distributors to stop film service to J. F. Rigney of the Westport Theatre following his failure to comply with the order to discontinue bank nights.

Radio stopped service immediately, refusing delivery of the picture Rigney advertised for tonight's showing. The board's instructions affect contracts with all distributors negotiated after Dec. 7, last year's code effective date, but check by Grace Gannon, board secretary, reveals it immediately affects only Radio, as Rigney bought from other companies before that date. However, all distributors will comply with the order not to service new product or negotiate new contracts. E. S. Young, another Kansas City exhibitor, ordered to quit bank nights, filed a compliance certificate and is in the clear.

## *Sunneman Recovering*

Fayetteville, Ark., Oct. 31.—W. F. Sunneman of Malco Theatres is recovering at his home here from injuries received when his car turned over three times on a hill.

# *No. California Theatre Owners Rebuff Sinclair*

(*Continued from page* 1)

my defeat. I have openly charged that the moving picture industry has been exhibiting through producer-owned theatres false propaganda by donating free trailers falsely setting up what purports to be an impartial survey of conditions in California.

"I have begun a campaign asking for a full and complete Congressional investigation of all of the activities of the moving picture industry including block booking and blind buying, also toward Federal supervision of the industry.

"Will the independent exhibitors, regardless of the success of my candidacy, join in the fight which I have begun against the nefarious influence of the moving picture industry in politics, on the morals and the industry of the country. A copy of this telegram should be sent to P. S. Harrison, New York City."

### Text of Walsh's Reply

Walsh's reply follows:

"In my opinion, the Independent Theatre Owners of Northern California have no desire to follow you politically nor have you lead our battle in connection with controversial subjects within our industry. It is my personal observation that you have suddenly become the champion of the independent theatre owners and I am suspicious that your motives are political.

"I do not believe that the cause of the independent theatre owners anywhere in America would be helped by the injection of yourself into the picture. It is my personal opinion that your interest in our behalf would injure our cause rather than help it.

"I am sending a copy of my reply to P. S. Harrison so that he may not confuse the real issue out here which is a fight of good California Americans to preserve American ideals.

"Many thanks, but we will fight our own battles."

Upton Sinclair's telegram to Morgan Walsh definitely ties in P. S. Harrison, publisher of *Harrison's Reports,* weekly reviewing service, with the former's move for a Congressional probe of the industry. In the past, Harrison has been a strong champion of Allied and is known for his constant support of what is described, sometimes erroneously, as the "underdog."

In virtually all of his writings, Harrison has been persistently opposed to the policies of the major companies.

## *Sinclair Asks N. Y. Tax Upon Negatives*

Los Angeles, Oct. 31.—A New York tax on film negatives was suggested today by Upton Sinclair in a wire to Mayor La Guardia advising the latter that producers were escaping the California tax by having negatives printed in New York.

"If you tax them in New York and we tax them in California," Sinclair wired, "they will no longer be able to escape their just share of the support of government."

# Hoblitzelle Helps Para Richards Dea

(*Continued from page* 1)

standing is said to have been ma since Hoblitzelle entered the situatic

The negotiations are understood center on an adjustment of the pr visions for participation of Richar and Paramount, respectively, in tl stock of the reorganized Saenger cor pany. Under the original provisio Richards was to acquire all of tl Class A stock of the new compa for $25,000, while Paramount was retain all of the Class B shares. T trustees, it is understood, now fe that these provisions should be r vised in some measure in Paramoun favor. No definite plan, however, h as yet been devised.

## *Worcester Theatre Financing Approve*

A plan of refinancing a $400,0 mortgage on Paramount's Capit Worcester, Mass, was approved ye terday by Federal Judge Alfred Coxe.

Under the plan New England Th atres Corp., a Paramount subsidiar purchases the mortgage note f $305,000 from Worcester Bank Trust Co., now in liquidation, in ord to avoid foreclosure on the Capit Olympia Theatres, also a Paramou subsidiary, makes a payment of $55,0 principal amount on the note and Ne England sells a $225,000 participati in the balance to the First Nation Bank of Boston. Maturities will th be paid off at the rate of $20,0 annually. New England will lease t Capitol from Olympia for four yea at $30,000 per year plus taxes a other charges.

George J. Schaefer, Paramount ge eral manager, was granted leave ye terday by Judge Coxe to file a delay claim against Paramount Publix on employment contract. The petition w not opposed by counsel for the Par mount Publix trustees.

## *Texas Theatres Get $12,607,000 in '3*

Washington, Oct. 31.—Box-offi receipts of 508 Texas film theatres la year totaled $12,607,000, while receip of seven legitimate and vaudefil theatres were $218,000, according figures released today by the U. Census Bureau.

Payrolls of the film theatres for tl year aggregated $2,253,000; for tl other houses, $50,000.

Thirty-one houses in Dallas report a take of $1,715,000 and payrolls $287,000, the bureau reported, whi 14 houses in Houston took in $1,297 000 and had payrolls of $234,000; a 12 San Antonio theatres receiv $998,000 and had payrolls of $183,00

## *Durante for Stage Rol*

Hollywood, Oct. 31.—Ralph Fa num has negotiated a deal wi M-G-M for a loan of Jimmy Duran to star in Lew Brown's stage produ tion "Calling All Stars." Duran will start east immediately followi completion of "Carnival" f Columbia.

## Staub Contract Renewed

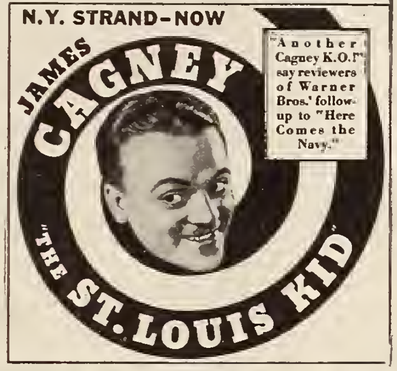
Hollywood, Oct. 31.—Ralph Staub, n charge of shorts at Warners, has enewed his contract with J. L. Varner for another year. The new eal calls for him to direct as well as roduce.

## Paul Munis to Come East

Hollywood, Oct. 31. — The Paul Iunis are slated for a New York vaation as soon as the actor finishes ne title role in "Black Hell" for Varners.

## Kalmine Shifts Managers

Pittsburgh, Oct. 31.—Harry Kalnine, zone manager for Warner Brothers here, has just shifted three managers in the Oakland-East Liberty districts. Lyle Harding, former assistant manager of the Regent, recently made Cameraphone manager, goes to the Regent; Harry Thomas goes from the Regent to the Schenley, and Sam Gould shifts from the Schenley to the Cameraphone.

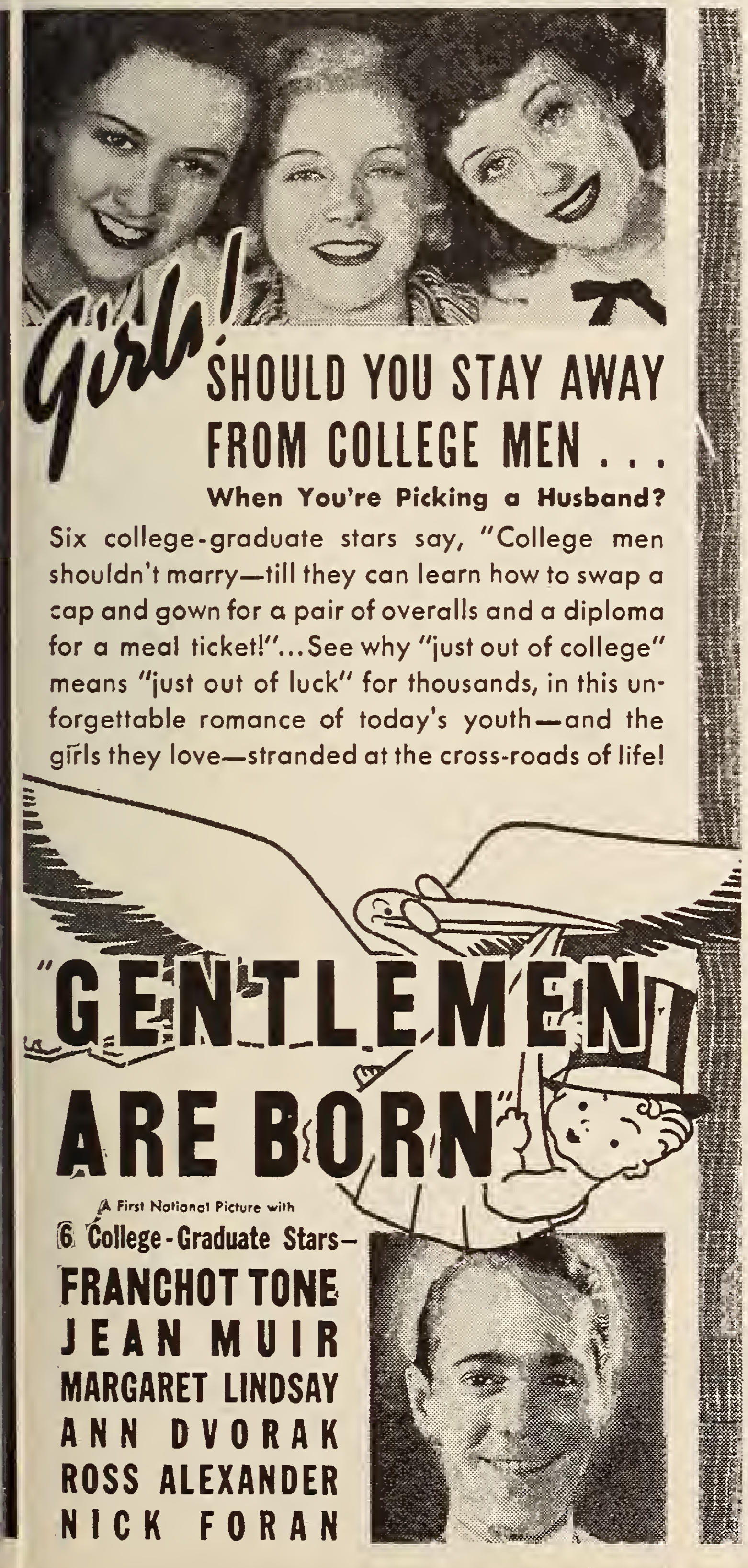


N.Y. STRAND—NOW

JAMES CAGNEY

"THE ST. LOUIS KID"

"Another Cagney K.O.!" say reviewers of Warner Bros.' follow-up to "Here Comes the Navy."



Girls! SHOULD YOU STAY AWAY FROM COLLEGE MEN . . .

When You're Picking a Husband?

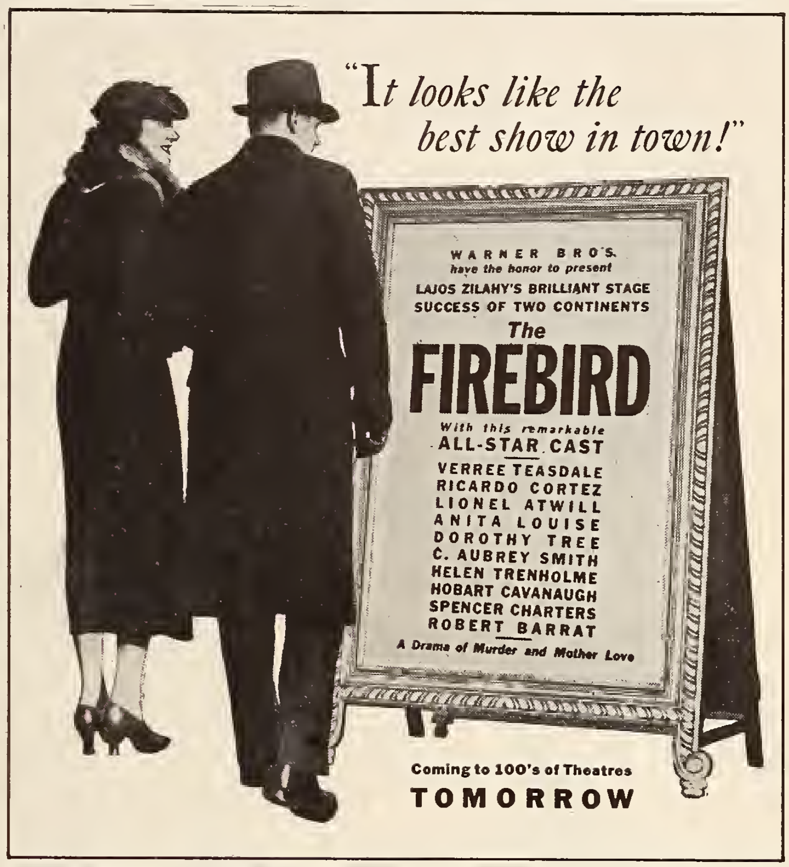
Six college-graduate stars say, "College men shouldn't marry—till they can learn how to swap a cap and gown for a pair of overalls and a diploma for a meal ticket!"... See why "just out of college" means "just out of luck" for thousands, in this unforgettable romance of today's youth—and the girls they love—stranded at the cross-roads of life!

"GENTLEMEN ARE BORN"

A First National Picture with

6 College-Graduate Stars—

FRANCHOT TONE
JEAN MUIR
MARGARET LINDSAY
ANN DVORAK
ROSS ALEXANDER
NICK FORAN



"It looks like the best show in town!"

WARNER BROS. have the honor to present
LAJOS ZILAHY'S BRILLIANT STAGE SUCCESS OF TWO CONTINENTS

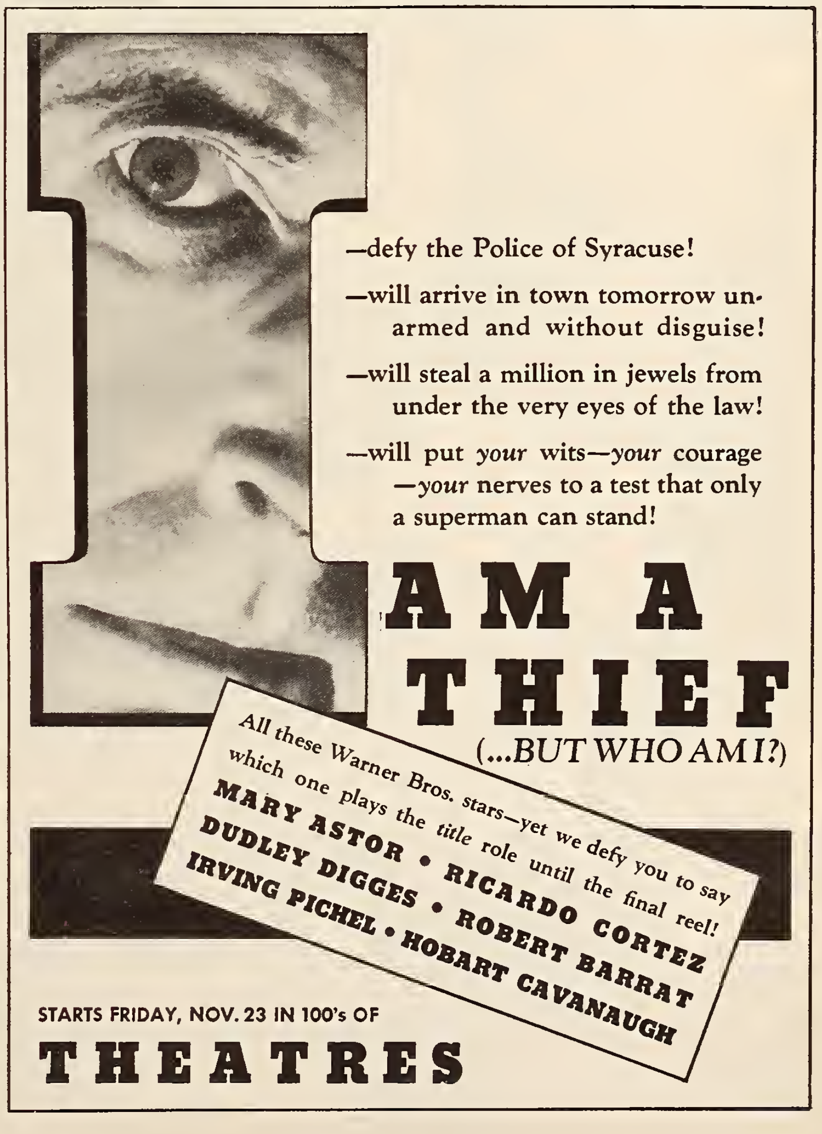
The FIREBIRD

With this remarkable ALL-STAR CAST

VERREE TEASDALE
RICARDO CORTEZ
LIONEL ATWILL
ANITA LOUISE
DOROTHY TREE
C. AUBREY SMITH
HELEN TRENHOLME
HOBART CAVANAUGH
SPENCER CHARTERS
ROBERT BARRAT

A Drama of Murder and Mother Love

Coming to 100's of Theatres
TOMORROW



I

—defy the Police of Syracuse!

—will arrive in town tomorrow unarmed and without disguise!

—will steal a million in jewels from under the very eyes of the law!

—will put *your* wits—*your* courage —*your* nerves to a test that only a superman can stand!

AM A THIEF

(...BUT WHO AM I?)

All these Warner Bros. stars—yet we defy you to say which one plays the *title* role until the final reel!

MARY ASTOR • RICARDO CORTEZ
DUDLEY DIGGES • ROBERT BARRAT
IRVING PICHEL • HOBART CAVANAUGH

STARTS FRIDAY, NOV. 23 IN 100's OF
THEATRES

# MEET THE PASSENGERS ON TH CRAZIEST SHIP AFLOAT!

"It hits the bull's-eye!" —*Motion Picture Daily*

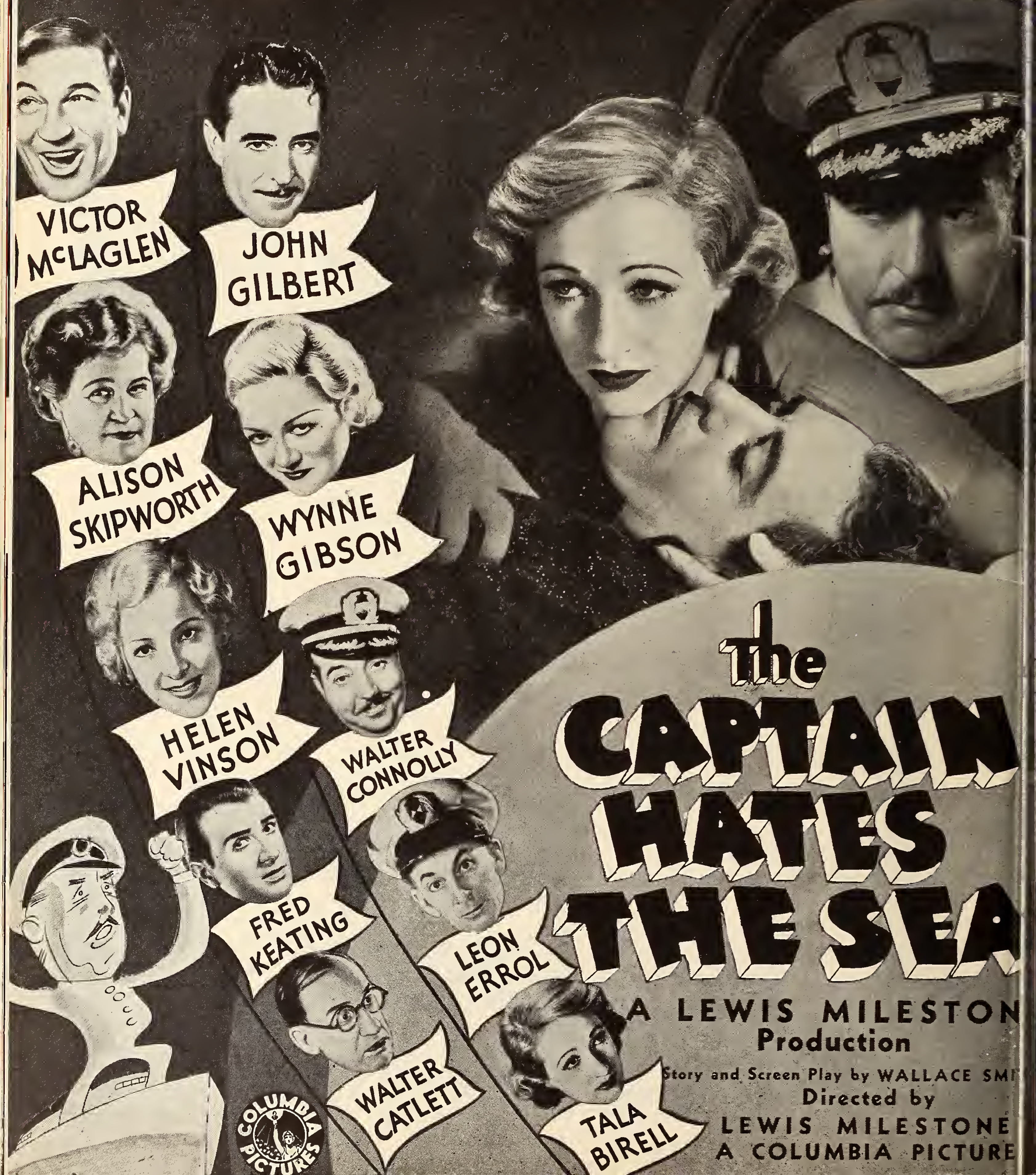
ery actor is either a star or feature player . . . laughs each other up . . . a sure-thing buy for your audience."

— *Hollywood Reporter*

"Best-seller — a grand picture! What a cast! They will eat it up. Cast certainly can be billed as all-star!"

—*Film Curb*

"THE CAPTAIN HATES THE SEA successfully maint the pace set by LADY FOR A DAY, IT HAPPENED O NIGHT and ONE NIGHT OF LOVE and will most li set similar box-office records." —*Cinema Hall-M*


VICTOR McLAGLEN
JOHN GILBERT
ALISON SKIPWORTH
WYNNE GIBSON
HELEN VINSON
WALTER CONNOLLY
FRED KEATING
LEON ERROL
WALTER CATLETT
TALA BIRELL
COLUMBIA PICTURES

## The CAPTAIN HATES THE SEA

A LEWIS MILESTON Production

Story and Screen Play by WALLACE SMI

Directed by

LEWIS MILESTONE

A COLUMBIA PICTURE

The Leading
Daily
Newspaper
of the
Motion
Picture
Industry

# MOTION PICTURE DAILY

Alert,
Intelligent
and
Faithful
Service to
the Industry
in All
Branches

OL. 36. NO. 105 NEW YORK, FRIDAY, NOVEMBER 2, 1934 TEN CENTS

## First Year From Hearst For Warners

### learst Metrotone News Stays with M-G-M

HOLLYWOOD, Nov. 1. — Cosmopoli- .n's six for 1934-35, two or three of hich will be from Marion Davies, ill be released by Warners instead : M-G-M under the terms of the ew deal signed yesterday.

This means that the Davies pic- ıres scheduled for the M-G-M list ill not be made for this company, ıt will go on the Warner list when osmopolitan switches affiliations Jan. the date of the expiration of the resent Cosmopolitan-M-G-M agree- ıent. It is reported that the first avies vehicle under the new deal ill be a Sidney Skolsky story, Movie Queen."

Release of Hearst Metrotone News ill continue with M-G-M.

The agreement for the new arrange- ıent was made directly between Hat- ick, vice-president of Cosmopolitan, nd Jack L. Warner, vice-president ı charge of production for Warners.

Cosmopolitan Pictures, a subsidiary f Cosmopolitan Corp., is headed by

(Continued on page 7)

## Tri-Ergon Allowed To Sue Para.-Publix

A Federal court order which per- ıits American Tri-Ergon to proceed gainst Paramount Publix for an in- unction and accounting or other liti- ation in connection with the Tri- Ergon double print and flywheel pat- nts was signed yesterday by Fed- ral Judge Alfred C. Coxe.

The order was issued when Judge Coxe granted a Tri-Ergon petition to ift the Federal court decree, as it pplied to Tri-Ergon, which restrains

(Continued on page 7)

## Browne, Barr Busy On Circuit Merger

Maurice Browne and Bernard Barr re canvassing local independents in ine with the movement on foot to nerge about 100 unaffiliated theatres nto one large circuit. Under the plan exhibitors would retain a 51 per cent stock interest in their the- atres which would be grouped into one powerful buving unit.

So far no exhibitor has signed up. Some have turned the plan down cold but the general idea has not yet been dropped.

## *Bareford Reaches Agreement With NRA On Code Cost Plan*

Washington, Nov. 1.—Conferences between Harold S. Bareford and officials of the National Recovery Administration today resulted in agreement as to treatment of the producer-distributor assessment schedule to meet the protests lodged by independents.

Bareford discussed the situation with Division Administrator Sol A. Rosenblatt, Deputy Administrator William P. Farnsworth, Leon Henderson of the Planning and Research Division and other officials.

It was said that the agreement, which has yet to receive the approval of Henderson, contemplated some "qualifications or provisos" in the schedule which would meet the complaint that the independents were being too heavily taxed.

Approval of the schedule as amended is expected to be announced tomorrow.

## *Short Subjects Are "Dogs Of the Business"—Marcus*

"Shorts are the dogs of the business, always have been and always will be," Lee Marcus, short subject production head of Radio, stated yesterday. "There is no incentive on the part of exhibitors to make shorts and they are booked without any special attention, particularly unusual featurettes," he said.

"Radio this season has increased production costs and the number of shorts from 36 to 42," Marcus declared. "All shorts are produced from

(Continued on page 6)

## Sinclair Row Stirs So. Cal. Independents

LOS ANGELES, Nov. 1.—Following the refusal of Morgan Walsh, head of the Independent Theatre Owners of Northern California, to aid Upton Sinclair's campaign for the governorship, H. W. Chotiner, president of the Independent Theatre Owners of Southern California, issued a statement indorsing Walsh's stand.

"We have not asked for Sinclair's leadership in our affairs," said Chotiner, "and we certainly will not accept voluntary leadership from a self-seeking man whose aims are foreign to our beliefs.

"The newsreels which Sinclair has branded fake are not fake and the In-

(Continued on page 7)

## *Harrison Explains Sinclair Attitude*

Insofar as his own thoughts and those of Upton Sinclair are identical on block and blind booking and a Federal probe of the industry, P. S.

(Continued on page 7)

## ASCAP Cites New Tax Deal As a Defense

The music tax compromise recently agreed upon between the American Society of Composers, Authors & Publishers and the Exhibitors' Emergency committee is made a part of A. S. C. A. P.'s defense against allegations contained in the bill of complaint filed by the government in connection with its anti-trust suit against the music licensing organization, it was disclosed yesterday with the filing in U. S. District Court here of A. S. C. A. P.'s answer to the Federal action.

The exhibitors' music tax compromise is cited in the society's answer as an example of the amicable system of

(Continued on page 7)

## *Rinzler-Frisch May Drop Fox Met Spots*

Sam Rinzler and Louis Frisch may drop the Fox Met group from Randforce as a result of heavy losses. The Fox Met theatres in the Randforce

(Continued on page 6)

## Predict End Of Cleveland Zoning Pact

### *Code Clearance Schedule Expected to Prevail*

Cleveland's clearance and zoning agreement between independent and major exhibitors, expiring Jan. 1, 1935, will not be renewed, it was indicated yesterday by three exhibitors in New York when queried on the plan. The Cleveland exhibitors are Henry Greenberger, interested in 14 theatres; Meyer Fisher, who operates three; and Paul Gusdanovic, who has six houses.

The trio expressed the opinion that the plan, which has been in operation the last 22 months, has worked out to the advantage of most exhibitors, but it was pointed out there are a few disgruntled theatre men who did not approve the pact.

Greenberger claims that the drafting of a clearance and zoning plan for the territory is the reason the plan will not be continued. The attitude of most exhibitors, he says, is that if the NRA lets the present plan alone and does not disturb it by setting up new zones, it will be better

(Continued on page 6)

## Indie Circuits May Reenter ITOA Soon

A number of independent circuits which recently dropped out of the I. T. O. A. are understood to be planning to rejoin the local unit. Among the circuits mentioned are Springer & Cocalis, Rugoff & Becker, Century, Skouras, Randforce and Meyer & Schneider.

One of the principal purposes behind the return move is said to be the united effort on the part of exhibitors to back up the organization

(Continued on page 7)

## *17 Bank Night Cases Heard by Appeal Trio*

Marking a new record in appeal hearings, 17 cases were heard yesterday by a committee comprising R. H. Cochrane, Henry Randel and Julius Charnow. Three appeals were from Los Angeles, two from Des Moines, one from St. Louis, two from Omaha, three from Kansas City and four from Minneapolis.

All cases were appeals from Bank Night decisions. Campi, apparently, is anxious to dispose of cases of this

(Continued on page 6)

MOTION PICTURE
DAILY

(Registered U. S. Patent Office)

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*Editor*
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*Advertising Manager*

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## Upstate Spots Gain, States Wm. Smalley

Business is not bad upstate, William Smalley, operating 14 theatres in and around Albany, stated yesterday. "Business has picked up quite a bit, especially where we put on special attractions like 'Singers' Midgets' and name orchestras," he said.

"We are not adding any theatres at this time, but are ready for some acquisitions," Smalley concluded.

## FitzPatrick Here Month

James A. FitzPatrick leaves for Hollywood the first week in December to start production on a feature founded on the love affairs of Franz Liszt. FitzPatrick is making the picture on his own and will negotiate distribution after completion. He is now trying to decide whether to make the film in color or black and white. Nathaniel Shilkret is preparing the musical score.

## Metro-Goldwyn Dividend

Metro-Goldwyn Pictures Corp. yesterday declared a regular quarterly dividend of one and three-quarter per cent on the preferred stock, payable Dec. 15 to stockholders as of record Nov. 30.

## "Limberlost" to Criterion

"A Girl of the Limberlost" will go into the Criterion for a run, starting Nov. 8.

# Insiders' Outlook

SAYS Marion Davies:

"I feel very happy over my new arrangement with Warner Brothers. I am confident that they will give me every co-operation in the production of my pictures and that I shall have greater individual opportunity."

That, you may regard as the usual perfunctory statement which attends shifts such as the break between Cosmopolitan and M-G-M and the former's new hook-up with Warners. . . .

▼

In this case, however, there seems to be a lot more to it. Miss Davies, it is more or less common gossip, has felt for some time that her talents were not being accorded the fullest of bloom under Leo's aegis and that, placed in the same rarefied atmosphere with such stars as Garbo, Crawford, Shearer et al, she was not faring as well as she might. The obvious conclusion to draw—and events bid fair to make it obvious—is that Marion will be the big noise around the Warner lot when the new deal gets going on January 1 next. . . .

▼

The flirtation between William Randolph Hearst and the Warners which now reaches its climax is not new. Not by a long shot. Four, or perhaps as many as five, years ago, a contract was as close to signing as any contract possibly could be. In other words, merely a matter of dripping pens and signatures. This corner had something to do with exclusive publication on another paper of the impending deal at the time. When the first page blasted the yarn on the particular morning in question much happened. As a matter of record, so much happened the deal never went through. . . .

▼

Thereafter and popping up now and then with a fair degree of regularity were the same overtures hitting it off along the same line. For instance, this, dug up from handy, bound volumes of MOTION PICTURE DAILY:

### Hearst to Warner Rumor Stirs Laugh

ABOARD WESTBOUND SANTE FE CHIEF, NEEDLES, CAL., APRIL 9, 1933—Hollywood reports that William Randolph Hearst is about to sever his production affiliation with M-G-M to join Warners met with loud laughs today both from H. M. Warner and Nicholas M. Schenck.

Schenck said: "It is perfectly ridiculous."

Several years ago, Jack L. Warner almost had Hearst with Marion Davies slated for top rating spot on the First National list and International Newsreel on the Warner program, but Hearst renewed the M-G-M contract.

Your attention is directed to the date. . . .

▼

The latter day phases of the Cosmopolitan - Warner hook-up go back to on or about the day that Hearst returned from his recent European trip. The whole proceedings, made familiar by this time through several early efforts over the same ground, were renewed. There developed a lapse of two weeks, a revival of the dickers and the signatures, finally, to the contract in Hollywood on Wednesday. And so it comes about that the vast publicity and advertising resources of the 26 Hearst dailies throughout the United States now will swing from M-G-M to Warner. Those resources, of course, will be brought into play principally on behalf of the Davies vehicles, first, and the Cosmopolitan attractions, no matter what they be, secondly. But just as the Hearst editorial attitude was friendly to M-G-M product aside from Cosmopolitan's own, so may it be expected to be as cordial where the Warners are concerned. . . .

▼

Shedding light in dark corners: Dr. F. B. Jewett, vice-president of the Bell Telephone Laboratories, told the S.M.P.E. banqueters that if it hadn't been for the years of experiments in telephone sound transmission talking pictures would not have been possible. "That's how we telephone men got into the picture business," was the way he expressed it. "After all, there are only three elements involved—pick up, transmission and adequate loud speaking devices," he said. "Synchronization has never been a problem." . . .

▼

In 1907 or 1908, he said, coils were put into use for transmitting sound over increasing distances. "We told the backers of the San Francisco Exposition then that we would have telephonic conversation across the continent when the exposition started in 1915, and we did. Vacuum tubes made this possible. Your radio and your sound pictures are based on these fundamental devices." Jewett overlooked the commercial landslide completely. As a scientist, he rates forgiveness, but, as a commentator, he glossed over a slightly important point. . . .

KANN

## Consolidated Stocks Rise on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 35½ | 35 | 35 | ..... | 300 |
| Consolidated Film Industries | 3½ | 3½ | 3½ | + ¼ | 100 |
| Consolidated Film Industries, pfd | 15½ | 15½ | 15½ | + ¼ | 100 |
| Eastman Kodak | 105 | 105 | 105 | — ½ | 200 |
| Fox Film "A" | 12⅜ | 12 | 12⅜ | + ⅛ | 1,200 |
| Loew's, Inc. | 30 | 29 | 29⅞ | + ⅜ | 3,200 |
| Paramount Publix | 4 | 3⅞ | 4 | ..... | 4,400 |
| Pathe Exchange | 1⅛ | 1⅛ | 1⅛ | — ⅛ | 100 |
| RKO | 1⅞ | 1⅝ | 1¾ | ..... | 3,400 |
| Warner Bros. | 4⅜ | 4¼ | 4⅜ | + ⅛ | 1,100 |

## Trans Lux Climbs ⅛ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 12¾ | 12¾ | 12¾ | ..... | 400 |
| Trans Lux | 2⅛ | 2⅛ | 2⅛ | + ⅛ | 100 |

## Trading in Bonds Light

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40, ctf | 6⅛ | 5½ | 5½ | ..... | 3 |
| Loew's 6s '41, ww deb rights | 103¾ | 103¾ | 103¾ | + ¼ | 2 |
| Paramount F. L. 6s '47 | 55½ | 55 | 55 | ..... | 5 |
| Paramount Publix 5½s '50 | 55 | 55 | 55 | ..... | 3 |
| Pathe 7s '37, ww | 98⅞ | 98¾ | 98⅞ | + ⅛ | 3 |
| Warner Bros. 6s '39, wd | 57⅞ | 57½ | 57½ | — ½ | 4 |

## M-G-M, Loew's at Ampa

M-G-M and Loew's yesterday took the feature spots at the Ampa luncheon. The distributor had seven girls who are finalists in the *Daily Mirror* tieup for a new player, and Loew's through WHN, had a number of amateur radio performers on hand The affair, toastmastered by Major Edward Bowes, was broadcast over WHN. Comptroller Joseph D. McGoldrick, Herbert Rawlinson and Shirley Grey were among the guests

## Sophie Tucker Greeted

Sophie Tucker was greeted by a delegation of the American Federation of Actors when she arrived yesterday on the *Manhattan.* She was escorted to the Park Central by a squadron of motorcycles.

She will be guest of honor at a beefsteak dinner tomorrow night at Mecca Temple. Among the guests expected are Joe Penner, Jack Benny, Harry Hershfield, Sam Harris and Jack Lait.

## Tellegen Rites Today

HOLLYWOOD, Nov. 1. — Private funeral services will be held here tomorrow for Lou Tellegen, who committed suicide last Monday. Arrangements were made by Mrs. J. P. Cudahy and approved by Eva Casanova, his fourth wife. Tellegen's ashes will be scattered on the Pacific.

## Stir Over Ellison Fight

Film circles here are displaying a lively interest in the candidacy of Millard H. Ellison, brother-in-law of Felix F. Feist, for Supreme Court judge.

# HELL LOOSE IN THE HEAVENS

## . . . while a woman waits below!

Warner Baxter in his most powerful dramatic role. Women will sit with bated breath as a black-winged devil pages him in the skies . . . daring him to fight. Men will stare with nerves drawn taut . . . as brave men rend the quiet blue with the fury of their combat!

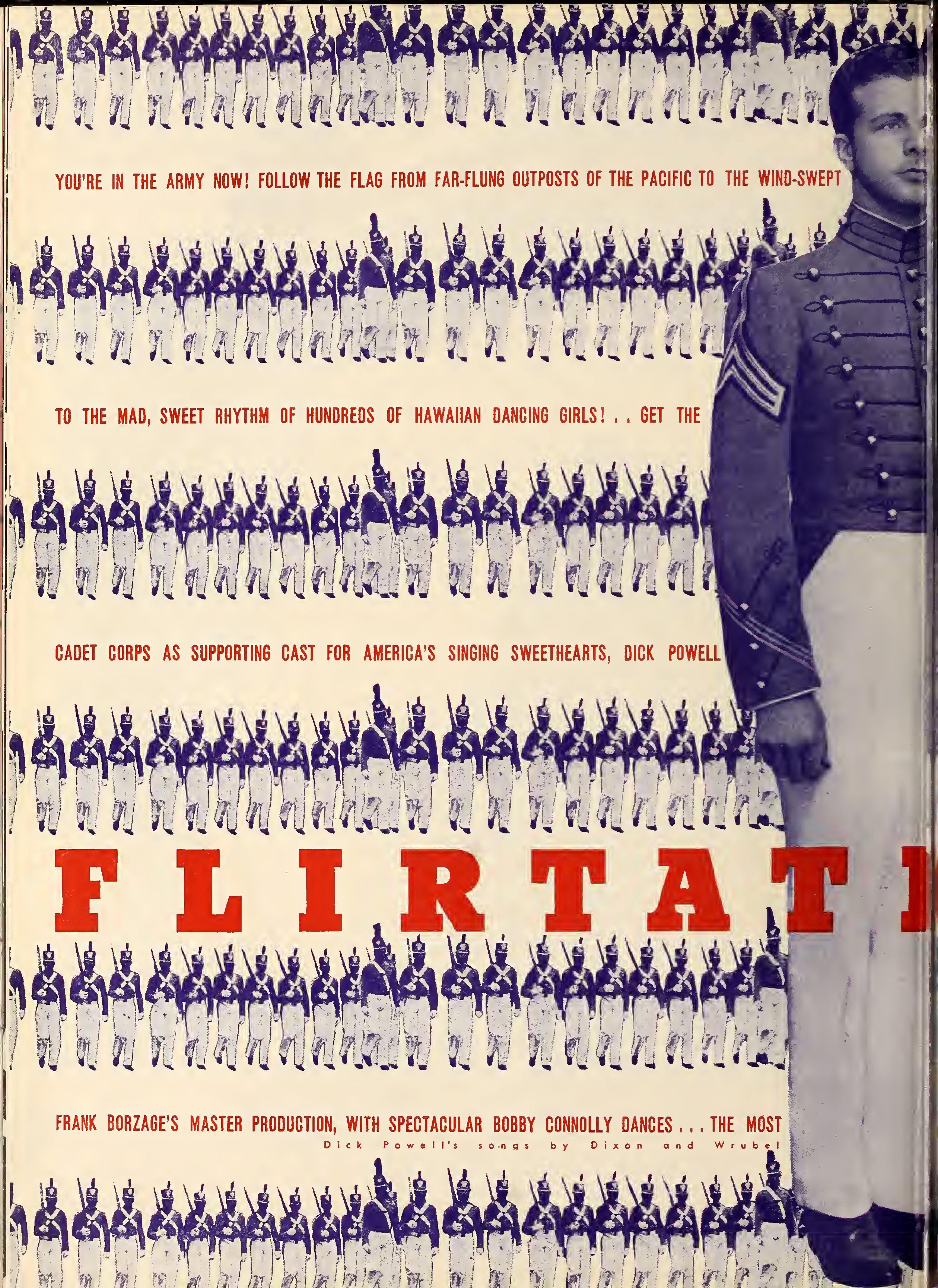
**WARNER**
**BAXTER**
*in*

# HELL in the HEAVENS

Conchita
**MONTENEGRO**
**RUSSELL HARDIE**
**Herbert Mundin • Andy Devine**
**William Stelling • Ralph Morgan**

*Produced by Al Rockett* *Directed by John Blystone*

FOX



YOU'RE IN THE ARMY NOW! FOLLOW THE FLAG FROM FAR-FLUNG OUTPOSTS OF THE PACIFIC TO THE WIND-SWEPT

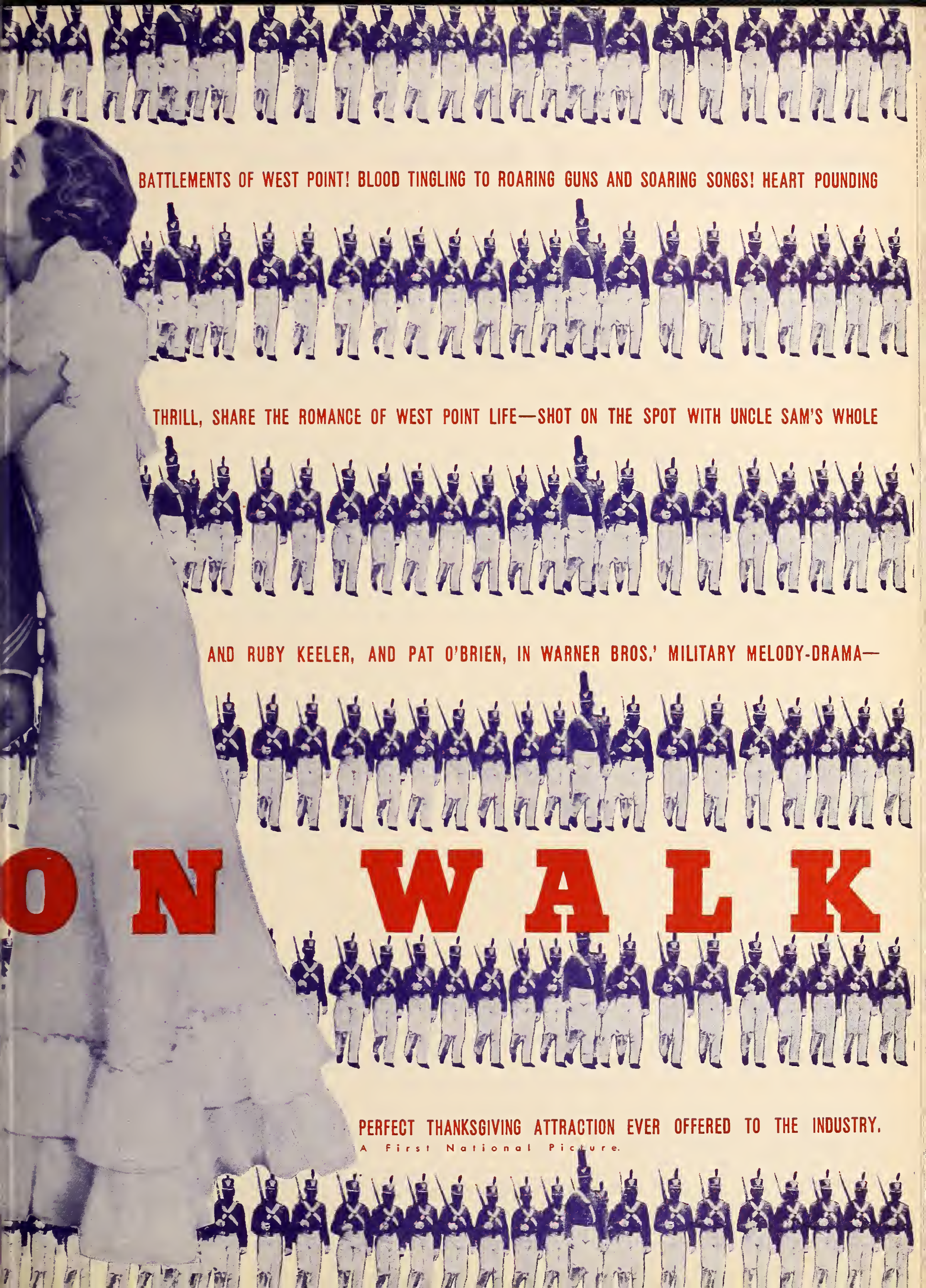
TO THE MAD, SWEET RHYTHM OF HUNDREDS OF HAWAIIAN DANCING GIRLS! . . GET THE

CADET CORPS AS SUPPORTING CAST FOR AMERICA'S SINGING SWEETHEARTS, DICK POWELL

# FLIRTAT

FRANK BORZAGE'S MASTER PRODUCTION, WITH SPECTACULAR BOBBY CONNOLLY DANCES . . . THE MOST

Dick Powell's songs by Dixon and Wrubel



BATTLEMENTS OF WEST POINT! BLOOD TINGLING TO ROARING GUNS AND SOARING SONGS! HEART POUNDING

THRILL, SHARE THE ROMANCE OF WEST POINT LIFE—SHOT ON THE SPOT WITH UNCLE SAM'S WHOLE

AND RUBY KEELER, AND PAT O'BRIEN, IN WARNER BROS.' MILITARY MELODY-DRAMA—

# ON WALK

PERFECT THANKSGIVING ATTRACTION EVER OFFERED TO THE INDUSTRY.

A First National Picture.

# Predict End Of Cleveland Zoning Pact

(*Continued from page* 1)

for Cleveland. A meeting of exhibitors to work out new zones was to have been held Tuesday and Wednesday in Cleveland, but, because of an appeal hearing, the session was delayed until next Wednesday and Thursday.

Exhibitors, under the two-year agreement, have the right to cancel at any time, but this does not seem to be the case, Greenberger stated. It is claimed that Loew's Granada broke a verbal agreement when the admission scale was reduced from 35 to 28 cents and maintained 14 days' protection.

Theatres charging 25 cents get pictures 35 days after the first runs; houses with admissions at 20 cents get films in 57 days, and 15-cent houses get product in 63 days.

At Wednesday's appeal hearing in New York, with Frank A. McCarthy and Henry Sussman as committeemen, Greenberger asked a reversal of the Cleveland board's decision putting the Mall into a different zone from the Strand, Standard and Carter. Fisher has the Mall, while the other three houses are part of the Community circuit, of which Greenberger is an executive partner.

### Denies Intent to Deprive Rival

Greenberger stated he had bought half of Paramount, U. A. and M-G-M for next season with seven days' protection over the Mall and that he did not intend to deprive the Mall of product. Fisher stated he could not buy one new picture from any company and has approached all exchange men in the territory to no avail. Greenberger was in favor of buying protection instead of having a local board set it.

Gusdanovic, who operates the Cameo, adjacent to the Mall, stated the Mall and the other three houses are in the same zone and the schism designated by the Cleveland board should be abandoned.

Other cases heard were W. A. Thimmig, McNair, St. Louis, against the St. Louis Amusement Co., Gravois Theatre, and Fred Wehrenberg, Cinderella Theatre, on clearance and zoning; Mystic, Picher, Okla., against Picher-Plaza and Southwestern theatres, same city; and William C. Smalley, Smalley's Hamilton, Hamilton, N. Y., against Meyer Schine and Glove City Amusement Co. of Gloversville.

## *To Outline Code Attack*

Sidney Samuelson, president of Allied of New Jersey, will outline procedure of the unit in attacking the code to members at the next meeting, Nov. 13. Allied plans to ask for a congressional investigation of the setup of the code and the line of attack will be explained to all members at the next session.

## *"Legit" Code in Force*

The revised code for the legitimate theatre became effective yesterday at a meeting of the authority at the League of New York Theatres.

# *Short Subjects Are "Dogs Of the Business"—Marcus*

(*Continued from page* 1)

originals and we are spending as much time in preparation as the men making features," he held. "The company has completed 29 and has 13 more to go for this season."

"The short subject department is developing director talent for the company," Marcus asserted, pointing to Mark Sandrich, George Stevens and Ben Holmes, who recently graduated from the shorts' rank to feature pictures.

Ruth Etting has been signed for six two-reelers for next season. The company recently experimented with a Spanish version of an Etting short for the foreign market and the results are good, Marcus stated.

The short subject producer believes duals are minimizing the demand for shorts, especially two-reelers, which, he claims, are being booked during supper shows. Marcus admitted he doesn't know why the demand for two-reelers is diminishing, but believes the apathy is with the exhibitors more than the public.

He sails tomorrow on the *California* for Hollywood after a 10-day vacation here.

## *17 Bank Night Cases Heard by Appeal Trio*

(*Continued from page* 1)

nature and clear the calendar. The appeals were:

Mrs. Jennie H. Dodge, Mission, Ventura, Cal., against Oxnard, Oxnard.

Mrs. Jennie H. Dodge, Mission, Ventura, against Glen City, Santa Paula, Cal.

C. A. Ferry, Granada, Alhambra, Cal., against O. W. Lewis, Mission, San Gabriel, Cal.

M. E. Baylis, Tivoli, West Los Angeles, Cal., against Wilshire, Santa Monica, Cal.

Rex, Fairfield, Ia., against Orpheum, same city.

M. C. Roskopf, Casino, Marshalltown, Ia., against Don Thornburg, Strand and Family, same city.

Harry C. Swan, Washington, Granite City, Ill., against Gaylord W. Jones, Rialto, same city.

L. E. Davidson, Capitol, Sioux City, against Rialto, same city.

Avenue, Omaha, against August Herman, Muse, Omaha.

G. E. Klock, Klock, Neodesha, Kan. against Gem, J. E. Whitten, same city.

W. A. Leucht, Olive, St. Joseph, Mo., against Frank Cassil, Rialto, same city.

Midland, Pittsburgh, Kan., against J. A. Lenski, Cozy, same city.

Lake, Minneapolis, Minn., against Heights, Columbia Heights, Minn.

Lake, Minneapolis, Minn., against H. Dickerman, Alhambra, Minneapolis, Minn.

Lake, Minneapolis, Minn., against H. Dickerman, Northtown, Minneapolis, Minn.

## *Coast Casters Talk Over Extras' Rules*

HOLLYWOOD, Nov. 1.—Anticipating an early order from Washington to put the extras' code into effect, Mrs. Mabel Kinney, chairman of the extras' standing committee, called a meeting of some 40 casting representatives and discussed its details. Her idea was to avoid possible misunderstandings.

The order was scheduled to have gone into effect Oct. 11, but has been held up pending official notice from Campi.

## *Sten Van Schmus Guest*

Anna Sten, star of "We Live Again," and Sergei Soudeikine, artist who designed the sets for the picture, were guests at a dinner given by W. G. Van Schmus, managing director of the Music Hall, last night.

## *Goldberg Quits G-B*

Lou Goldberg has resigned from Gaumont British. Marion Sanders is now at the Roxy on a four-week assignment for the opening of "Evensong," following which she will bow out of G-B.

## *G-B Renews with Lee*

Gaumont British has renewed for five years Arthur A. Lee's contract as vice-president and general manager of the company.

## *Fine Reveals Allied Pickets as Paid Men*

The revelation that many Allied pickets are men outside the ranks of the union hired for the purpose was made yesterday at the hearing on the operator situation in the city before Referee Robert McC. Marsh.

Sol Fine, business agent for Allied, admitted under questioning that it went to employment agencies for its pickets, who are paid $2 and $2.50 a day. He declared the union resorted to this practice because it did not have enough members for picket duty. The picketing activities have been going on at theatres employing members of Local 306.

## *Rinzler-Frisch May Drop Fox Met Spots*

(*Continued from page* 1)

group are understood to be losing on the average of $1,000 a day, or $30,000 a month, it is understood.

With the Fox Met circuit now in the process of reorganization, Randforce is taking the losses on the chin. The two independent operators have no contract with the bondholders' protective committee, and likewise, no guarantee from the bondholders to cover the losses, it is stated.

Although bondholders meet with Judge Julian W. Mack on Nov. 12 on reorganization matters, no definite plan is expected to be presented to the court. As yet the bondholders' committee has not discussed a contract with Frisch and Rinzler and unless some means of covering the losses are made by the bondholders, it will be impossible for Randforce to continue to operate.

## *O'Connor Visiting*

Edward O'Connor, head of M-G-M's branch in the Dutch West Indies, is in New York for the first time in six years. He plans to stay several months.

# Agency Code "Hearing" Is Capital Flop

WASHINGTON, Nov. 1.—Government money spent for the rent of a room in the Willard Hotel today for the "hearing" on agency committee recommendations was wasted. Only five persons, but two of whom offered remarks, appeared for a 15-minute discussion of the proposed rules on agents.

Excerpts from a letter from Ralph H. Blum, Beverly Hills, were read into the record by Division Administrator Sol A. Rosenblatt, who presided. This letter expressed the protest of west coast agents against holding the hearing in Washington. The decision to hold the hearing here instead of in Los Angeles was declared by Blum to be "most outrageous." It was pointed out that the hearings affect the livelihood of "many individuals" and the claim was advanced that "all the persons affected thereby are domiciled" in Los Angeles and the demands of their business made it impossible for them to cross the country.

The complaint was answered by Gabriel L. Hess, Hays office counsel, who declared there are as many agents in New York as in California and almost as many artists seeking employment.

"In the past two or three years," he pointed out further, "production activities in the east have advanced to the stage that the east is now being recognized as a production center."

The only discussion of the rules themselves was offered by Harold S. Bareford, representing nine of the large producers, who pointed out that a large number of the proposals are now in the code "and it is doubtful what the intention of the committee was: whether to take these provisions out of the code and adopt them in a supplementary code, or to amend and add to the provisions of the code."

The hearing was adjourned for a period of 30 days, within which the Administration will make a decision as to the application of the rules.

## *Labor Board to Get Union's Loew Claim*

NEW ORLEANS, Nov. 1.—A claim for $25,000 filed against Loew's State by the musicians' union alleging breach of contract will be referred to the National Compliance Board at Washington, it was decided yesterday. Loew's insists that if it loses it will carry the case to court.

## *Discharge Monnier Jury*

After deliberating for nearly 11 hours the jury in the Brooklyn Federal Court which heard the charges that Maurice Monnier, a chauffeur, had sent a threatening letter to Mrs. William Fox was discharged by Judge Clarence G. Galston. Monnier will face a second trial Nov. 7. He is seeking bail.

## *Not to Build in Miami*

Walter Reade does not intend to build in Miami despite reports to the contrary. The circuit operator recently visited the winter resort on a brief vacation, which started the rumors.

# ASCAP Cites New Tax Deal As a Defense

(*Continued from page* 1)

collective bargaining through which the organization's music tax schedules, it alleges, are established. The answer also represents the exhibitors' committee as "entirely pleased" with the compromise and sets forth that during the compromise negotiations "it was freely and unanimously stated by the members of the (exhibitors') committee that the exhibitors of America would be confronted with a tremendously difficult and apparently insoluble problem in connection with the use of copyrighted musical works, were the Society to be dissolved."

This statement is regarded as A. S. C. A. P.'s answer to the portions of the Federal suit which seek the dissolution of the society as a monopoly in restraint of trade.

That portion of A. S. C. A. P.'s answer intended to show that its music tax schedules are not "arbitrarily" established, as charged, but are, rather, the result of pacts arrived at through collective bargaining, lists as further evidence the negotiations which, according to the answer, were consummated with M. P. T. O. of Michigan, M. P. T. O. of Virginia and committees representing "an exhibitors' association of Minnesota and South Dakota" and one representing "an exhibitors' association of North Carolina."

### Names Twenty-three Groups

The answer names 23 exhibitor trade associations as having been "combined to form a united front for the purpose of defeating the right of composers, authors and publishers to a reasonable royalty," it cites the "penny-a-seat war chest" championed by the exhibitors' emergency committee and charges the M. P. T. O. A. with an agreement "to issue questionnaires to every senator and congressman to get them committed to the fact that they would favor repeal of the law which secures performance rights to members of the society" and that "they proposed to engage in lobbying on a large scale for congressional action and to engage 100 contact men for the purpose of inducing senators and congressmen to act in favor of the united front and in opposition to the interests of the society."

A. S. C. A. P.'s answer also recites the history of exhibitor and broadcasters' litigation against the society and opposition to music taxes which were either ineffectual or decided in the society's favor. It also cites the legislative campaigns of broadcasters, and exhibitor trade associations, all of which, the answer says, were failures. A general denial of most of the government's allegaions is made, and specific denials are made as to the existence of a music icensing monopoly, an attempt to reate one, restraint of trade or any iolation of anti-trust laws.

The answer avers that the Federal Trade Commission, the Department of ustice, various congressional patents ommittees, Federal and state courts ave ruled in the past that the soiety is engaged in "a lawful and legiimate enterprise under the copyright aws." It also describes the work of the society in aiding underprivileged authors, composers and publishers and their relatives in terms that would make it appear the society is primarily a charitable organization whose extensive agencies spend as much time ferreting out worthy indigents upon whom it bestows its munificence as in discovering and prosecuting unlicensed users of its copyrighted music.

The answer, filling 42 pages of printed matter exclusive of exhibits, was written by the law office of Nathan Burkan. It was industriously publicized by Gene Buck, president of the society, who delivered it to the metropolitan newspapers in advance of its filing with the Federal court.

## *Illumination Angles Come Before SMPE*

Illumination was the principal topic of discussion at the morning session of the S. M. P. E. convention at the Hotel Pennsylvania yesterday. The convention closed with the afternoon session.

J. D. Edwards of the Aluminum Company of America described various ways of utilizing the reflecting properties of aluminum and how to make it shiny. His talk ranged from polished reflectors, to aluminum on glass to the use of aluminum paint.

In a paper on "What Is Light?" S. G. Hibben of the Westinghouse Lamp Co. said that he wanted to discuss it from the latest concept which is that light is a wave motion and that all matter is crystallized electricity.

Other subjects discussed at the morning session were: "High Intensity Mercury and Sodium Arc Lamps," L. J. Buttolph, General Electric Vapor Lamp Co.; "The Use of the High Intensity Mercury Vapor Lamp in M. P. Photography," M. W. Palmer, M. P. Lighting and Equipment Corp.; "Recent Developments in the Use of Incandescent Lamps for Color M. P. Photography."

At the closing session in the afternoon the subjects were: "A Revolving Lens for Panoramic Pictures," F. Altman, Hawk-Eye Works, Eastman Kodak; symposium on construction materials for processing apparatus, International Nickel Co., Carnegie Steel Co., Synthane Corp.; "A Roller Developing Rack for Continuously Moving the Film During Processing by the Rack-and-Tank System," C. E. Ives, Eastman Kodak; "Training Future Cameramen," H. C. McKay, head of the N. Y. Institute of Photography.

## *Indie Circuits May Reenter ITOA Soon*

(*Continued from page* 1)

in settling the local labor situation. Following this, the I. T. O. A. will sign the code and a move will be made to set up a clearance and zoning schedule for the entire territory.

Harry Brandt, president of the unit, could not be reached yesterday for confirmation. Reports that major circuits would join the I. T. O. A. are discounted by representatives of the organizations mentioned.

Rejoining of the independent circuits was discussed at a meeting of the board of directors earlier in the week. The move is said to have been started by Brandt, who is one of the leaders in the plan to set up a basic operators' wage scale for the territory. He is a member of the fact finding committee, which is now classifying theatres preparatory to setting up the basic scale.

# Sinclair Row Stirs Indies of So. Cal.

(*Continued from page* 1)

dependent Theatre Owners can appreciate not only Sinclair's feelings, but those of the public when it comes face to face with the types, reasons and arguments of some of the individuals favoring Sinclair's candidacy.

"We have a right to defend our business from unjust attacks such as Sinclair's, just as newspapers would, if Sinclair should come out and say we need more censorship of printing of news to suit his peculiar political whims.

"When Sinclair attacks C. C. Pettijohn he attacks a man who has done more for the independent theatre owners of America than anyone in the industry, and to do him justice, we make this statement."

On another line of battle in this historic and hectic election campaign the district attorney's office was requested through David Sokolo, listed as attorney on the stationery of the law enforcement committee of the County Central Committee of the Democratic Party, to call the chiefs of eight major studios before the Grand Jury to be interrogated in connection with alleged threats that studio employes would be dismissed if they voted for Sinclair.

Daniel Beecher, deputy district attorney, said no subpoenas would be issued for studio heads, but, if the committee would furnish the names of persons intimidated, they would be called before the Grand Jury to tell their experiences.

The letter also charged the studios had been demanding one day's pay from all who earn more than $100 weekly for the Republican campaign fund.

## *Harrison Explains Sinclair Attitude*

(*Continued from page* 1)

Harrison is on the same side of the fence as the Democratic candidate for the governorship of California, Harrison declared yesterday.

"I asked Sinclair if he favored the abolishment of block and blind booking and a probe of the business. He replied he did and so I am with him. I have always advocated these issues. However, insofar as his EPIC plan is concerned, there is nothing I can say. I have not studied it," concluded the publisher of *Harrison's Reports*.

## *Windisch in New Post*

Irving Windisch has been appointed advertising and exploitation manager of the Warner Broadway houses, succeeding Charles Curran. He will share his duties with Zeb Epstein.

## *Bershon West Tomorrow*

Dave Bershon of Westland Theatres in California leaves for the coast tomorrow after several days here. Westland operates six houses in Los Angeles.

## *Close Two Radio Deals*

Jules Levy, vice-president and general sales manager of RKO Distributing Corp., has closed deals with B. & K. in Chicago and the Harry Weinberg circuit in Iowa for the entire 1934-35 Radio lineup.

# 6 First Year From Hearst For Warners

(*Continued from page* 1)

Miss Davies. Her statement approving the deal is taken to indicate that she has not been entirely satisfied with the present M-G-M deal. It follows:

"I feel very happy over my new arrangement with Warner Bros. I am confident that they will give me every cooperation in the production of my pictures and that I shall have greater individual opportunity.

"I am leaving Metro-Goldwyn-Mayer with the kindliest feeling and appreciation of everything that they have done for me. I have only the highest regard for the Metro executives, especially Louis B. Mayer and Irving Thalberg."

Under the new arrangement, Jack L. Warner will be in personal charge of Miss Davies' as well as Cosmopolitan productions, it is stated.

He issued an enthusiastic statement which read:

"Speaking in behalf of my brothers, Harry and Albert, we are delighted and consider ourselves fortunate in having obtained Marion Davies for a series of star productions, and our aim and ambition will be to produce pictures with Miss Davies that will create even greater success for her than she has heretofore attained. In addition to Miss Davies' starring productions, we will also produce a series of Cosmopolitan productions.

"We consider the association with us of William Randolph Hearst and his tremendous organization as the greatest forward step that Warner Bros. have taken since the introduction of the talking picture."

## *Tri-Ergon Allowed To Sue Para.-Publix*

(*Continued from page* 1)

litigants from continuing old actions or bringing new suits against a bankrupt corporation.

In the event Paramount Publix is reorganized without a new company being formed, Tri-Ergon would be in a position, as a result of the order, to proceed immediately with actions for injunction or accounting, according to responsible legal viewpoints.

## *Delaware Tri-Ergon Move Up on Nov. 16*

WILMINGTON, Nov. 1.—Judge John P. Nields in U. S. District Court has set Nov. 16 as the date for a hearing of a motion by American Tri-Ergon and Tri-Ergon Holding A. G. for a temporary restraining order against Loew's, Inc., M-G-M Pictures Corp. and Warners to prevent them from using disputed Tri-Ergon equipment until settlement of the patent suit.

3 MINUTE FILMS
ACTION • SUSPENSE
NOVELTY
Samjax Productions
723 • 7th AVENUE •
NEW YORK • N.Y.

# "DID YOU EVER HEAR THE STORY *about the exhibitor who telephoned Miss Anderson of Omaha?"*

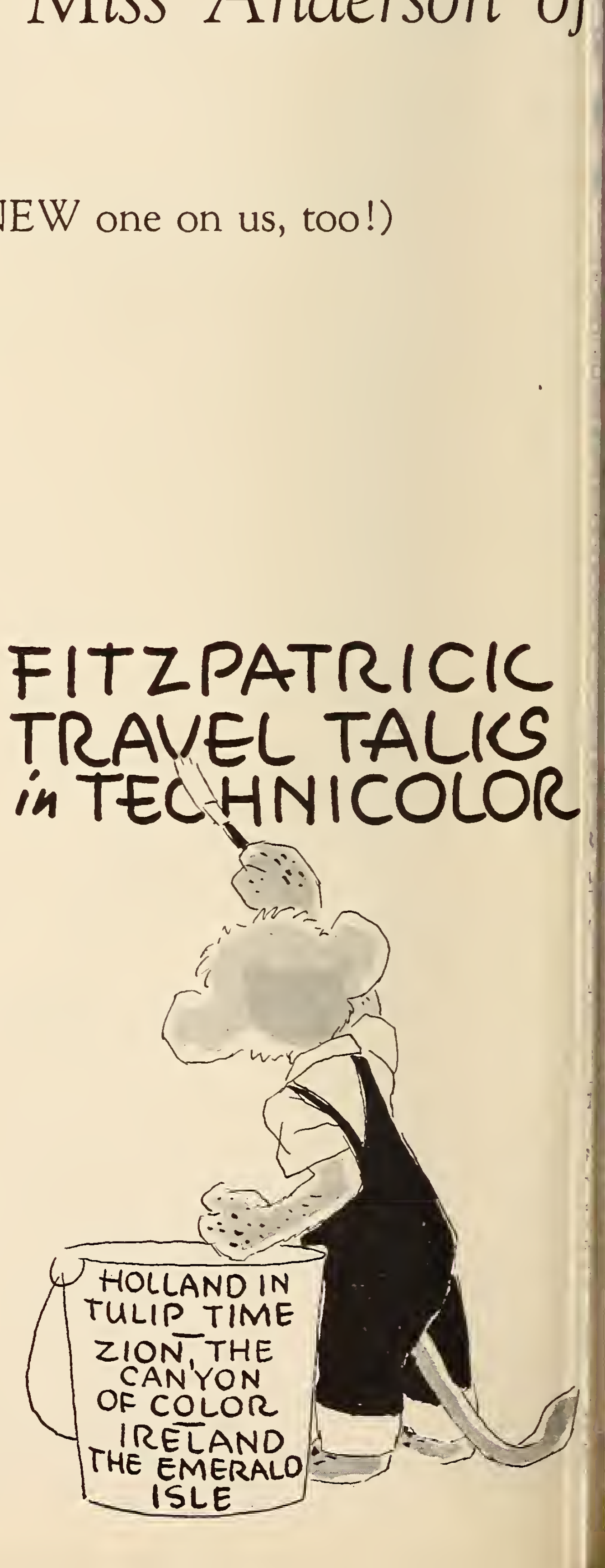
(it's a NEW one on us, too!)

Such fun when pretty Miss Anderson, of the M-G-M office in Omaha, answered a telephone call from the Mayfair Theatre, Shenandoah, Iowa.

"I booked 'HOLLAND IN TULIP TIME' for three days," said the Manaager of the Mayfair. "I've been getting swell comments and want to hold it over."

"Okay" said Miss Anderson, and imagine her surprise when that holdover developed into an extended run! Originally booked for three days, this marvelous short subject ran ELEVEN DAYS!

Take a look at "HOLLAND IN TULIP TIME." Then watch for "ZION, THE CANYON OF COLOR" and "IRELAND, THE EMERALD ISLE." They're Fitzpatrick Traveltalks, the *only* reels of their kind in technicolor. M-G-M's pride!


FITZPATRICK TRAVEL TALKS in TECHNICOLOR
HOLLAND IN TULIP TIME
ZION, THE CANYON OF COLOR
IRELAND THE EMERALD ISLE

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 106 — NEW YORK, SATURDAY, NOVEMBER 3, 1934 — TEN CENTS

# Supreme Court Is Asked To Review Tri-Ergon Case

### *Para. Charges Fox with Attempting to Coerce Entire Industry*

By **CLARENCE LINZ**

WASHINGTON, Nov. 2.—Charging that William Fox is using the recent decisions favorable to American Tri-Ergon "to coerce substantially the entire industry," Paramount Publix today asked the U. S. Supreme Court to reconsider its recent action in refusing to review the suit.

"There is no conflict of decision as between different circuits on the question of the validity of this patent," the company admitted in its petition, "but," it added, "events have occurred since the denial of the writ which clearly take the case outside the general rule requiring a conflict of decisions as a prerequisite to the grant of a writ of certiorari in the ordinary patent case."

Since the court refused to review the case, it was said, suits have been filed against 18 companies, including M-G-M, Warners, Columbia, First Division, Universal, Consolidated Film Industries, 20th Century, Monogram, Reliance and several laboratories, thus including, it was declared, "large sources of production of motion pictures, including substantially all of the

(*Continued on page* 3)

## Tri-Ergon Mandate Argued in Brooklyn

Contending that it would be unduly injured if a mandate putting into effect the original decree of Judge Marcus B. Campbell in favor of American Tri-Ergon were to be issued, Paramount Publix moved in Federal District Court at Brooklyn yesterday to obtain a modification of the decree which enjoined Paramount from using

(*Continued on page* 3)

## Changes in Phila. Boards Are Denied

WASHINGTON, Nov. 2.—Reorganization of the Philadelphia clearance and zoning boards was today refused by Division Administrator Sol A. Rosenblatt in answer to complaints from the Independent Exhibitors' Protective Ass'n., Inc., of that city, that because of their tieup with Warner through their membership in the M.

(*Continued on page* 4)

## New Operating Deal Is Made On Music Hall

### *RKO, RCA, Rockefeller Center in Agreement*

A new Music Hall operating agreement providing for autonomous operation of the house in the future was completed yesterday and filed with the U. S. District Court here for approval.

The agreement, made jointly by RKO, RCA and Rockefeller Center, provides for a readjustment of RKO's indebtedness to RCA resulting from the latter's guarantee of rental deficits on the Music Hall. Rockefeller Center was authorized in the past to draw upon funds advanced by RCA whenever Music Hall profits were less than the minimum rental participation agreed upon between RKO and Rockefeller Center.

The agreement appears to indicate that Rockefeller Center's operation of the house, under the direction of W. G. Van Schmus, will be an independent one. Indications are, however, that a minimum amount of RKO product will be contracted for annually. Neither Van Schmus nor M. H. Aylesworth could be reached for comment on the agreement last night.

## Deal on RKO Notes Approved by Court

Approval of the agreement reducing the monthly maturities of $1,500,000 of RKO secured notes held by Consolidated Film Industries was given yesterday in an order signed by Federal Judge William Bondy directing

(*Continued on page* 2)

## "Happiness" Pulls $77,000 for Week

"The Pursuit of Happiness" at the Music Hall held up nicely last week compared to grosses of other houses along Broadway. The intake for the Paramount picture was $77,000. The Roxy on the second week of "Little

(*Continued on page* 4)

## *Whitney to Produce Technicolor Series*

LOS ANGELES, Nov. 2.—Plans to spend a minimum of $7,000,000 on a group of nine or more Technicolor features to be produced by Pioneer

(*Continued on page* 4)

## *Equity Council Ratifies Plan For Actors' Guild Affiliation*

**The council of Actors' Equity Ass'n, formally ratifying the affiliation agreement with Screen Actors' Guild, yesterday voted to create a new affiliate membership class in Equity to include members of the guild.**

**Coincident with the action, the council authorized the drafting of new bylaws by which persons qualified for the new Equity affiliate membership shall be members of the guild, which now becomes "the motion picture division in California of Actors' Equity Ass'n." The formal affiliation agreement drawn by Equity's legal department is being forwarded to the governing board of the guild "for their favorable action," Frank Gillmore, Equity president, said.**

**Under the agreement there will be no Equity representation on the guild's board, nor guild representation on Equity's council. Neither will Equity ask any direct dues of the guild, it is understood, although the guild will be expected, of course, to bear its share of dues paid into the A. F. of L.**

## Assessments For Code Are Finally Set

WASHINGTON, Nov. 2.—Producer-distributor assessment schedules today were finally agreed upon and are now in process of receiving the approval of the various NRA officials whose signatures are necessary to make them effective.

Pointing out that there are some 300 independents and 12 larger concerns, Administration officials declared that it does not appear unfair to expect 96 per cent of the companies to contribute the $18,000 asked,

(*Continued on page* 4)

## Film Labeling Is Opposed by Baltimoreans

BALTIMORE, Nov. 2.—The system of labeling productions "A" and "F" as to their suitability for adults or for the family does not appeal to three exhibitors in this city interviewed on the matter so far.

J. Harry Gruver, proprietor of the Glen, Glenburnie, Md., and manager of the New Theatre, first run here, thinks parents should find out for themselves by calling the theatre and asking the manager for such information because he always tells the truth

(*Continued on page* 4)

## *K. C. Is Nettled by Majors' Stand on Clearance Setup*

KANSAS CITY, Nov. 2.—Objections by major company sales heads to Kansas City's new clearance schedule are termed "ridiculous" by members of the local clearance and zoning board.

Distributors' chief objection that identical availability to subsequents charging the same admission would create a print shortage is answered by exchange managers with the assertion that this system has been in vogue here for the last five years and at no time has it created a shortage.

Local exchange executives are at a

(*Continued on page* 4)

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### Bike Riders Attract

Temporarily parking several plate glass windows directly on the corner of Broadway and 7th Ave., Arthur Mayer of the Rialto rigged up four bicycles and riders for the opening of "The Six Day Bike Rider," new Joe E. Brown feature.

The boys, drawing their pay from Quaker Oats on a tie-up with the Rialto, trundled all day and attracted plenty of looks from passers-by. So good an attraction-getter was the stunt, which is to be continued throughout the run, that the running electric news ribbon of the *New York Times* met, faced and lost out to competition probably for the first time since it began operations.

### Foreigns for Gaiety

Samuel Cummins and J. A. Koerpel of Samjax Corp. state that first run foreign pictures and not shorts will play the Gaiety when it is opened by the new company the evening of Nov. 13 with "The Man of Courage," the English adaptation of the Italian film "Camicia Nera" ("Black Shirt"), authored by Premier Mussolini of Italy.

### Horne Going to Coast

Hal Horne flies to the coast Wednesday for conferences with Darryl Zanuck on campaigns for "The Mighty Barnum," the first picture the producer has turned out since his return from Europe.

## E. M. Loew and Para. Suit Settlement Set

A settlement of the long-pending $5,099,000 anti-trust suit brought against Paramount Publix by E. M. Loew of Boston has been agreed upon and a petition asking court approval of the settlement will be submitted to Special Master John E. Joyce here within the next few days.

The settlement figure, it is understood, exceeds $100,000. A special master assigned by the Federal court at Boston to take testimony on the case recommended damages in a large amount in favor of Loew some time ago. Final damage awards in anti-trust cases are trebled.

Paramount recently settled the $5,100,000 anti-trust suit brought by the late Edward Quittner, Middletown, N. Y., exhibitor, for $10,000. A settlement of the anti-trust suit brought by A. B. Momand of Oklahoma for $4,900,000 damages is not yet in work, although scheduled for negotiation in the near future.

### Myke Lewis on Coast

Los Angeles, Nov. 2.—Myke Lewis has arrived by plane from New York after attending the Paramount sales meeting in Hot Springs. He conferred with home office executives in New York for three days.

Toronto, Nov. 2.—Maurice Mulligan, Paramount general manager in Canada, has returned from New York and Hot Springs meetings.

Denver, Nov. 2.—Hugh Braley, Paramount district manager, is back from the east, where he attended sales conferences with home office and field executives.

### Loew Opens Boston Road

Formal opening of the Boston Road by Loew's was held last night. The house was last operated by Henry Seigel. Loew's took it over when the circuit dropped the Freeman.

### Muni's Mother Passes

Hollywood, Nov. 2.—Mrs. Sallie Nasatir, 67, mother of Paul Muni, is dead at Van Nuys. She had been ill a long time with diabetes.

### Open 'World War' Nov. 7

The premiere of Fox's "The First World War" at the Rialto has been advanced to next Wednesday evening.

## Mundin, Williams For Dickens Story

Hollywood, Nov. 2.—Herbert Mundin has been borrowed by M-G-M from Fox for the role of Barkis in "David Copperfield." Hugh Williams has been loaned by the same company for the role of Steerforth in the same picture.

Twentieth Century has loaned Sidney Lanfield to M-G-M to direct "Copy Cat." Everett Rhodes Castle has joined the M-G-M writing staff and the company has taken an option on his "First of the Month" series.

Edwin Knopf, writer, and Isabel Jewel, player, have had their options exercised.

### Tries New Lithograph

Charles Reed Jones is trying a new lithograph process in film advertising which makes reproductions direct from the original drawing which the artist does on the stones. The drawings are by Howard Simon, well known artist. His first is on Chesterfield's "The Curtain Falls."

### Weeks Leaves for West

George Weeks, general sales manager for Gaumont British, left last night for Los Angeles and will make several stops en route, lining up new sales forces in the west. He'll be gone about a month.

### Goes to "Wide Range"

Poughkeepsie, N. Y., Nov. 2.—The Bard Avon, Publix house, opens Saturday night with Erpi "Wide Range" and is staging an extensive advertising campaign to herald the event.

### Kelly Heads for Tokio

Shanghai Nov. 2.—Arthur W. Kelly, vice-president in charge of foreign distribution for United Artists, left here yesterday for Tokio. He will arrive there Nov. 9.

### Rogers-Ayres Wed Soon

Hollywood, Nov. 2.—Ginger Rogers and Lew Ayres will be married on or about Nov. 10, according to an announcement by the former's mother.

### Para. to Show "Rhythm"

Paramount will hold a trade showing of "College Rhythm" at the Astor next Wednesday morning.

## Columbia Up One on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 36 | 36 | 36 | +1 | 100 |
| Consolidated Film Industries | 3⅜ | 3¼ | 3⅜ | — ⅛ | 200 |
| Consolidated Film Industries, pfd | 15¾ | 15½ | 15¾ | + ¼ | 1,700 |
| Eastman Kodak | 105¾ | 105¼ | 105½ | + ½ | 600 |
| Fox Film "A" | 12⅝ | 12¼ | 12⅜ | ..... | 1,000 |
| Loew's, Inc. | 30¾ | 30½ | 30½ | + ⅝ | 3,500 |
| Loew's, Inc., pfd | 97 | 96⅝ | 97 | +1 | 400 |
| M-G-M, pfd. | 26½ | 26½ | 26½ | + ¼ | 200 |
| Paramount Públix, cts | 4⅛ | 3⅞ | 4 | ..... | 4,300 |
| RKO | 1¾ | 1⅝ | 1¾ | ..... | 4,000 |
| Warner Bros. | 4½ | 4⅜ | 4½ | + ⅛ | 2,900 |

## Technicolor Advances Quarter on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13 | 13 | 13 | + ¼ | 300 |

## Warner Bonds in 2-Point Rise

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Keith B. F. 6s '46 | 63¼ | 63¼ | 63¼ | ..... | 2 |
| Loew's 6s '41, ww deb rights | 103⅝ | 103⅝ | 103⅝ | — ⅛ | 1 |
| Paramount Broadway 5½s '51 | 41 | 41 | 41 | — ½ | 7 |
| Paramount Publix 5½s '50 | 55¼ | 55¼ | 55¼ | + ¼ | 5 |
| Pathe 7s '37, ww | 99 | 98⅞ | 99 | + ⅛ | 5 |
| Warner Bros. 6s '39, wd | 59½ | 57¾ | 59½ | +2 | 9 |

# Korda Is Made Colourgravure Board Member

By BRUCE ALLAN

London, Nov. 2.—(*By Mail*)—Alexander Korda, managing director of London Film Prod., and Montagu Marks, director, have joined the board of Colourgravure, Ltd., and Harry George, secretary of London Films, has become secretary of Colourgravure.

Korda will use the Hillman three-color process controlled by Colourgravure on a full length feature to be made immediately the London Films studio at Elstree is completed in the spring.

It is thought likely that "Joseph and His Brethren," the biblical spectacle from the novel by Thomas Mann, may be the selected subject.

London Films has been associated with Colourgravure, Ltd., a subsidiary company of Gerrard Industries, Ltd., for some time past and has conducted extensive experiments, but the commercial association of the two companies will now be much closer.

Gerrard Industries is transferring to London Film Prod. a proportion of its share holdings in Colourgravure, Ltd., and will receive in exchange income debentures, convertible into shares, of London Film Prod. London has also secured an option on further Colourgravure shares. It will pay a royalty to Colourgravure on all footage made by the process.

Colourgravure prints, it is claimed, will entail only a slight increase in costs as compared with black and white.

## Deal on RKO Notes Approved by Court

(*Continued from page* 1)

RKO to proceed with the carrying out of the agreement.

Judge Bondy, however, has instructed Irving Trust Co., trustee for RKO, to make efforts to obtain a bank loan at four or five per cent with which to retire the entire amount of the obligation at one time. Under the agreement with Consolidated, RKO is given 45 months in which to retire the notes with interest at six per cent. The maturities are $25,000 per month, plus interest, on the first of each month up to and including Feb. 1, 1937, and retroactive to Sept. 1 last, and $50,000 on the first of each month beginning March 1, 1937, and ending May 1, 1938.

Simultaneously with the court's approval of the agreement RKO pays to Consolidated the Sept., Oct. and Nov. 1 maturities of $25,000 each, plus interest. The old maturities called for payments of $300,000 on the first of each month up to and including Jan. 1, 1935, an arrangement which was described as "physically impossible for RKO to fulfill" by counsel for Irving Trust.

### Sue Music Hall for Libel

W. G. Van Schmus was named with the Music Hall, of which he is managing director, in a $500,000 libel suit filed yesterday by the act of Lowe, Burnoff and Wensley.

# Patent Case Review Asked Of High Court

(*Continued from page* 1)

roducers and processors in the nited States."

To give support to its petition, the ompany contended that the Circuit ourt of Appeals reached an errone-us conclusion on the question of the ventions and devoted part of its brief a defense of that charge. However, e major point was disclosed to lie the efforts of Fox to collect on e decision which the court last onth in effect upheld by refusing a eview.

"Since the denial of the writ of rtiorari the overwhelming majority motion picture producers have been ed in the Second Circuit where the urts are committed to the validity the patent and respondent can thus hieve its purpose without extending tigation beyond the Second Circuit. herefore, the court should not dispose of this petition upon the mere round of lack of a conflict of deci-on.

"A decree of infringement in the econd Circuit against the infringer," was pointed out, "will bind it not nly in that circuit but throughout e whole United States and will permit the patent owner, in further proceedings in the Second Circuit, to ave accountings for infringements occurring anywhere in the United tates."

Papers in the case were presented y Charles Neave, attorney for Western Electric.

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On Oct. 8 the Supreme Court refused to review a suit covering the alidity of the American Tri-Ergon atents on double printing apparatus nd a flywheel attachment used in re-roducers.

The defendants in the case, begun in 1932, were Paramount Publix, sued n the double printer, and Wilmer Vincent and Altoona Publix, on the ywheel. The case was originally filed in Harrisburg, but was heard in cranton and taken to the U. S. Circuit Court of Appeals by the defendants after the validity of the patents ad been upheld in the lower court.

## Tri-Ergon Mandate Argued in Brooklyn

(*Continued from page* 1)

e double print patent and ordered n accounting before a special master.

Judge Campbell's decree against Paramonnt, issued in the Brooklyn ederal Court Oct. 11, 1933, was suspended pending appeals to the U. S. ircuit Court of Appeals and the U. . Supreme Court. With the refusal f the high court to review the case, Tri-Ergon petitioned Judge Campbell esterday for an interlocutory decree utting into effect the findings of a ear ago.

Charles Neave, attorney for Western Electric, which is defending Paramount, retaliated with a petition for an order to show cause why the ourt should not withhold entry of ny decree until counsel had had an pportunity to be heard on the provisions to be contained in the interlocutory decree. Neave argued that the provisions of the decree as it now stands were too broad and could injure Paramount to an extent not intended by the original decree. He averred in particular that the wording of the decree as it now stands could extend the injunction "to run against the products of the patented process," or the films themselves.

Judge Campbell reserved decision on the petition, but indicated he would make his ruling by Monday.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Flirtation Walk"*

(*Warners*)

HOLLYWOOD, Nov. 2.—All the glamour of West Point thrillingly climaxing a romance between Dick Powell and Ruby Keeler sets this military musical in the plus class for showmen.

The production has exceptional exploitation possibilities for patriotic ballyhoo besides the sterling entertainment values of youth, comedy, tunes and spine-tingling parades.

Powell, an army private in Hawaii, falls in love with a general's daughter, Ruby Keeler. His near court martial and frustrated desertion separate them. They meet again when her dad is appointed superintendent at West Point where Powell is a cadet.

The romance is embroidered with humor and charm and makes a swell contrast for the blare of bugle and beat of drum. Evident throughout is the sure-handed direction of Frank Borzage.

Powell makes an ideal cadet, his boyish personality tailored to his uniform, his star magnetism enhancing with each succeeding picture. Miss Keeler handles her lines easily and herself gracefully. Pat O'Brien is a standout as Sergeant Thornhill, Powell's army nemesis. Ross Alexander again demonstrates his abilities, which point upward. John Arledge, John Eldridge, Henry O'Neill and Guinn Williams contribute neat portraits in support.

The screen play by Delmer Daves is from an original by him and Lou Edelman. The photography by Sol Polito and George Barnes is topnotch.

Containing showmanship, entertainment and personality attributes, this production presages good business plus in direct proportion to exploitation.

Production Code Seal No. 350. Running time, 85 minutes.

## *Shorts*

### *"What a Business"*

(*Mentone-Universal*)

This is an average short which should give the same degree of satisfaction. Tied in slimly with the efforts of Smith and Dale, one the booking agent and the other the theatre operator, to sell and unsell each other is a series of vaudeville turns contributed by the Four Inkspots, colored jazz crooners; Gloria Grafton, blues singer; Bill Telaak, eccentric dancer and clown, assisted by Sally Payne and Bill Brown, and a final production number known as the Russian Revels. Milton Schwarzwald's accompanying musical score is excellent in the jazz manner. Production Code Seal, No. 0178. Running time, 18 mins.

### *"Well, By George"*

(*Universal*)

George Price, radio personality and stage star, is featured in this Mentone production. Others in the cast are Dave Craft, Ramona and Mills, Gold and Ray. It is a pleasing short of the typical Mentone variety and should amuse. Code seal, No. 147. Running time, 20 mins.

### *"The Goddess of Spring"*

(*Disney-U.A.*)

Exceptionally beautiful and eye-filling is the color in this latest Silly Symphony done in Technicolor by Walt Disney. It is the story of Persephone, the Goddess of Spring, and her abduction by Pluto, king of the underworld. The musical accompaniment is perfectly synchronized and is highly appropriate. Should create comment wherever played. Code seal, No. 344. Running time, 8 mins.

### *"Going Places"*

(*Universal*)

The third of this series should maintain audience interest equally as well as the preceding ones. It has Lowell Thomas' comments and very good photography. Scenes of the island of Rhodes open the reel and shots of the old Hospital of the Knights are particularly interesting. From Rhodes the audience is taken to the African veldt and shown animals in their native habitat. Skiing in the Alberg Alps winds things up. No code seal. Running time, 10 mins.

## *Cosmopolitan Renamed*

DOVER, Del., Nov. 2.—Cosmopolitan Prod., Inc., Ltd., a Delaware corporation, changed its name to Cosmopolitan Corp., New York City. The Corporation Trust Co. of Wilmington is agent for the company.

No special significance attaches to the name change, it was stated at the Hearst offices here. It was described as an inter-company move.

# *Purely Personal*

HENRI KLARSFELD, general manager for Paramount in France, Belgium and the French colonies of northern Africa, gets into New York Tuesday aboard the *Ile de France* for conferences with JOHN W. HICKS, Jr., vice-president of Paramount International.

DIAMOND BROTHERS were forced to withdraw from the Capitol stage show yesterday when HAROLD DIAMOND, a member of the act, sprained his hand at the opening performance.

ERIC WOLFGANG KORNGOLD, signed to handle the musical arrangement for Warners' production of "Midsummer Night's Dream," reaches the coast tomorrow.

JEROME P. SUSSMAN, general manager for Paramount in Central America, left for Panama yesterday on the *California* after home office conferences.

EARLE SWEIGERT, president of the Variety Club in Philadelphia and branch manager of the Paramount exchange in that city, was in town yesterday.

ROBERT LORAINE, British actor, the next day or so will be on the way to England, where he plans to go into production work.

MARY PICKFORD arrives on the Century tomorrow for a series of broadcasts from New York. The first will be "Michael and Mary."

ANNA STEN leaves for Hollywood today after a short visit here to attend the opening of "We Live Again" at the Music Hall.

ROBERT HUREL, manager of Canadian Film Co., sails on the *Lafayette* today.

CONSTANCE COLLIER leaves for the coast tomorrow to begin work under her contract with M-G-M.

ARLINE DE HAAS has joined Gaumont British as head of the publicity department.

J. ARTHUR HIRSCH arrives from Canada today.

OSCAR OLDKNOW leaves for the coast tomorrow.

## *Fairbanks Withdraws From London Films*

HOLLYWOOD, Nov. 2.—The sale of Douglas Fairbanks' holdings in London Films to Alexander Korda was completed yesterday, according to confirmation received here today by the actor. The transaction also cancels Fairbanks' starring contract with the company after completing one film, "The Private Life of Don Juan." The reason for the sale, it is said, was to allow the star to make his future pictures here.

## *Campi Did Not Decide*

Although coast advices had it that Code Authority reversed the Los Angeles board in a decision involving the F.W.C. Uptown and Warners' Forum, Campi yesterday stated no action has been taken on this appeal.

MOTION PICTURE DAILY on Wednesday reported that the two houses were put back in the same zone after the local clearance and zoning board separated them.

# Majors' Stand On Clearance Nettles K. C.

*(Continued from page 1)*

loss to understand why distributors take the position they do toward the Kansas City plan, since there have been only a few objections to it locally. They maintain that delay in establishing clearances is seriously retarding new product deals with subsequents.

Clearance board members, who evolved the schedule after a series of hearings and meetings starting last spring, are quite nettled and chagrined.

A spokesman for the board points out that a possible print shortage is largely averted by the schedule's provision delaying availability 14 days to theatres which do not maintain a fixed admission price.

"It may be that some of the provisions are not very clear to anyone not familiar with the local situation," said a board member who is also a distribution manager. "But the schedule is workable and practical, and I am sure that when its provisions are understood it will be acceptable to my company and to everyone else in New York."

Stressing that identical availabilities to subsequents have proved feasible here, observers regard it as possible that a print shortage could occur under these conditions in a large key city like Chicago, but it is considered remote in Kansas City unless the distributors intend to curtail the number of prints.

The lapse of seven days between minimum and maximum availability between runs which code committee members are reported unable to understand is explained as a measure of convenience, giving subsequents that much time in which to date. This permits dating on the day the theatre changes its program.

"It looks as if the major distributors are out to sell protection," was the reaction of Jay Means, president of the I. T. O., to the objections of sales executives to the clearance schedule.

# Equipment Men Hit New Snags on Code

WASHINGTON, Nov. 2.—Internal difficulties of theatre equipment and supply dealers were again aired before the National Recovery Administration today when proposals for a code submitted by the Independent Theatre Supply Dealers' Ass'n. were opposed by the National Theatre Supply Co.

As was the case a year ago, when the first effort to secure a code was made, National challenged the right of the association to speak for the industry. The company has 28 branches which, if considered as separate units, would be a large proportion of the total number of establishments in the trade, it asserts.

The code, a supplement to the master wholesale code, was presented by J. E. Robin, president of the association, supported by Mrs. M. G. Ashcroft of the Sears Ashcroft Mfg. Co., Los Angeles, who explained her firm would not come under the code, but was vitally interested because it could no longer "finance dealers" whose "unfair practices" had made it impossible for them to meet their bills.

Explaining that his organization was operating under the recovery program, R. B. LaRue of National Theatre, declared that the benefits of the code would not be justified by the inconvenience and expense. He attacked the right of the association to set itself up as speaking for the industry and charged that it had attempted to bolster its position by securing "proxies" from establishments not in the industry.

The code, as submitted contemplates the adoption of labor provisions and trade practice rules, including the setting up of an open price arrangement.

# Changes in Phila. Boards Are Denied

*(Continued from page 1)*

P. T. O. A. the three exhibitor members might in the future be found to be biased.

Charges were submitted to Rosenblatt in a letter signed by Morris Wax, chairman of the board of governors of the association, a new organization claimed to have a membership of 104 unaffiliated theatres, in which it was declared that the M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware was "antagonistic." The association, it was claimed, has no representation on either board.

Philadelphia is in the process of being re-zoned, and the members of the association, "being denied adequate representation on the clearance and zoning boards, cannot and will not be a party to the re-zoning," Wax asserted. It was stressed the association has no objection to the exchange members, but objects solely to the three exhibitors, who might at some future time be found to show "partisan bias," which might preclude the possibility of a fair re-zoning schedule.

Answering the complaint, Rosenblatt declared that exhibitor appointments were given the approval of the organization existing at that time, which was understood to be seeking to protect the interests of the independents. If the board was satisfactory at that time, he said, it should be satisfactory now and specific information as to maladministration will be required before any change is made.

"The objection which you raise to the exhibitor members is based upon a statement of alleged antagonism which might cause them to approach situations with a partisan bias," he said. "If the members when appointed were recognized as being fair and impartial, merely by reason of the fact that they do not belong to your organization they should not be disqualified for further service."

# *Coast Bank Nights Hit in Two Rulings*

LOS ANGELES, Nov. 2.—The grievance board has ruled against two more bank nights by deciding in favor of the York Theatre against the Highland and for the Majestic against the Wilshire, all in Santa Monica.

The re-hearing of Bard's Pasadena against F. W. C. on an overbuying charge resulted in a ruling for F. W. C.

# Assessments For Code Are Finally Set

*(Continued from page 1)*

particularly in view of the fact that it was originally contemplated they should contribute $30,000 of the $180,000 to be raised. Nevertheless, in order that the full interests of the independents may be protected, provisions have been inserted in the schedule, under which the total contribution of the group cannot exceed $18,000, and substantial revision of the schedule is promised for 1935, when it will be possible to secure accurate figures on the amounts contributed.

The order of approval for the producer-distributor schedule carefully insures that the contributions of the independents will be limited to this amount. Should members of the industry whose annual sales are less than $750,000, which includes substantially all the independents, contribute a total exceeding $18,000, the excess may not be spent, but must be set aside and credited to members in this group pro rata, according to contributions.

This credit is to be applied to their assessments for the next budgetary period, commencing Jan. 1, 1935, for which it is anticipated that a substantially revised basis of contribution will be submitted. If, as seems possible, the credits will be more than sufficient to cover assessments for the period, the excess will, of course, be refunded.

## Average Contribution $60

The minimum assessment provided, for firms whose sales were less than $12,000 per annum, is $120, while concerns in the $100,000 class will be required to pay $700. To raise the required $18,000 from 300 concerns will require only an average contribution of $60. It is for this reason that the Administration has every assurance that the adjustments required by the order will have the effect of very substantially decreasing the net contribution of the independents.

Special safeguards are provided in the order for very small concerns whose annual sales do not exceed $12,000 and who find the assessment of $120 provided for their group unduly burdensome. The Code Authority is ordered to adjust any claims for exemption from members in this group, subject to approval by the Administration.

Attention is called to the fact that the right to claim exemption is not limited to members in this group and that administrative orders specifically provide that any member of the industry who considers his assessment unfair may appeal to Code Authority for relief and thence to the Administration, or direct to the Administration.

The exhibitor assessment schedule has been given the approval of the Administration, having been unopposed, except by one organization, which, however, made no serious effort to secure amendments, but appeared more desirous of developing the thought that it was, in the case of that group, "taxation without representation."

# Film Labeling Is Opposed by Baltimorean

*(Continued from page 1)*

about a picture he is showing and believes other managers will do t same with any of their patrons.

Meyer Leventhal, managing direct of the Philip J. Scheck Enterprise said: "The idea would be okay if would work out as planned—that if the parents would accept the class fication in the spirit of help in whic it is meant.

"Motion pictures are created for t whole family and if any classificatio is made definitely for patrons it wi eventually ruin all patronage, pa ticularly in neighborhood houses b cause those listed "A" parents woul think unfit for children and thos listed as "F" would be considered n interesting to adults."

J. Louis Rome, managing direct of Associated Theatres, operating neighborhoods in Baltimore, has foun that parents do the selecting of pi tures and he believes they know a much about films as they are release as the exhibitors. For this reaso he believes any attempt at classifica tion by exhibitors is entirely unne sary.

# "Happiness" Pulls $77,000 for Wee

*(Continued from page 1)*

Friend," aided by Dizzy and Daff Dean in person, garnered $24,50 which is $8,000 less than the firs stanza.

"The Age of Innocence" at the Pal ace and "What Every Woma Knows" at the Capitol took in $14,500 and $31,700, respectively. Firs week of "Mrs. Wiggs of the Cabbag Patch" was good for $27,000 and th Strand with "Madame Du Barry ended the week with $14,492. Tw English pictures fared very poorly "Loyalties" at the Mayfair taking i $4,500 in five days and "Man o Aran" garnering $4,200 on a two-a day policy at the Criterion.

# *Whitney to Produce Technicolor Serie*

*(Continued from page 1)*

Pictures were made public last nigh by John Hay Whitney before leavin by plane for New York.

It was also revealed by Whitne that Merian Cooper, upon completion of his two-picture contract wit Radio, will join his company as vice-president in charge of production o the series, regarding which no releasing arrangements have been made thus far, except for the first, "Becky Sharp." This film, which will be released through Radio, goes into production Nov. 30.

Whitney, with visions of a great future for color pictures, has retained Robert Edmond Jones for his knowledge of color and lighting.

Upon his arrival in New York, Whitney will set up headquarters there in the Grand Central Terminal Building and will organize a complete staff. He plans to get back to the coast around Thanksgiving Day.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 107 NEW YORK, MONDAY, NOVEMBER 5, 1934 TEN CENTS

## Studios Watch Equity Moves, But Are Quiet

### *Union Labor Support Is Believed Unlikely*

Hollywood, Nov. 4.—Producers are maintaining an attitude of watchful waiting insofar as the proposed Actors' Screen Guild and Equity merger is concerned. They will not discuss it individually and the Producers' Ass'n has also maintained silence, but the impression prevails they are not particularly disturbed.

Failure of the Producers'-Actors' Five-Five Committee to agree on any point in connection with code practices is held to be the reason the guild has resorted to Equity in order to strengthen its demands with organized labor support.

Observers here agree that producers might accede to some of the players' demands, but the impression prevails that resort to a strike would not get acting talent any further than did the Equity row in 1929.

Production is ahead of schedule, and cameramen and sound men have their own organizations. Carpenters, grips and other studio unions are not usually sympathetic toward the problems of players, because of the prevailing attitude of their membership that actors get more than they are worth.

In the Equity trouble of 1929 leading players under contract held to their contracts. Many of these are members of the guild and it is believed they would do the same thing again.

### *U. A. and Loew Agree Upon Day, Date Deal*

Hollywood, Nov. 4.—United Artists has entered into a temporary arrangement with F. W. C. whereby, beginning Nov. 15, the Chinese and Loew's will play day and date, with "The White Parade" starting the new policy.

Lack of U. A. product to keep the Chinese going necessitated the arrangement. Like Loew's, the Chinese will drop prologues. Sid Grauman will remain in charge.

### *S. & C. Houses Gain On a Skouras Deal*

Failure of Skouras and RKO to get together on a pooling arrangement for the Riverside and 81st St. has worked to the advantage of Springer & Cocalis.

Heretofore operating the Stoddard

(*Continued on page 4*)

# $18,000,000 Offer for F.W.C. Assets on Way

## Memphis Long User of Film Ad Lettering

Memphis, Nov. 4.—The audience suitability classification idea has long been in use here by M. A. Lightman's Community Theatres, which print in their daily ads the marking designating adult, adolescent or family picture. This plan differs from the Warner Philadelphia idea in that Lightman's houses use the designation fixed by the Better Films Council rather than their own decisions.

This is done in addition to the weekly classification guide which the council prepares and releases each Sunday through *The Commercial Appeal.*

Local theatres otherwise have been more or less set against the idea, although the opposition seems to have faded within the past few months. The Orpheum has on several occasions inserted in its advertising matter the words "not for children."

Warner executives here are, of

(*Continued on page 2*)

## Warners Proclaim Lettering Success

Philadelphia, Nov. 4.—Warners took large newspaper space yesterday in all the dailies to proclaim the success of its audience classification plan.

Under the heading, "The Stanley-Warner Plan Is a Success!" the advertisement reproduced editorial comment which greeted the idea of tabulating each photoplay with an "A" or an "F." The idea has caused considerable comment both in newspapers and at local club meetings, particularly among the women's clubs.

### *Mississippi MPTO To Battle 10% Tax*

Jackson, Miss., Nov. 4.—The M.P.T.O. of Mississippi has decided to descend en masse on the legislature when it convenes and fight for a repeal of the present 10 per cent amusement tax. It is really a 12 per cent tax, since the sales tax is added. No

(*Continued on page 2*)

### *Different Spelling*

**Kansas City, Nov. 4.—An exhibitor was booking some pictures at a local exchange the other day. Inquiring about a western, he asked: "Is this a Maynard or a Steele?"**

**"It's a Maynard," replied the broker, "but at the price you're buying it it's a steal."**

## Music Hall to Be Controlled By a New Unit

A new corporation, understood to be wholly owned by Rockefeller Center, has been formed to become lessee of the Music Hall under the new agreement between RKO, RCA and Rockefeller Center covering the future operation of the house, it was learned on Saturday.

If the agreement is approved by the Federal district court here, following a hearing scheduled for Nov. 9 before Federal Judge William Bondy, operation of the Music Hall will, in effect, be independent of RKO. W. G. Van Schmus will continue in charge of

(*Continued on page 4*)

### *Big Nebraska Suit May Be Tried Soon*

Lincoln, Neb., Nov. 4.—Federal Judge T. C. Munger has called a jury to hear a number of matters here Nov. 7. No cases have been set down for trial, but it is believed the pending four suits filed by Nebraska theatre owners against 13 distributing agencies will be heard.

The theatre men, C. N. Robinson of Blair, Eric Wesselman of Pierce,

(*Continued on page 2*)

### *Buffalo Board Stops Non-Theatre Service*

Buffalo, Nov. 4.—Film Classic Exchange, Inc., has been ordered to stop servicing a non-theatrical account, the Casino de Paris restaurant in Olean by the grievance board. F.

(*Continued on page 2*)

### *Chase, Fox Film Set on Plan—Revamping Gets Closer*

Los Angeles, Nov. 4.—Principal creditors of Fox West Coast, one of the industry's largest circuits and the theatre colossus of the Pacific Slope, are understood prepared to bid $18,000,000 for the assets of the company on Nov. 8, following which Referee W. S. McNabb is expected to set a hearing, probably two weeks later when the private sale will take place.

Under reorganization plans understood agreed upon by Chase National Bank and Fox Film, the two principal creditors, the name of Wesco as holding company for the some 400 odd theatres will be changed to National Theatre Corp. Papers for incorporation have been, or will be, filed in the east, probably in Wilmington Del. S. R. Kent, it is understood, is down for the top spot in the holding corporation with Charles Skouras as first vice-president and W. C. Michel as second vice-president. Michel is first vice-president of Fox Film.

Fox West Coast Theatres, under the new plan, will be known as Fox West Coast Theatres Corp., the only difference being the addition of the word "corporation." Spyros and Charles Skouras, who are now holding daily confabs with Chase officials and Kent, are understood set to get five-year contracts, with options for five more

(*Continued on page 4*)

### *Report Arthur Seeks The L. A. Paramount*

Los Angeles, Nov. 4.—Reports are current that visits of Harry C. Arthur and Jack Partington here were in connection with a deal for the Paramount houses operated by F. W. C. Arthur is back in New York while Partington is still around conferring with Mike Marco of F. & M.

Harry Arthur denied the coast reports, stating he would not do anything to slight S. R. Kent.

Arthur also denied rumors that he would join Paramount as a theatre executive.

### *Fred Meyer Is Made An Aide to Laemmle*

Milwaukee, Nov. 4.—Fred Meyer will leave here Nov. 9 to become assistant to Carl Laemmle, Sr., at the Universal studios.

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## *Weeks Starts Tour; More G. B. Additions*

George W. Weeks, general sales manager of G. B., left New York Friday to visit all company representatives in key cities and discuss plans for his first eight releases. Buffalo is his first stop, Kansas City, the second, and Dallas, the third. He returns here Dec. 1.

Prior to his departure, he appointed Jack McCarthy, formerly with U. A., to take charge in Omaha; R. J. Heft, Des Moines, and Fred Abelson, Minneapolis. Eleven new salesmen, also named, follow:

Sid Shuster, Milwaukee; James H. Butner, Atlanta; R. O. Laws, Cincinnati; Joseph Schneider and J. C. Whitlock, Atlanta; Charles Lundgren, Chicago; William Winship, Los Angeles; Harry D. Noble, New Haven; George Dillon, Baltimore; Walter Pratt, New York, and Art. Huesman, Minneapolis.

Estelle Schrott has been placed in charge of fan magazine publicity.

## *Mississippi MPTO To Battle 10% Tax*

(*Continued from page* 1)

industry, with the possible exception of the automobile, is so heavily taxed in Mississippi, said Ed Kuykendall, national president.

Officers reelected were: R. X. Williams, Jr., Oxford, president; J. E. Alford, McComb, vice-president; J. A. West, Ellisville, second vice-president; W. E. Elkins, Aberdeen, secretary-treasurer.

# *Insiders' Outlook*

MORE on the Davies-Hearst-Cosmopolitan - Warner arrangement, this time from Hollywood: There, it has been one of those open secrets that dissatisfaction over the old arrangement was not limited to Miss Davies, but encompassed Metro as well. Each party wanted to have the final word in story selection. Hollywood has heard and, therefore, credits the yarn that Marion wanted to do Elizabeth Barrett in the "The Barretts of Wimpole Street," but, of course, it was Norma Shearer, wife of Producer Irving Thalberg, who got the part. It is understood the actual Cosmopolitan-Warner deal foamed into its final froth in 66 hours, although, as told to you the other day, it has been on and off again at least twice in the last four or five years. Thus Miss Davies, about to get a star dressing room in Burbank when it has been in Culver City for so many years, feels she will have more freedom and independence and, above all, a new environment which those who know the situation say she has been seeking for some time. . .

▼

One, only one, reason for the Production Code: New York State censors cut this and that to the tune of 2,195 eliminations in 8,362 reels of film during the calendar year to June 30. What was scissored: Indecent, 838 clips; tending to incite to crime, 511; immoral or tending to corrupt morals, 752. In lesser key were inhuman, 79 clips; sacrilegious, 15. . . . Nothing since the phenomenal success of the Mickey Mouse and Silly Symphony series hit the short subject field like the "Dumb Bell Letters" laugh-getters. That is, unless this doddering memory has gone completely to pot. The inside has it the entire negative cost returned itself to Van Beuren from first run rentals out the metropolitan area alone. . . .

Several pens are poised over several copies of the same contract. But between the down stroke and the signatures, however, much may happen. If the blotters get a chance to work, on the other hand, the deal which then will become a fact will be interesting, although not surprising. Interesting, because it will bring into being an entirely new set-up in a field paralleling distribution. No surprise, because the talk of the move has been around for weeks. Those signatures, or rather lack of them, provide the hitch. . . .

▼

Now that Sidney R. Kent has signed a new three-year contract with Fox, wild yarns about a new allegiance for him will pass out of the picture because they no longer will have any place to go. There's a tale of its own behind the various stories picking up Kent from Fox and setting him down elsewhere and some reason to believe the purpose was to cause him embarrassment—nothing more, nothing else. . . . First Division is in the throes of an important deal. Time will tell soon enough. . . .

KANN

## *Laemmle, Jr., Here Soon*

Carl Laemmle, Jr., arrives from the coast on the *Santa Rosa* tomorrow. After a few days here he will sail for Europe for a vacation, the first in five years.

Mrs. Leo Forbstein and her daughter, Harriet, are on the same boat. Mrs. Forbstein is the wife of Warners' studio musical director.

## *Starts 2nd Invincible*

Hollywood, Nov. 4.—Maury M. Cohen, producer of Invincible Pictures, starts work tomorrow at the Pathe Studios on the second of his releases for the current season. The picture is now titled "The Ghost Walks."

## *Most Issues Steady on Big Board*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Consolidated Film Industries | 3½ | 3¼ | 3½ | + ⅛ | 300 |
| Consolidated Film Industries, pfd. | 16⅛ | 15⅞ | 16⅛ | + ⅜ | 500 |
| Eastman Kodak | 105½ | 105 | 105 | — ½ | 500 |
| Fox Film "A" | 12½ | 12½ | 12½ | + ⅛ | 100 |
| Loew's, Inc. | 30⅞ | 30½ | 30¾ | + ¼ | 1,200 |
| Loew's, Inc., pfd. | 97 | 97 | 97 | ..... | 100 |
| Paramount Publix, cts. | 4⅛ | 3⅞ | 4⅛ | + ⅛ | 2,800 |
| Pathe Exchange | 1⅛ | 1⅛ | 1⅛ | ..... | 100 |
| Pathe Exchange "A" | 13½ | 13½ | 13½ | + ½ | 100 |
| RKO | 1¾ | 1⅝ | 1⅝ | — ⅛ | 1,400 |
| Warner Bros., pfd. | 4½ | 4½ | 4½ | ..... | 700 |

## *Trans Lux Drops ⅜ on Curb*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13 | 12⅞ | 13 | ..... | 500 |
| Trans Lux | 1⅞ | 1¾ | 1¾ | — ⅜ | 200 |

## *Warner Bonds Lone Issue*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Warner Bros. 6s '39 wd | 59¼ | 58¾ | 58¾ | — ¾ | 4 |

# Memphis Long User of Film Ad Lettering

(*Continued from page* 1)

course, awaiting instructions. Loew managers were non-committal.

The idea is certainly not new here, having long been debated, but nobody has much to say now that one of the national circuits has taken up the plan.

Mrs. Larry S. Akers, president of the Better Films Council, expressed interest in the Warner experiments in Philadelphia. She described it as a splendid move and said that there will certainly be no conflict between her classifications and those of the Warner here should Memphis follow the Philadelphia lead.

"I think the more services of this type available to the public, the better it is for all concerned," Mrs. Akers said. "In fact, it will be interesting to compare the two. I feel that after a time the viewpoints will become so nearly identical that lists prepared by our council will not differ greatly from those of the theatres themselves."

## *Big Nebraska Suit May Be Tried Soon*

(*Continued from page* 1)

G. G. Griffin of Plattsmouth and Clarence J. Kremer of Stanton, are seeking damages totaling $217,500 from the defendants for alleged "unfair trade practices."

The plaintiffs allege they are forced to give houses in bigger cities protection by a conspiracy of the defendants and that the protection forces them to use second run pictures, driving away trade.

The plaintiffs allege that the injunction granted in the Youngclaus case is being violated. The defendants are:

Omaha Film Board of Trade, Paramount Publix, First National Pictures Distributing, M-G-M Distributing, Universal Film Exchanges, Fox, United Artists, RKO-Pathe Distributing, RKO Distributing, Vitaphone Distributing, M. P. P. D. A., Publix Theatres, and Publix-Nebraska.

## *Buffalo Board Stops Non-Theatre Service*

(*Continued from page* 1)

W. Westfall, proprietor of the Haven in Olean, charged unfair competition.

Premature advertising was charged by the Strand, Schine house at Oswego, against the Quirk in Fulton, operated by Paul Kraus. A cease and desist order was issued.

Two cease and desist orders were granted in reduced admission cases. Complaints were brought by Isadore Berinstein, proprietor of the Strand in Seneca Falls, against Frank and Lucy Ricciardiello, operators of the Falls in the same village; and by Schine's Riverside in Buffalo against the Jubilee in the same city, operated by M. B. Schwartz.

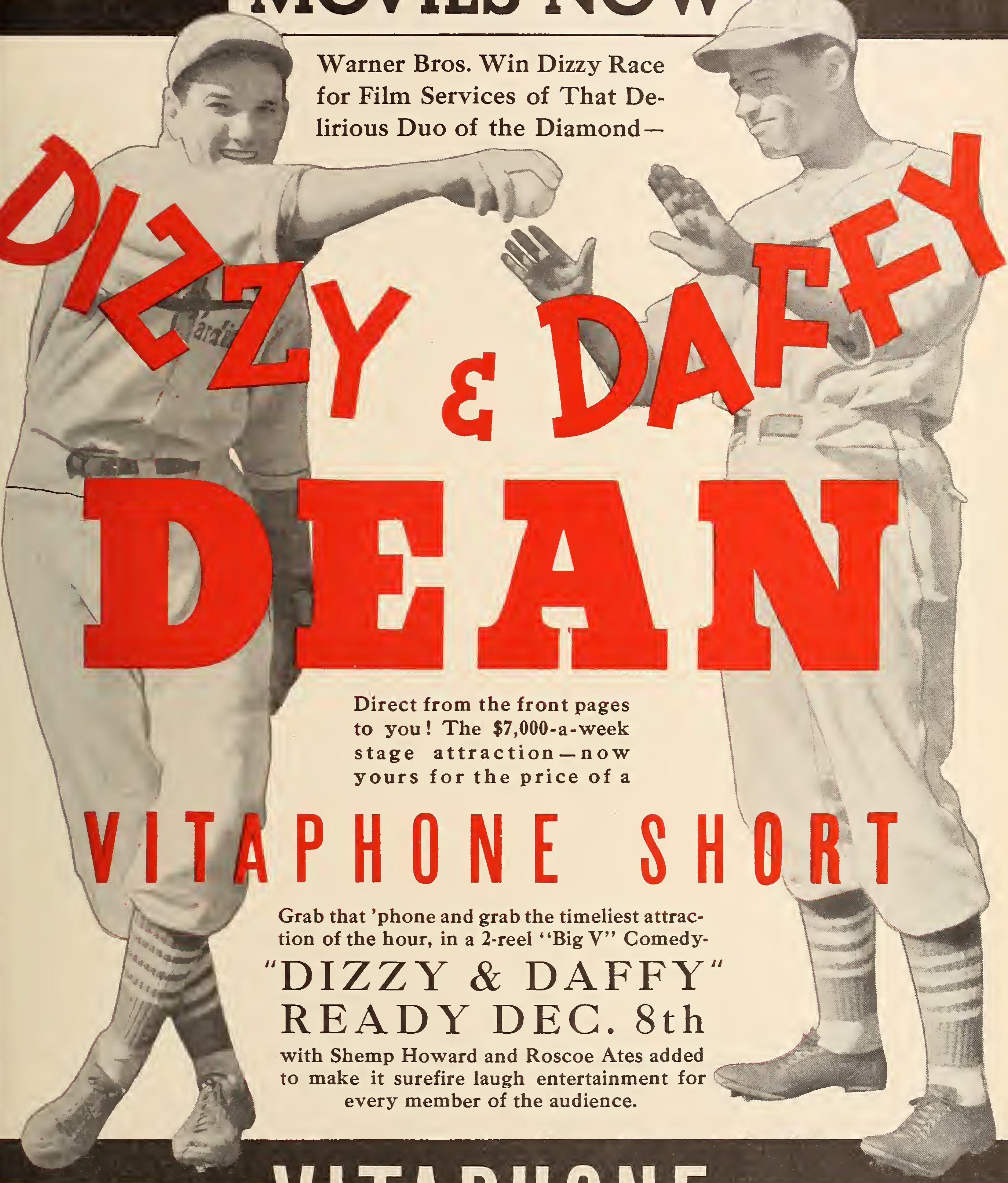
## *B. & K. Men Return*

John Balaban and Walter Immerman of the B. & K. circuit in Chicago have returned to the Windy City after spending two days here on product deals. Barney Balaban remains for a few days.

EXTRA

# THEY'RE IN THE MOVIES NOW

EXTRA



Warner Bros. Win Dizzy Race for Film Services of That Delirious Duo of the Diamond—

## DIZZY & DAFFY

# DEAN

Direct from the front pages to you! The $7,000-a-week stage attraction—now yours for the price of a

## VITAPHONE SHORT

Grab that 'phone and grab the timeliest attraction of the hour, in a 2-reel "Big V" Comedy-

"DIZZY & DAFFY"
READY DEC. 8th

with Shemp Howard and Roscoe Ates added to make it surefire laugh entertainment for every member of the audience.

O WONDER WE SAY-VITAPHONE LEADS IN STARS!

with a full house every time

RCA VICTOR PHOTOPHONE OFFERS:

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- A Sound Box Office Attraction
- Complete Ownership
- A Self-Liquidating Investment

PHOTOPHONE DIVISION
RCA VICTOR COMPANY, Inc.
Camden, N. J.
A Radio Corporation of America Subsidiary

HIGH FIDELITY

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"The Painted Veil"*

*(M-G-M)*

Hollywood, Nov. 4.—The eternal love triangle is here mounted on a background of lavish, grotesque settings that move from a quaint Austrian village to Hong Kong, mirroring in minute detail the lives, loves and customs of both countries. It is all photographed with such artistry by William Daniels that those appreciative of art will overlook certain weaknesses of the story.

The story concerns Herbert Marshall, a doctor, who, after holding his love for Greta Garbo a secret for twoscore years, suddenly proposes marriage. In China, he becomes obsessed with his duty in fighting the cholera plague, leaving the opportunity for George Brent to move in and give the bride the affection she has craved.

Because of the heavy treatment in an attempt to make the audience feel the emotions of these three people, the sudden transition of events is very apt to leave too much for the average audience to grasp. Therefore, whatever story there is will be appreciated largely by the sophisticated possessed of sufficient alertness and intelligence to keep pace with the plot as it unravels.

Garbo fans, because her beauty and charm are revealed by exquisite photography, will marvel at the striking effects obtained. Others, expecting to find a story without exerting their brain, probably will discover this a rather boresome plot, but may be compensated by other redeeming features of the startling settings and excellent camera work.

Others in the cast are Warner Oland, Jean Hersholt, Beulah Bondi, Katherine Alexander and Cecilia Parker. The film was directed by Richard Boleslawski and produced by Hunt Stromberg. No code seal. Running time, 90 minutes.

## $18,000,000 Bid for FWC Assets on Way

*(Continued from page 1)*

years. The agreements are said to be all set except for signatures by the Skouras Brothers.

Completion of reorganization plans is not expected before Jan. 1, 1935. After Fox West Coast is rehabilitated, subsidiary operating groups like Fox Midwest, Fox Midland and Fox Rocky Mountain will follow the same line of procedure.

Ralph S. Harris of the law firm of Hughes, Schurman & Dwight, attorneys for F. W. C., arrives here from the east within the next few days to work out details. Skouras and his secretary, Edward Zabel, are also expected from New York later in the week. It is understood they are staying east until the elections are over. William Powers, F. W. C. attorney, is running for attorney general of New York State.

On Oct. 28, the last of the major claims against F. W. C. was filed. One of the claims is for final settlement of compensation for the three trustees, Skouras, William H. Moore and Charles C. Irwin. The sum asked for is $200,000 for services up to Sept. 29. Another claim was filed by O'Melveny, Tuller and Meyers, law firm, seeking $212,000.

The greatest obstacle in the path of reorganization is regarded as having been cleared on Oct. 1, when the Circuit Court of Appeals in New York refused to reopen the hearing on the settlement of Paramount Publix claims against F. W. C. Samuel Zirn brought the action as representative for a group of Paramount bondholders. Since this action, developments have been moving at a fast clip.

Efforts over the week-end to check with F. W. C. officials on the reorganization resulted in denials from all contacted. No one at the Fox home office seemed to know any of the details of the reorganization outline.

### Skouras Stays as Head

San Francisco, Nov. 4.—Spyros Skouras will continue as operating head for all F. W. C. houses under reorganization plans completed in New York during the last week. He will work directly under S. R. Kent, president of Fox Film and the new holding company, in the east.

### Expect Mid-West Sale Dec. 1

Kansas City, Nov. 4.—Sale of F. W. C. unit assets at foreclosure as the initial step in the circuit's reorganization will take place around Dec. 1, according to information from New York.

First indications were that the sale would take place about Nov. 1, but ironing out of some details took longer than expected. Following the sale, it will take a month or two for final approval of claims and distribution of dividends, with January or February tentatively set for complete reorganization.

Foreclosure sale of assets of Fox Midland and Fox Rocky Mountain, important subsidiaries of F. W. C., is not expected before Jan. 1. The two units filed in bankruptcy in the Federal District Court here. Steps toward their reorganization are awaiting a new setup of the parent company, as the West Coast and subsidiary groups are interlocked and certain problems more or less affect all companies involved.

It is highly probable Elmer C. Rhoden will be president of the new company to replace Fox Midland and Rick Ricketson may head the new Fox Rocky Mountain outfit.

### National Theatre Organized

Dover, Nov. 4.—Wesco Corp. has changed its name to National Theatre Corp., New York City, increasing its capital stock from 1,000 shares to 1,800,000 at no par value.

Papers were filed by the U. S. Corp. Co. of New York City.

### May Hit Snag on Name

Albany, Nov. 4.—Little hope is held that National Theatre Corp. will be the new name for Wesco. In 1926, National Theatres, Inc., was formed in Wilmington and chartered in this state. Since this name is so similar to the new one, there is no likelihood of it being accepted by the Secretary of State here.

### Ricketson Returns Soon

Denver, Nov. 4.—Rick Ricketson, operating head of Fox Rocky Mountain, returns from New York within the next few days after a series of conferences with Spyros and Charles Skouras.

While in New York Ricketson is understood to have gone over details of reorganization for Fox Rocky Mountain, which will be taken out of bankruptcy after F. W. C. is realigned.

The Fox Rocky Mountain unit is understood in good shape and on a profitable basis, making reorganizatio easy.

## New Corporation to Control Music Hall

*(Continued from page 1)*

operations as managing director of the house for Rockefeller interests.

RKO, however, retains a participating affiliation with the Music Hall through RKO Service Corp., which will continue to perform, for a weekly fee to be paid by the Music Hall, certain management services defined in the agreement, the fees to be based upon a percentage of average gross receipts of the house. It is anticipated the fee will approximate about $1,500 per month.

Agreements covering RCA's advances to Rockefeller Center for rental deficiencies in the past, estimated to amount to approximately $900,000, are also covered in the new pact.

## *S. & C. Houses Gain On a Skouras Deal*

*(Continued from page 1)*

as a second run, Springer & Cocalis combined this house with Skouras' Nemo and Riverside, all three playing Fox, Columbia and Universal first run.

Skouras wanted to pool with RKO and give the 81st St. Fox product in exchange for Paramount and Warners on a day-and-date policy. RKO turned down the offer and Skouras then made a deal with S. & C. The Stoddard is the only S. & C. first run on Broadway.

## *Flash Preview*

*The Bride and the Best Man*— . . . a weak story dressed up witl rowdy, clean comedy and good per formances. . . .

*This film will be reviewed in full in later issue of* Motion Picture Daily.

## *Sign for Liberty Films*

Cooperative Booking Offices in Detroit has signed for the entire Libert lineup, Budd Rogers, general sale manager, stated Saturday. Sam Seplowin of the Monogram exchange, handling the product in Detroit, closed th deal.

The Leading
Daily
Newspaper
of the
Motion
Picture
Industry

# MOTION PICTURE DAILY

Alert,
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VOL. 36. NO. 108 NEW YORK, TUESDAY, NOVEMBER 6, 1934 TEN CENTS

## Kent to Head More New Fox Theatre Units

### *Will Be Made President As They Are Formed*

Los Angeles, Nov. 5.—S. R. Kent, president of Fox, will be top man in all Fox theatre units. He is president of National Theatre Corp. and Fox West Coast Theatres Corp., new companies formed last week in the east to replace Wesco and Fox West Coast Theatres, the former a holding company for around 400 theatres and the latter operating firm for Fox coast houses. When new companies are formed to replace Fox Rocky Mountain, Fox Midland and Fox Midwest, in addition to other subsidiaries, Kent will be listed as president.

Reorganization of subsidiaries will follow shortly after Fox West Coast

*(Continued on page 6)*

## Reade-Fox Split On "White Parade"

Walter Reade yesterday obtained release of his Fox contract for the Mayfair from S. R. Kent following booking of "The White Parade" into the Paramount.

Fox has a contract with the Music Hall for 22 pictures, "The White Parade" being on the list. Because of a nationwide drive for dates for the week Nov. 9-16, Fox asked the Music Hall to either book the film for the week or release it. The Music Hall released it and Fox sold it to the Paramount.

Under Reade's contract with Fox

*(Continued on page 6)*

## *Watson Resigns as Fox Theatres Head*

The resignations of Archibald R. Watson as president of Fox Theatres Corp. and of Watson & Wilguss as attorneys for receivers for the company were accepted yesterday by Federal Judge Martin Manton.

Watson, who is a member of the Watson & Wilguss firm, was elected president of Fox Theatres last August, shortly before a petition for reorganization of the company under Section 77-B of the Bankruptcy law was filed by creditors. The petition for reorganization was later attacked by other creditors on the ground of bad faith and was withdrawn with leave to reinstate it after an examination of the claims in question before special master on Nov. 8.

# Supreme Court Agrees To Review Patent Case

### *Reversal of Stand Will Hold Up Tri-Ergon Series of Suits*

Washington, Nov. 5.—Acting upon the petition filed Nov. 2 by Paramount Publix Corp., the U. S. Supreme Court today vacated its order of Oct. 8 refusing to review the Circuit Court of Appeals decision in the cases brought by American Tri-Ergon against Paramount Publix, Altoona Publix and Wilmer & Vincent, and agreed to review the cases.

By its action today the court prevents the pressing of the suits brought by William Fox against nearly all of the important producing companies and laboratories for infringement of the flywheel and double print patents, since the decisions of the lower courts cannot now be considered as final.

By its order of Oct. 8 the Supreme Court, in effect, affirmed the decision

*(Continued on page 2)*

## *Chicago Is Cold to Plan for Films Classified by Letters*

**Chicago, Nov. 5.—No effort has been started here to segregate pictures under the classifications of adult and family entertainment. Circuit executives state that this system would find little enthusiasm among them. For one thing, they claim that such a practice would virtually amount to giving approval to the scheme of the local censor board which "pink tickets" productions it considers suitable for strictly adult trade.**

**There has always been plenty of difference of opinion between local exchanges and the censor board over the matter of "pink" permits.**

## Milwaukee Is For Lettering Picture Types

Milwaukee, Nov. 5.—Although no efforts at segregating films for adult and family entertainment as carried on by Warners in Philadelphia have been attempted in the Milwaukee area, the plan is regarded with favor by other circuit operators here.

Parents' and teachers' organizations have been seeking cooperation from exhibitors in establishing family nights on Fridays. Exhibitors pointed out that it is often difficult for exhibitors to book suitable family films on a designated night each week and the designating of entertainment in the Warner style may help to solve the problem.

Another difficulty facing exhibitors in respect to a successful operation of such a plan is the dual feature policy, which is general throughout the city and may make it hard for a circuit to play two films suitable for adult or family audiences on the same bill.

## DeMille and Para. Deal Is Approved

A compromise and settlement of all claims against Paramount Publix by Cecil B. DeMille Prod., calling for payment to DeMille of $202,915 by Paramount Prod., was approved yes-

*(Continued on page 6)*

## Brooklyn Stay In Tri-Ergon Case Modified

Erpi and Paramount Publix won an important point over American Tri-Ergon in Federal Court at Brooklyn yesterday when Judge Marcus B. Campbell ruled that certain provisions in the interlocutory decree submitted by Tri-Ergon to put into effect the court's original findings of a year ago in the double print patent infringement case would work an undue hardship on Paramount and eliminated the provisions from the decree.

Charles Neave, of counsel for Erpi, which is defending Paramount, had argued that the interlocutory decree prepared by Tri-Ergon for Judge Campbell's signature might, if approved, result in an injunction "against the products of the patented process" which, Neave said, might restrain Paramount from distributing films made with the double print process, rather than merely enjoining Para-

*(Continued on page 2)*

## Production Drops; 33 Features Going

Hollywood, Nov. 5.—Production for the past week took a decided drop over the preceding week in both feature and short subject departments. There were 33 features and five shorts

*(Continued on page 2)*

## Rockefeller Center Will Get $700,000

An initial rent participation for Rockefeller Center of $700,000 per year out of Music Hall operations, with provisions for additional participation, is specified in the new lease agreement submitted to the Federal court here late last week.

The agreement, dated as of Sept. 1, last, is for one year and calls for a first payment of $26,000 per year to

*(Continued on page 6)*

## *New Assessment on Code Is in Effect*

Producer and distributor assessments in addition to the second half-year levy for exhibitors are now in effect, Harold S. Bareford, member of the code finance committee, stated yesterday.

Bareford stated that he had straightened out with the NRA officials in Washington objections by Monogram franchise holders, and that the Division of Research and Planning had approved the revised plan. Under the revision producers and distributors doing an annual business of $750,000 or less will have credited to next year's assessment all payments over $18,000. This is what W. Ray Johnston originally wanted, Campi stated yesterday.

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## *"Lemon Drop" Takes $14,000 First Week*

"Lemon Drop Kid" at the Rialto chalked up a neat gross of $14,000 in seven days. First three days of "Six-Day Bike Rider" showed signs of weakness, but Election Day, today, is expected to brace the week's tally. Third week of "Merry Widow" at the Astor tapered to $8,700.

"Student Tour" bowed out of the Mayfair last night after a bad week. The take for the seven days was $7,800.

## *Jewish Picture to Open*

"The Youth of Russia," Jewish talking picture dealing with youth in the Soviets, opens at the Clinton tomorrow. The picture was produced by Sov-Am Film Corp.

## *"Lenin" Set at Cameo*

"Three Songs of Lenin," an Amkino release, will have its world premiere at the Cameo here today, the day before the film opens in Moscow.

5 MINUTE FILMS
ALL THRILLS • No Padding
EUREKA PRODUCTIONS
723-7th AVE. New York, N.Y.

## Brooklyn Stay In Tri-Ergon Case Modified

(*Continued from page* 1)

mount from further use of the patented process held to be infringed.

Judge Campbell also eliminated a part of the decree which, Neave alleged, would permit Tri-Ergon to proceed immediately against Paramount Publix by directing an action against Charles D. Hilles, Eugene W. Leake and Charles E. Richardson, trustees of Paramount Publix, under the bankruptcy reorganization laws. In this respect, Judge Campbell held that Federal Judge Alfred C. Coxe, of the U. S. District Court here, whose jurisdiction extends over Paramount's reorganization proceedings, should have final voice. It was pointed out that the Tri-Ergon action involves but one claim against Paramount, whereas Judge Coxe's jurisdiction in the company's affairs includes broad powers conferred on him by Congress under Section 77-B of the bankruptcy laws.

### Asks Action in Coxe Court

"I do not believe," Judge Campbell's opinion referring to this part of the decree reads, "that I should attempt to do by indirection what I cannot do directly. Therefore, if it is desired to proceed against the trustees, it should be by appropriate proceedings with the court in the Southern District (Judge Coxe)."

Judge Coxe ruled, however, that a paragraph should be added to the decree stipulating that judisdiction is retained by him "to order the issuance of a writ of execution on a proper application subsequently made therefore" and ordered that one day's notice of such action be given Paramount by Tri-Ergon. Thus, new Tri-Ergon procedures, authorized by Judge Coxe, may proceed in the Brooklyn Federal Court on the specified notice to Paramount.

Judge Coxe, last week, lifted the injunction, as it applies to Tri-Ergon, which accompanied the court order appointing trustees for Paramount as a debtor company in reorganization and which restrains creditors from continuing or bringing new suits against the debtor company. Thus, additional moves by Tri-Ergon between now and the expected reorganization of Paramount may be initiated subject to Judge Coxe's approval.

Judge Campbell instructed Tri-Ergon attorneys to present a new form of interlocutory decree minus the provisions to which objections had been raised.

It is understood that, as a result of the U. S. Supreme Court's action granting a review of the Circuit Court of Appeals ruling, action on the new form of decree will be automatically held up until a ruling has been handed down in Washington.

## Production Drops; 33 Features Going

(*Continued from page* 1)

before the cameras in comparison with 38 and seven for the week previous.

In addition, there are 22 features and seven shorts in the final stages of preparation, while 45 features and 21 shorts are in the cutting rooms.

Of the above totals Paramount had five features in work, five preparing and five editing; Fox had five, two and four; Universal, four, two and three; Warners, four, one and seven; M-G-M, three, six and nine; Columbia, three, one and six; Radio, two, zero and five; Century, one, zero and zero; Roach, zero, zero and one; while the independents had six, five and five.

In the short subject division Roach had one in work, one preparing and two editing; M-G-M reported zero, three and five; Universal, zero, zero and one; Columbia, zero, zero and three; Radio, zero, zero and five, while the independents totaled four, three and five.

## *Fox Golfers Get Hot*

Golf rivalry between the Fox publicity and advertising departments has reached an acute stage. In Saturday's match at Sprain Lake, Tuckahoe, E. W. Wingart and Elliott McManus, publicity, shot an 85 and 89, respectively, and Carl Moss and Russell Moon, advertising, rolled up 110 and 91, respectively.

## *'Death Dealers' for B'way*

"Death Dealers," purported to be an expose of the munitions racket, will be given a Broadway opening by Topical Pictures the first week in December.

## *Big Board Stocks Show Better Tone*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 36¾ | 36¼ | 36¾ | + ¾ | 400 |
| Consolidated Film Industries | 3⅝ | 3½ | 3½ | ..... | 800 |
| Consolidated Film Industries, pfd | 16¼ | 15¾ | 16⅛ | ..... | 1,800 |
| Eastman Kodak | 107¼ | 105⅝ | 107¼ | +2¼ | 800 |
| Fox Film "A" | 12¾ | 12½ | 12¾ | + ¼ | 800 |
| Loew's, Inc. | 31¼ | 30⅞ | 31⅛ | + ⅜ | 4,800 |
| Loew's, Inc., pfd | 98 | 98 | 98 | +1 | 100 |
| Paramount Publix, cts | 4¼ | 4 | 4¼ | + ⅛ | 4,900 |
| Pathe Exchange | 1¼ | 1¼ | 1¼ | + ⅛ | 100 |
| RKO | 1⅞ | 1¾ | 1⅞ | + ¼ | 4,100 |
| Warner Bros. | 4¾ | 4½ | 4⅝ | + ⅛ | 1,600 |

## *Technicolor Advances Quarter on Curb*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13¼ | 12½ | 13¼ | + ¼ | 600 |

## *Two Para. Bond Issues Rise 2¾ Points*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 6 | 6 | 6 | — ⅛ | 1 |
| General Theatre Equipment 6s '40, ctf | 5⅝ | 5¼ | 5¼ | — ¼ | 3 |
| Keith B. F. 6s '46 | 63 | 63 | 63 | — ¼ | 5 |
| Loew's 6s '41, ww deb rights | 104 | 104 | 104 | + ⅜ | 1 |
| Paramount Broadway 5½s '51 | 40¾ | 40¾ | 40¾ | — ¼ | 5 |
| Paramount F. L. 6s '47 | 57¾ | 56¼ | 57¾ | +2¾ | 52 |
| Paramount Publix 5½s '50 | 57¾ | 56½ | 57¾ | +2¾ | 42 |
| Warner Bros. 6s '39, wd | 59 | 59 | 59 | + ¼ | 1 |

## High Tribunal Will Review Patent Case

(*Continued from page* 1)

of the lower court, and, on the basis of that action, Paramount contended in its appeal for reconsideration, Tri-Ergon filed a series of suits.

### Fox Lawyers Tight-Lipped

No member of the law firms of Ward, Crosby & Neal or Kenyon & Kenyon, which are handling William Fox's Tri-Ergon patent litigation could be reached for comment on the Supreme Court's action yesterday.

Charles Neave, attorney for Western Electric, who is defending Paramount, also could not be reached.

It was learned on good authority, however, that the action of the court does not automatically supend the pending court actions. It usually holds them in abeyance, and attorneys ask for adjournments until a final ruling is made.

In the case of the two injunctions already granted, one in Scranton and the other in Brooklyn, the procedure is up to the individual judges. In Scranton the court has ruled that a master shall be appointed to take testimony on an accounting.

This same authority also stated that the reversal of a refusal to review a case by the Supreme Court is very rare in the history of the court. The last time such a reversal was made was in 1928 in the Olmstead vs. U. S. wire tapping case. The application at that time was based on the fact that wide questions of public policy were involved.

Quotable comment was lacking on all sides yesterday, as a matter of fact. However, relief and smiles were evident among major company lawyers. The latest action of the U. S. Supreme Court was generally regarded as striking an important prop from under William Fox's patent case although it was admitted the ultimate solution, no matter what form it may take was far from its outcome and dependent on future court action.

## *Good Ones Drawing, Says J. R. Grainger*

"It's the old story. Good pictures are doing good business and poor pictures, poor grosses," declared James R. Grainger, general sales manager of Universal, yesterday upon his return from a cross-country sales trip and a two weeks' stay at the company's studio. "Conditions are being governed solely by the calibre of the attractions," he added.

Grainger visited Chicago, San Francisco, Los Angeles, Dallas, New Orleans and Atlanta. Seven pictures are in work at the studio, he said. Mrs. Grainger returned east with him.

## *Irsch in New Position*

Frank E. Irsch has been placed in charge of research and promotion on the staff of *Photoplay* and will take over his duties immediately under Carroll Rheinstrom, advertising manager of Macfadden Publications.

Irsch was formerly in charge of research and promotion on Macfadden's women's group.

## Indies Protesting On K. C. Clearance

KANSAS CITY, Nov. 5.—While a group of independent subsequents is protesting Kansas City's clearance schedule, the understanding in well informed trade circles here is the protest will be disregarded by Campi's main body when it takes up the plan Thursday, as the dissenters represent a minority.

A formal appeal signed by 14 exhibitors is in Campi's hands. The group objects to the proposed setup on various grounds, one of which is that the provision calling for a uniform price at each theatre will interfere with 1933-34 unplayed contracts.

Excessive protection over admissions of 20 cents and under is alleged.

Allowance of minimum and maximum periods of clearance between runs is protested on the score favored circuits or individual exhibitors would be able to obtain preferred dates, and subsequent runs would not be able to set pictures until they have played prior run. Instead, a fixed clearance allowance between runs is urged as a substitute.

A clause providing that in case a theatre fails to maintain a uniform price, all pictures played will be set back an additional 14 days in availability is protested as illegal.

The protest makes a point of objecting to the allowance of only a week in which to file an appeal with Campi.

## Cleveland Rate Cuts Stir Neighborhoods

CLEVELAND, Nov. 5. — Cleveland neighborhood houses appear to be breaking out in a mild price war. In the St. Clair Ave.-East 105th St. section where a large independent circuit competes with Warners, admissions have been cut to 25 cents straight for all shows, including Sunday. In the Woodland-East 55th St. section, the Haltnorth, first run zone house, has cut to 15 cents from the former 20 cent price. What will happen to the theatres following Haltnorth which charge 15 cents, the minimum contract price, will probably be a matter for the grievance board.

There seems to be a well defined feeling that in order to bolster attendance—said to have dropped off in the neighborhood houses—a drop in admission prices is necessary, especially since double features, premiums and the like are "verboten."

## Buy Skolsky-Binyon Tale

HOLLYWOOD, Nov 5.—Fox has purchased an original newspaper yarn by Sidney Skolsky and Claude Binyon, "Safe in Jail." Herbert Asbury will do the script and Robert Kane will produce.

This is the second original Skolsky has sold since coming to Hollywood five months ago. The first was "Movie Queen" which M-G-M bought for Marion Davies.

## Local 306 to Gather

Members of Local 306 will meet tomorrow night at Palm Garden with Harland Holmden presiding.

## Club to Give Returns

Election returns will be broadcast to diners at the M. P. Club tonight.

## C. E. Hawthorne Dead

Paramount officials were shocked yesterday to learn of the death on Saturday of Charles Evans Hawthorne, company lawyer handling real estate. He died of pneumonia, was 62 and is survived by his sister, Mrs. Adelaide H. Woodin.

Funeral services will be held from his home in New Rochelle tomorrow.

## Samuel C. Meyer Passes

PORTLAND, Nov. 5.—Word has been received here of the death in San Francisco of Samuel C. Meyer, veteran showman. He was 73 years old. For years he was associated with William Ely in both the old Hippodrome and Helig theatres here.

## "Crespi" Ready in Week

"The Crime of Dr. Crespi," J. H. Auer Production Co.'s initial effort, made at the Biograph studio in the Bronx, will be ready for release within a week. Distribution arrangements are under way with a major company.

## Phillips Election Rooter

Louis Phillips, of Phillips and Nizer, is praying for the re-election of Supreme Court Justice Isidor Wasservogel, for whom he and his partner have been campaigning.

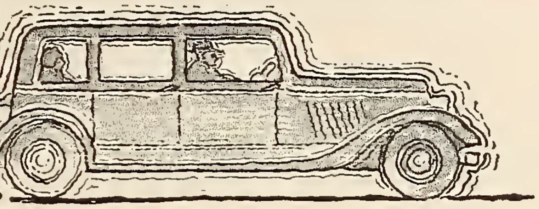
## "Barnum" Set Dec. 25

United Artists has decided on day and date release throughout the country on Dec. 25 for "The Mighty Barnum," now in the cutting rooms.

## Appeal Board Hears 5 Grievance Cases

Appeals on three New York grievance decisions in addition to one from Charlotte and one from Dallas were heard yesterday by a committee consisting of Harold S. Bareford, A. J. Mertz and Joseph Seider.

The cases were: Colonial, Winston-Salem, N. C., against Hollywood, same city, on giveaways; Capitol, New Braunsfels, Tex., against Opera House, same city, on bank nights; Roosevelt, Beacon, N. Y., against Paramount Distributing Corp. and Beacon, Beacon, on alleged breach of contract; Strand, Red Bank, against Carlton, same city, on overbuying; Roky, Perth Amboy, against Crescent, Strand and Majestic, same city, overbuying.



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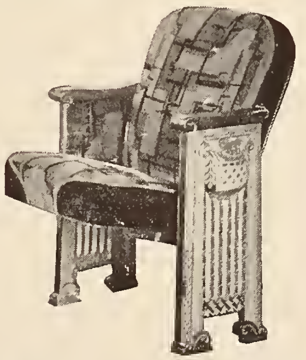

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**ROSCOE ATES**

*Directed by Phil Rosen. Associate producer Burt Kelly. Produced by SELECT PRODUCTIONS*

**RKO-RADIO PICTURE**

BY THE AUTHOR OF "THE THIN MAN"

## Kent to Head More New Fox Companies

(*Continued from page 1*)

is rehabiliated. A bid of $18,000,000 for the assets by Fox Film and Chase National Bank will be made on Nov. 8 before Referee W. S. McNabb.

W. C. Michel, first vice-president of Fox, will be executive vice-president, and Charles Skouras will be vice-president in charge of operations of National and its subsidiaries.

Spyros and Charles Skouras are being given a joint contract which will run for five years. Spyros' offices will be in New York and he will keep an observant eye on all theatre operations. The contract is slated to be signed the latter part of the week when Charles will leave for the west.

## Reade-Fox Split On "White Parade"

(*Continued from page 1*)

he gets all rejections by the 6th Ave. house. He claims he was not given a chance to book the picture before it was sold to the Paramount. On Saturday Reade obtained a show cause order against Fox and yesterday again asked for the picture or a cancellation of contract.

Fox agreed to cancel, despite Reade's offer to play the picture under the same terms as the Paramount. The Mayfair will play two of the 32 Fox films remaining before the agreement is ended. One of the films is "365 Nights in Hollywood," which opened last night, and "Marie Galante," which follows directly after "365 Nights in Hollywood."

With the Mayfair deal out, Fox has no Broadway first run films not slated for the Music Hall.

## *Argue Appeal Permit On Probe of Fox Met*

A petition for leave to appeal from an order signed by U. S. District Court Judge Julian W. Mack denying Archibald Palmer, counsel for a group of bondholders of Fox Metropolitan Playhouses, the right to examine officeres and members of the Fox Met bondholders' committee under Section 21-A of the Bankruptcy law, was argued before the U. S. Circuit Court of Appeals here yesterday.

Decision on the petition for leave to appeal was reserved by the court. Palmer asserts that it is in the interests of the bondholders and other creditors of Fox Met to determine through the examination what interests are represented by officers of the committee and the reasons for the committee's rejection of the Loew-Warner and Hayden, Stone & Co. bids of $4,500,000 for Fox Met assets.

The bondholders' committee is reported ready to begin meetings Thursday on formation of a reorganization plan for Fox Met to be submitted to Judge Mack at a hearing scheduled for Nov. 15.

## *Heywood-Wakefield Gain*

Net loss after all charges of $46,435 for nine months ended Sept. 30 is reported for the Heywood-Wakefield Co. and subsidiaries. This compares with a loss of $533,215 for the same period of 1933.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Kara"*

*(Radio)*

Hollywood, Nov. 5.—Since this is only fair entertainment, its success at the box-office will depend solely on exploitation. Weak story continuity and lack of cast name rate this as an average attraction.

The yarn revolves around Steffi Duna, the daughter, and the second mate of Captain Mitchell Lewis' ship. The general theme features the girl torn between the love for the sea and her father and a romance with Regis Toomey, whose business keeps him in the South Seas. The story unfolds with the ship's first mate, Raymond Hatton, and his accomplices running the boat on a reef, hoping to sink the craft to collect the insurance.

Miss Duna and her injured father escape to an island inhabited by savages, where she administers toxin to the Polynesian chief's son and saves his life. The girl's father dies and she leaves the island in a boat headed for civilization but is taken aboard a ship hired by Toomey, who is ashore searching for her. The duo finally get together and discover a plot to blow up the ship on a reef to destroy certain evidence. Aided by the chief's son and the savages and their fleet of native craft the plot is thwarted and the two are left to their destiny.

Direction by Wallace Fox and the cast portrayals, aside from Mitchell Lewis, fail to surmount the story. John Twist and Fox did the original screen play. Photography by Harold Westrom and Vernon Walker is a high spot. Colorful exploitation of the South Sea locale should aid the film in some spots. No code seal. Running time, 62 minutes.

## Rockefeller Center Will Get $700,000

(*Continued from page 1*)

RKO and RCA jointly, to be paid at the rate of $500 weekly. Rockefeller Center's initial rent participation of $700,000 is next deducted after which a second joint payment of $24,000 to RKO and RCA to be applied to retirement of RCA's advances of working capital for the Music Hall last year will be made. Thereafter, Rockefeller Center is entitled to an additional $100,000 as rent. If funds then remain over operating costs, a first $200,000 is divided on the basis of 60 per cent to Rockefeller Center and 40 per cent to RKO and RCA on an arrangement which remains to be worked out by the latter two, and a second $200,000 would be divided 50 per cent to Rockefeller Center and 50 per cent between RKO and RCA.

### $960,000 Under Old Pact

Under the old agreement Rockefeller Center received a maximum rent of approximately $960,000 annually for both the Music Hall and Center theatres. The latter house is not involved in the new agreement.

The new corporation which will be organized to lease the Music Hall, if and when the agreement is approved by the Federal court, will be owned by Rockefeller Center and RCA, each of whom will subscribe for the stock in the new company to provide working capital for the Music Hall. RKO will have no participation in the new leasing and operating company and in this way is relieved of any obligation in the event of Music Hall losses.

The agreement does not include a film contract between Radio Pictures and the Rockefeller interests, which will continue to be negotiated separately and, according to all indications, will result in no reduction in the number of Radio pictures bought for the Music Hall. Approximately 20 to 25 Radio pictures have played the Hall annually since its opening.

## ◀ *Purely Personal* ▶

**Howard Cullman**, receiver for the Roxy, entertained Governor and Mrs. **Lehman**, Mrs. **Franklin D. Roosevelt**, U. S. Senator **Robert F. Wagner** and Mrs. **Caroline O'Day** at dinner at his home last night.

**Maurice Chevalier**, **Buster Keaton**, **Ketti Gallian**, **Jack Pearl**, **Wallace Haenloer**, manager of the Theatre Pigalle, Paris, and **Freeman Rollins**, producer, are *on the Ile de France*, due to dock today.

**Nunnally Johnson**, writer for 20th Century, is in town for conferences with **Joseph Moskowitz**, vice-president. He will go back west next week.

**Jackie Cooper** yesterday visited **Arthur Villersdorf**, a boy patient at Beth David Hospital as a result of a letter from the superintendent.

**Peter Mayer**, who has been making pictures in Russia and points east, returns to New York today. He's aboard the *Ile de France*.

**Harry H. Thomas** now plans to leave for Chicago tomorrow or Thursday. Important business held him back from going last week.

**Lou Brock**, recently named an associate producer at Fox Studios, is in town for conferences with **Cole Porter**, composer.

**Mitzi Green**, whose latest screen effort is "Transatlantic Merry-Go-Round," will be heard over WOR at 8:30 tonight.

**Nigel Bruce** arrives on the *Aquitania* today. He is on his way to the coast to play in Radio's "Becky Sharp."

**Mary Brian** is here to appear in her first Broadway show, "Calling All Stars."

## DeMille and Para. Deal Is Approved

(*Continued from page 1*)

terday by Federal Judge Alfred C. Coxe in U. S. District Court.

The settlement involves claims arising out of production and distribution agreements between DeMille and Paramount on both the recent "Sign of the Cross" and the 1923 production of "The Ten Commandments." In addition to the cash payments to DeMille by Paramount Prod., the former is also granted one-half of the net receipts from "Sign of the Cross" subsequent to June 30, last, and is given a lien on the production itself. Paramount had opposed DeMille's claims on the ground that his "Sign of the Cross" contract had been transferred by Paramount Publix to Paramount Prod. in connection with what is alleged now to be an illegal transaction constituting a preference, as it made Paramount Prod., a solvent subsidiary, liable on the contract a brief time before Paramount Publix went into bankruptcy.

### Para. Released from 1923 Pact

In return, Paramount is released from claims on a 1923 agreement with DeMille under which, he alleges, he was entitled to 25 per cent of the gross over $3,700,000 on "The Ten Commandments," but received only 12½ per cent, he contends.

Judge Coxe also approved a plan by which Madison Operating Corp., a Paramount subsidiary, relinquishes its lease on the McVickers, Chicago, which has been operated by B. & K. for many years. The lessee is also released from liabilities in connection with mortgage bond issues on the property outstanding in the amount of approximately $1,600,000 and retains its equity in a $203,500 rent fund established by B. & K. pending the outcome of a current investigation of rent claims made by the landlord, which is the Chicago Board of Education.

## *Flash Reviews*

*Green Eyes*— . . . passable entertainment for neighborhood houses. . . .

*Rocky Rhodes*— . . . a western that is above the average . . . should please wherever played. . . .

*These films will be reviewed in full in a later issue of* Motion Picture Daily.

## *Shift "Marines" Title*

Because of other priority on the title Mascot has changed the name of "The Marines Have Landed" to "The Marines Are Coming."

## *Sarecky Joins Wanger*

Hollywood, Nov. 5.—Louis Sarecky, former Radio associate producer, has joined Walter Wanger Prod. as general manager.

## *Eagles in Coast G-B Post*

Harry A. Eagles has been appointed Gaumont British exploitation representative on the coast.

## *ITOA Directors to Meet*

The I.T.O.A. board of directors will discuss return of independent circuits to the fold at a meeting tomorrow.

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VOL. 36. NO. 109 NEW YORK, WEDNESDAY, NOVEMBER 7, 1934 TEN CENTS

## MPTOA Hits 'Compromise' On Music Tax

### *Held Defensive Weapon To "Confuse" Issues*

The use by the American Society of Composers, Authors and Publishers of the recent music tax "compromise" as a defensive weapon in the organization's reply to the bill of complaint in the Federal anti-trust suit pending against it is described in an M. P. T. O. A. bulletin released to members yesterday as an attempt to "confuse" the issues. The bulletin adds that M. P. T. O. A. members are not bound in any way whatever by the music tax agreement.

"To speak of it (the agreement) as a 'compromise' is erroneous," the bulletin states. "The rates are dictated by ASCAP alone. It is merely a temporary concession made to the emergency committee and not an enforceable agreement. For ASCAP to contend that this is collective bargaining

(*Continued on page* 4)

## *S. G. Newman, Radio British Head, Dead*

By BRUCE ALLAN

LONDON, Nov. 6.—Sol G. Newman, managing director of Radio Pictures, Ltd., here, died this morning at 1:30 A. M.

Newman's death, from heart failure, following pneumonia, was a great shock to the industry here, as it was thought his illness was not critical. He was in his late fifties.

He will be cremated at Golder's Green on Thursday.

---

The unexpected death of Sol G. Newman gave RKO headquarters

(*Continued on page* 4)

## *Sees No Pathe Help Without Refinancing*

LOS ANGELES, Nov. 6.—Not until the New York courts grant permission for the recapitalization of Pathe will there be any new producer-financing contracts negotiated, it was said here

(*Continued on page* 11)

## *Memphis Waits New Sunday Show Moves*

MEMPHIS, Nov. 6.—Memphis theatres have adopted a policy of watchful waiting on the Sunday show proposition since surprise indictments

(*Continued on page* 4)

# National Zoning Seen Hinging on K. C. Case

## California's '33 Take Was $35,000,000

WASHINGTON, Nov. 6.—A $35,000,000 theatrical business was reported for California in 1933, preliminary figures issued today by the U. S. Census Bureau disclosed.

There were 455 film theatres in the state last year, reporting box-office receipts of $20,367,000 and payrolls of $3,896,000; 163 vaudefilm houses with receipts of $13,929,000 and payrolls of $2,532,000, and 11 legitimate theatres with receipts of $927,000 and payrolls of $343,000, the bureau announced.

Los Angeles was shown to have 149 film and vaudefilm houses, with receipts of $9,756,000 and payrolls of $1,915,000, and four legitimate theatres taking in $365,000 on a payroll of

(*Continued on page* 2)

## Some K.C. Houses Defy Premium Ban

KANSAS CITY, Nov. 6.—Exhibitors in Kansas City, continuing premiums despite the ban, claim existing contracts with premium distributors do not permit cancellation.

They say the contracts were entered into before the premium ballot was taken, and, also, they must keep faith with their patrons to whom they have promised complete sets of dishes, silverware and other articles.

Many independents in Kansas City are now said to be in favor of

(*Continued on page* 8)

### *Hold Scranton Case*

**Scranton, Nov. 6.—The U. S. Supreme Court decision granting Paramount Publix a review of the American Tri-Ergon decision means that the order of Judge Albert W. Johnson in Federal Court here appointing a special master to determine the amount due Tri-Ergon for alleged infringement will be held in abeyance.**

**It is probable that nothing will be done until the Supreme Court has made its final ruling. All activities here have been suspended.**

## Expect Patent Case Move in 4 to 6 Weeks

By CLARENCE LINZ

WASHINGTON, Nov. 6.—The U. S. Supreme Court's review of the American Tri-Ergon patent litigation started by William Fox has not been placed on the calendar as yet, and it is not expected that it will be reached for possibly four or six weeks.

The hearings will be very brief. Counsel for the opposing sides usually are given but an hour or so in which to enlarge upon the points raised.

Once the case is reached, it is not expected any extended period will be required for the court's decision.

Inasmuch as the court has merely

(*Continued on page* 8)

## *European Houses Gaining, Declares Henri Klarsfeld*

Although European theatres experienced a bad summer, conditions have improved, Henri Klarsfeld, general manager for Paramount in France, Belgium, Switzerland, Egypt and the north of Africa, stated yesterday on his arrival from Paris on the *Ile de France*.

"Big pictures are getting good grosses all over Europe," he said. Klarsfeld will be here three weeks for conferences with home office executives on new policies and to look at new pictures ready for the foreign market. This is his first trip in six

(*Continued on page* 4)

### *Code Authority Expected To Make Decision at Meeting Tomorrow*

Whether or not any further attempts will be made to put clearance and zoning schedules into effect by code machinery is expected to be decided tomorrow by Code Authority in the disposition it makes of the Kansas City schedule, according to an official Campi source.

The Kansas City plan, according to this authority, will come before tomorrow's meeting of Campi with all of the elements of a "test" schedule. If it is approved, it will provide a model for acceptable clearance and zoning schedules for the entire country. If rejected, according to the Campi source, it will be tantamount to an admission by Code Authority that the drafting of clearance and zoning schedules on a national scale is an impossibility and attempts in that direction will be abandoned by the local clearance and zoning boards.

It is pointed out by the same authority that a failure by Campi to take decisive action on the Kansas City schedule, either by deferring consideration of it tomorrow or by returning it to the local board for further revision, then or later, may have the same effect as a flat rejection. The Kansas City schedule, it is said,

(*Continued on page* 8)

## *"U" May Not Produce Abroad-Laemmle, Jr.*

Universal is not set on production plans abroad, Carl Laemmle, Jr., stated yesterday upon his arrival from the coast on the *Santa Rosa*.

"Nothing is definite and we may not even produce in England," he said.

Laemmle, Jr., sails on the *Conte de Savoia* Nov. 23 for a three months' trip to Italy, France, Switzerland, England and other countries. He said this was his first trip abroad in seven years and that he will look the field over for personalities, stories and other material in the hope that he can bring something worthwhile back. While

(*Continued on page* 11)

## *McNamee Signs New Two-Year "U" Pact*

Graham McNamee yesterday signed a new two-year contract to continue as Universal's Talking Newsreel Reporter.

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

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## *Plan Alaskan Location*

HOLLYWOOD, Nov. 6.—A five-month location trip to Alaska, the farthest and longest taken by a Paramount unit in some time, is planned for Carole Lombard and Gary Cooper. They are cast in leading roles in "Renegade," written by Ewing Scott, which deals with Alaska after the World War, and it is planned to shoot all the exteriors in and around Fairbanks. The author will direct the outdoor scenes.

## *Hoffberg Gets Three*

Three Spanish pictures produced in the Argentine have been acquired by J. H. Hoffberg Co., Inc., for release here after Dec. 1. The pictures are "Riachuelo," "Dancing" and El Alma del Bandoneon."

50 Million Radio Fans want to see him again
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# *Insiders' Outlook*

STORIES, presumably emanating from London and having to do with Gaumont British, its upsets and its future plans, appear at this end to be tinged with some exaggeration. Changes at the studios are on the way, but they are not new changes and plans for them have been on tap for some little time. Arthur Lee, long G.B.'s representative here and now the company's chief in America for the next five years under a new contract, talked about the situation the other day. "Too much of the product we had planned was local, or British, product," he said. "We are now in the international market with both eyes on America and are priming our equipment to fit the needs of this field." . . .

▼

The changes necessary under such an arrangement immediately become obvious. Also does it indicate that the Gaumont British crowd is thinking right, insofar as the domestic field is concerned. Themes and accents too insular will not click here. All prior experience, much of it sad to British producers, proves the point without further argument. The success of American pictures abroad has been keyed largely on the basis of star values. It works in reverse as well. G.B. has reason to understand this, and therefore, is moving in the direction which will take care of that equation. The conclusion merely is that the English company may be expected to do something in a substantial way by star-studding its roster with names that count in the States. . . .

▼

Now that Walter Reade and Sidney Kent are no longer doing business together and "The White Parade" gets a Paramount Theatre date beginning Friday, you may see two, and, perhaps, moree Fox pictures at the crossroads of the world, instead of the Mayfair. Any idea that Jesse Lasky's picture was not viewed as up to the Music Hall standard is erroneous. The earliest date offered there by W. C. Van Schmus was early December. Fox is driving nationally on the film and wanted a showing earlier in order to get going on circuit and subsequent runs in the metropolitan area. That's why a deal was under way for a date at the Rivoli as well. . . .

▼

This fastens attention once more on the booking situation at Radio City. There, Van Schmus has bought 83 pictures for the 1934-35 season when his year, like anyone else's, is limited to 52 weeks. If he goes into only half dozen holdovers, it is a cinch to figure out what will happen. Computed as a Music Hall loss on pictures bought but which will not be played is $150,000 on the seasonal year. Distributors, who have product booked there and have to wait on line for playdates, are in a perpetual squawk and maintain their inability to clear the Music Hall on or about release date is costing them plenty locally in playing time. In other words, the circuits and subsequents may buy, but there's no money reaching distributors until their pictures are played. . . .

▼

Incidentally, current talk, reaching New York entirely from Hollywood and aided not a bit by the New York publicity forces at Fox, asserts "The White Parade" is a bearcat as an attraction and the best commercial commodity Lasky has turned out since he became a Fix producer. His record since he joined up there has been a worthy one in point of meritorious production, but not all that it might have been in point of box-office draw. "Zoo in Budapest," "I Am Suzanne," "The Warrior's Husband," "Berkeley Square" and "The Power and the Glory" were individual and collective feathers in any producing man's cap. That they failed to go places designed for them is considerably more of a reflection on the lack of taste on the part of the picture-going public than it was, or is, on Lasky's judgment. . . .

KANN

## *White and Staff Leave*

George White, accompanied by his staff, composed of Jack Yellen, Sam Hellman, Joseph Myer and Mrs. Myer and Herbert Magidson, left for Hollywood yesterday to start work on Fox's "George White's Scandals of 1935."

Cliff Edwards, who will be featured in the picture, left for the coast by car last week.

## *H. J. Yates Returns*

Herbert J. Yates president of Consolidated Film Industries Inc., is back from Hollywood. "The golf was good," he reports.

## *New Union Calls Session*

A massmeeting has been called by the new Theatre & Amusement Employes' Union, Local 95, for Nov. 14, to discuss new wage demands. They want increases of from 25 to 40 cents an hour for ushers and 35 to 55 cents for porters, with a 40-hour week.

## *Denies 306 to Meet*

Frederick E. Castle, assistant to Harland Holmden, yesterday denied intention of Local 306 to hold a meeting at Palm Garden tonight.

This was reported in yesterday's MOTION PICTURE DAILY.

# California's '33 Take Was $35,000,000

(*Continued from page* 1)

$193,000. San Francisco reported 4 film houses with receipts of $4,423,00 and payrolls of $850,000, nine vaudefilm houses taking in $1,982,000 wit payrolls of $288,000, and three legitimate theatres with receipts of $444,00 and payrolls of $95,000.

Other cities were reported as follows: Berkeley: five film houses wit receipts of $335,000 and payrolls o $66,000, and four vaudefilm spots wit receipts of $206,000 and payrolls o $48,000; Oakland: 23 film houses taking in $995,000 on payrolls of $211,000 and six vaudefilm theatres with receipts of $1,114,000 and payrolls o $210,000; Fresno: four film house with receipts of $214,000 and payroll of $44,000, and three vaudefilm theatres with receipts of $320,000 and payrolls of $61,000.

Glendale: five theatres with receipt of $304,000 and payrolls of $85,000 Long Beach: 11 film houses with receipts of $488,000 and payrolls o $88,000, and four vaudefilm with a take of $333,000 and payrolls of $58,000 Pasadena: six film houses with receipts of $289,000 and payrolls o $59,000, and four vaudefilm with receipts of $210,000 and payrolls o $37,000; Sacramento: seven film house receiving $296,000 and with payrolls o $63,000, and four vaudefilm with a box-office of $554,000 and payrolls o $80,000.

San Diego: 14 film houses with receipts of $695,000 and payrolls o $135,000, and nine other theatres, including legitimate, with receipts o $757,000 and payrolls of $164,000; San Jose: nine theatres with receipt of $612,000 and payrolls of $126,000.

## *Konigswald in New Job*

Gus Konigswald, former exhibitor and theatre owner, has been appointed local manager for Quality Premium Distributors. This makes the 10th branch office established recently by the firm, which is headed by C. H. Goodwin and David Barrist, former publishers of a group of regional papers.

## *Thalbergs Await Child*

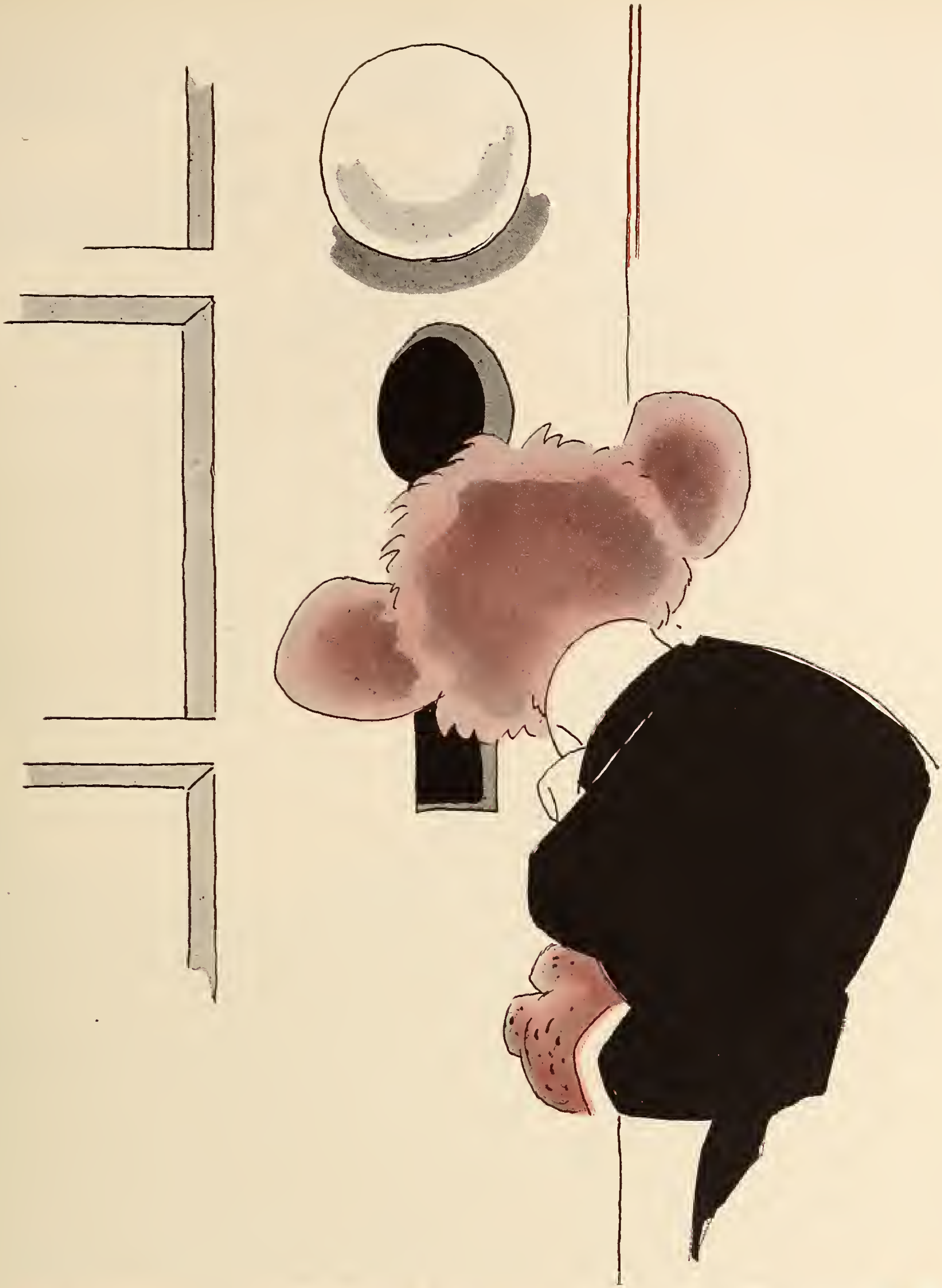
HOLLYWOOD, Nov. 6. — It has been made known here through friends that Norma Shearer, wife of Irving Thalberg, vice-president in charge of production at M-G-M, expects the birth of a child soon. They now have one son, Irving Thalberg, Jr.

## *Horne Marries Today*

Hal Horne, director of advertising and publicity of United Artists, today weds Lea Sachs. The ceremony will be performed at City Hall immediately after which Horne will take a "run out" powder and leave for the coast.

## *Para. Signs Writers*

HOLLYWOOD, Nov. 6. — Norman Krasna, whose play, "Small Miracle," is a hit on Broadway, Lawrence Riley and Roy James have been signed by Paramount as additions to the writing staff. They will report Dec. 1.



# HE'S PEEKING AGAIN!

## *(not what you're thinking, dearie!)*

A cheerfull eyefull! You'll soon know! Leo knows already! JOAN CRAWFORD! CLARK GABLE! ROBERT MONTGOMERY! *All in one picture!* And what a picture is "Forsaking All Others." Directed by W. S. (*"Thin Man"*) Van Dyke. Please, oh please, Mr. Showman get up on your marquee and shout to the world: *It's marvelous!*

# ◀ Purely Personal ▶

Milton Berle has been booked with Milton Schwartzwald by the Charles Morrison Agency for a Mentone short, which gets started this week. The agency has also booked Dorothy Lee to make three more shorts for Warners upon her return from England.

Tullio Carminati, Clarence Brown and his wife, Alice Joyce, Mr. and Mrs. Ely Culbertson, Sol Lesser, Edward and Mrs. Cline and George and Mrs. O'Brien, the former Marguerite Churchill, arrive today on the *Rex*.

Ring Lardner's stories, "Alibi Ike" and "Haircut," have been acquired by Warners. The first probably will be used as a starring vehicle for Joe E. Brown.

Frank Phelps of the Warner home office theatre department is confined to his home with a broken tendon in one leg. He was hurt while playing golf.

John A. Thomas has been named dramatic and film editor of *The Smart World*. Thomas formerly edited *Cinema*. He also conducts a column in theatre programs.

Everett Marshall, the singer, has been signed by Warners. He will not go to the coast until "Calling All Stars," in which he will appear, terminates its engagement on Broadway.

Lou Goldberg has joined Topical Films. He will handle the Broadway showing of "Dealers in Death," based on the munitions racket.

Al Alt, producer of Altmount Pictures, is in town for conferences with Dave Mountan, general sales manager for Spectrum Pictures.

Ben Atwell in Cleveland to work on exploitation of "One Night of Love," which opens at the Hippodrome.

Lew Pollock, song writer, has started work at the Vitaphone plant in Brooklyn in a musical one-reeler based on some of his song hits.

Frank X. Shields, tennis player, newly signed to a long term contract by M-G-M, expects to leave for the coast soon.

L. F. Boitano, formerly account executive for Agfa-Ansco, has joined the executive staff of Donahue & Coe.

Dave Palfreyman is in Detroit on a business trip and expected back this week-end.

Mary Pickford's first broadcast from here was heard last night over station WEAF.

Nicholas M. Schenck is definitely set to go to the coast this month, but the date has not yet been settled.

Eddie Peabody, radio star, has been signed to do a Vitaphone short at the Brooklyn plant.

Hugh Walpole's "Captain Nicholas" has been purchased by M-G-M. David O. Selznick will supervise.

Stuart Edward McGowan's "Coast Guard" has been acquired by M-G-M. Phil Goldstone will produce.

Basil Rathbone and Mrs. Rathbone have taken an apartment at the Lombardy.

Arthur Somers Roche's new novel, "Shadow of Doubt," has been acquired by M-G-M.

Eddie Grainger shortly plans another foray into the field on behalf of Fox sales, as usual.

Jack Partington returns from the coast on Nov. 15.

Norman Taurog is on his way east. He is expected here Sunday.

Paul Keast will headline the Roxy stage show on Friday.

Budd Rogers has called off his trip upstate.

Leon Grotto, Loew manager, is back on the job after a long illness.

Adelaide Schulberg returns from the coast this week.

J. P. McEvoy's "Man Alive" has been bought by Paramount.

Sam Sonin is having sinus trouble.

## Powers, Ellison Lose

W. T. Powers, Fox West Coast counsel recently transferred to New York, was defeated for state attorney-general in yesterday's elections. Another loser was Millard H. Ellison, brother-in-law of Felix Feist, who was a candidate for Supreme Court judge in the Bronx.

# European Houses Gaining, Declares Henri Klarsfeld

(Continued from page 1)

years and he may go to the coast for a short visit before returning home.

Klarsfeld said Paramount operates seven theatres in France and one in Brussels. No acquisitions or building are planned abroad at this time, he added.

Maurice Chevalier returned from a six week's vacation in France and England and plans to leave for Hollywood in a week. He asserted that theatres in the two countries visited are doing very well. While in England he conferred with Joseph M. Schenck.

Chevalier, on his return to the coast, will appear in "Folies Bergere" for Darryl Zanuck, following which he has two to make for Irving Thalberg at M-G-M. While abroad Chevalier signed with Alexander Korda for one picture which he will make following the two for M-G-M. He said he did not know the name of the English picture or the two he will do for Thalberg.

Hans Wilhelm, who recently completed the adaptation of "The Dictator" for Toeplitz Prod., also was a passenger on the same boat. He has been signed by M-G-M for five years and leaves for the studio either today or tomorrow. He said he didn't know what his first assignment will be. Wilhelm held that "One Night of Love" and "Little Man, What Now?" are the two sensations of England at the moment. The writer was signed by Rufus LeMaire when the latter was in England. Robert Liebmann, another writer, was signed at the same time and will arrive in about a month.

William Haendler, director of the Pigalle, Paris, owned by the Rothschilds, was another passenger. He stated his trip was for the purpose of arranging production of an operetta, "The Baton of Johann Strauss," which was directed by Max Reinhardt in London. He said business is much better this year than last and most theatres are open in Paris and England. He may close a deal to put on "The Last Will" by Sascha Guitry, which has been a success in Paris.

Jack Pearl, when interviewed, said that while in England he had offers from Gaumont British and British International to make one for each. He was away six weeks. Pearl said he has a radio contract for 26 weeks which will prevent him from returning to England for the next six months. He also has in mind appearing in a show here. As for business, Pearl declared "try and get into a theatre in England. They are jammed all the time." He likes it so well abroad he is impatient to get back.

Buster Keaton was another arrival. He has just completed "Serenade" in French and English for Gaumont British, he said. He also appeared in "King of Champs Elysee" for British Continental. This is in French. Keaton and his wife left for the coast yesterday to complete his Educational contract, which calls for two more shorts. He plans to sail for Vienna in April or May to make a picture for a new English and Viennese company now being formed.

Ketti Gallian, Fox star, returned from a two weeks' visit to her father in Nice. She said she will remain in New York for about two weeks before heading for the coast. Her next picture is set, but the title has not yet been decided upon, she added.

Senator F. Murphy, vaudevillian, is back after 14 weeks in vaudeville in England and other European cities. He said he has an offer to make shorts here, but hasn't decided on the deal.

Peter Mayer, son of Arthur of the Rialto Theatre, returned with 20,000 feet of film he photographed in Russia. He was away five months.

## Claim Newsreel Beat

Paramount Newsreel claims a beat of at least a week on other reels with the pictures of the London-Melbourne air race. The pictures of the race are due here tomorrow on the *Bremen*.

It is also claimed the Paramount reel was in London a week earlier than any other because the aviators who came in fourth in the race, Ken Waller and Cathcart Jones, were induced to hurry their return trip to England and to also carry pictures of the race back with them.

## "Widow" to Be Broadcast

The musical score of "The Merry Widow" will be the feature of an international broadcast scheduled for Sunday. Franz Lehar, composer of the original operetta, is to lead the Vienna Philharmonic Orchestra during the program, which will be heard in America over the stations of the Columbia network.

## "Courage" Date Ahead

The opening date of "Man of Courage" at the Gaiety has been moved ahead to Nov. 12, instead of Nov. 13 as originally scheduled.

# MPTOA Hits 'Compromise' On Music Tax

(Continued from page 1)

is ridiculous and intended to confuse the matter."

The bulletin, signed by Ed Kuykendall, M. P. T. O. A. president, urges members to continue their efforts to obtain Congressional aid for revision of the copyright laws to bring about Federal supervision of the establishing of music tax rates.

The bulletin makes a plea for retention of block booking by citing dangers which might result from its abolition and also warns exhibitors against possible legislation detrimental to the industry which may be introduced at coming legislative sessions as a result of the wide public discussion of industry affairs during the past year.

## Memphis Waits New Sunday Show Moves

(Continued from page 1)

10 days ago forced them to suspend Sabbath operation.

None of the theatres are willing to risk enforced closing by reopening, the state law providing specifically that two convictions automatically forfeit a theatre's license.

Right now the theatres are waiting for the January session of the legislature to see what will happen. Local political leaders are again making statements about how they are going to get Sunday shows for Memphis this year, but the statements are being taken in theatrical circles with a large sprinkling of salt.

## S. G. Newman, Radio British Head, Dead

(Continued from page 1)

here a severe jolt yesterday. Executives in New York were aware of the fact that he was ill, but there was little indication of its seriousness. No successor has been named.

Newman, one of the best known film men in the United Kingdom, was general manager of Ruffell's Exclusives until 1919, when he joined B. E. Films, Ltd., as managing director, according to the *Kinematograph Year Book* of London. In June, 1930, he was appointed chairman and managing director of Radio Pictures, Ltd.

He was in America in the late spring and attended the RKO convention.

## Adolph Barr Is Buried

The funeral of Adolph Barr, 60, Brooklyn exhibitor who died Sunday in Loraine, O., at the home of a niece, was held yesterday at the Funeral Chapel, 187 Oxford St., Brooklyn. Burial was in Beth-El Cemetery.

Barr was vice-president of the Albemarle Theatre, Albemarle Road and Flatbush Ave., and president of another group, the Vanity, Sunset & Third Ave., and Peerless, Bay Ridge.

## Half Day in Trade

While Educational and Fox remained closed all of yesterday, other companies were open for business until one o'clock and allowed their employes to observe Election Day from that hour on.

# DANGER and DEATH CANNOT WAIT

## —even for a woman!

Maddening nightmares of blazing planes tortured the sleep of this valiant band... whose terrors their comrades never knew. Some sought courage in the warmth of wine... others found comfort in soft, cool arms. But none could forget the horrible dreams... that only too often came true!

*And Warner Baxter smashes to the heights in his most compelling dramatic role!*

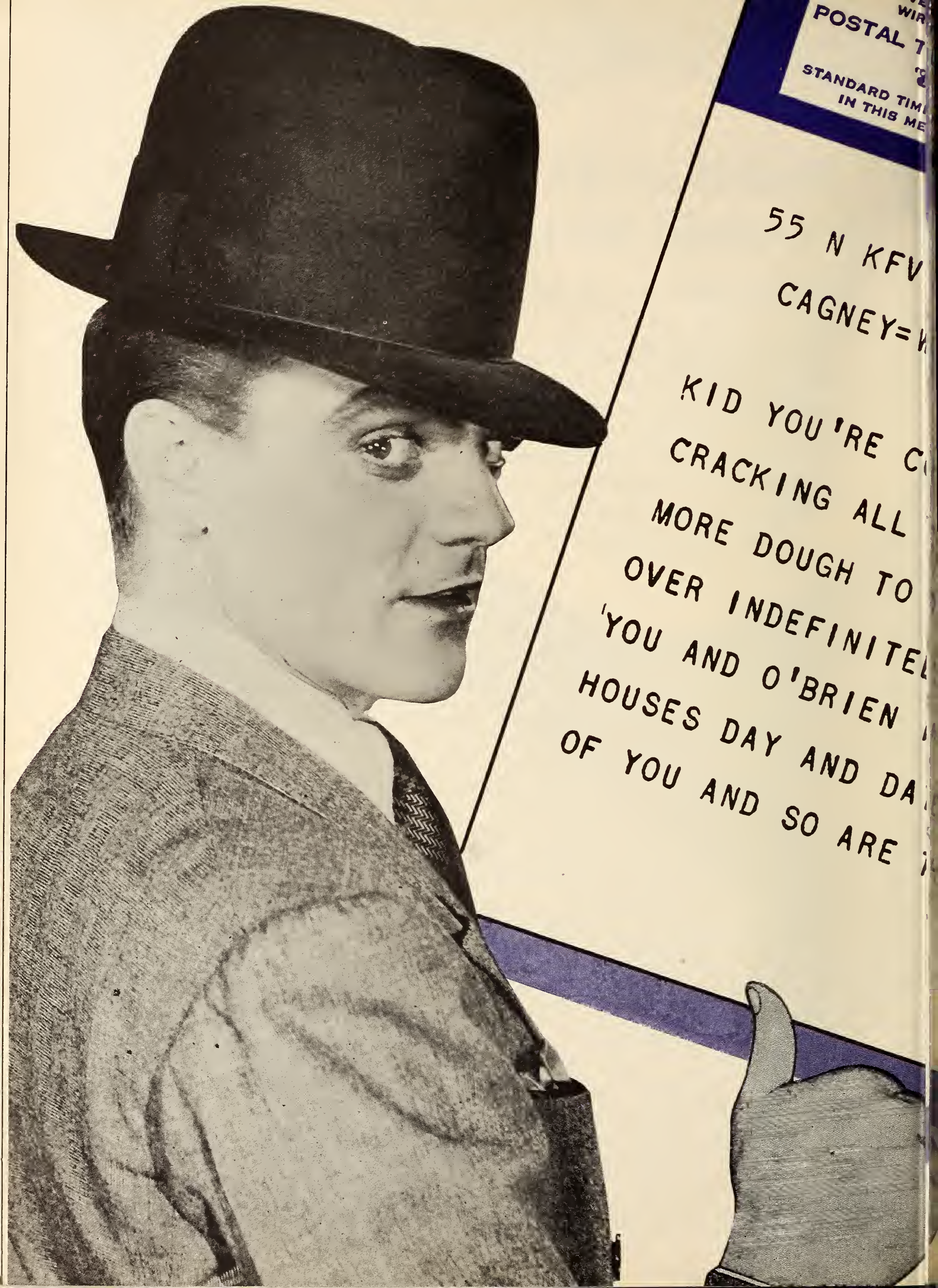
**WARNER**
**BAXTER**
*in*

# HELL in the HEAVENS

*with*
Conchita
**MONTENEGRO**
**RUSSELL HARDIE**
**Herbert Mundin · Andy Devine**
**William Stelling · Ralph Morgan**

*Produced by* Al Rockett *Directed by* John Blystone
*Screen play by* Byron Morgan and Ted Parsons
*Based on the play "The Ace" by* Herman Rossmann

FOX



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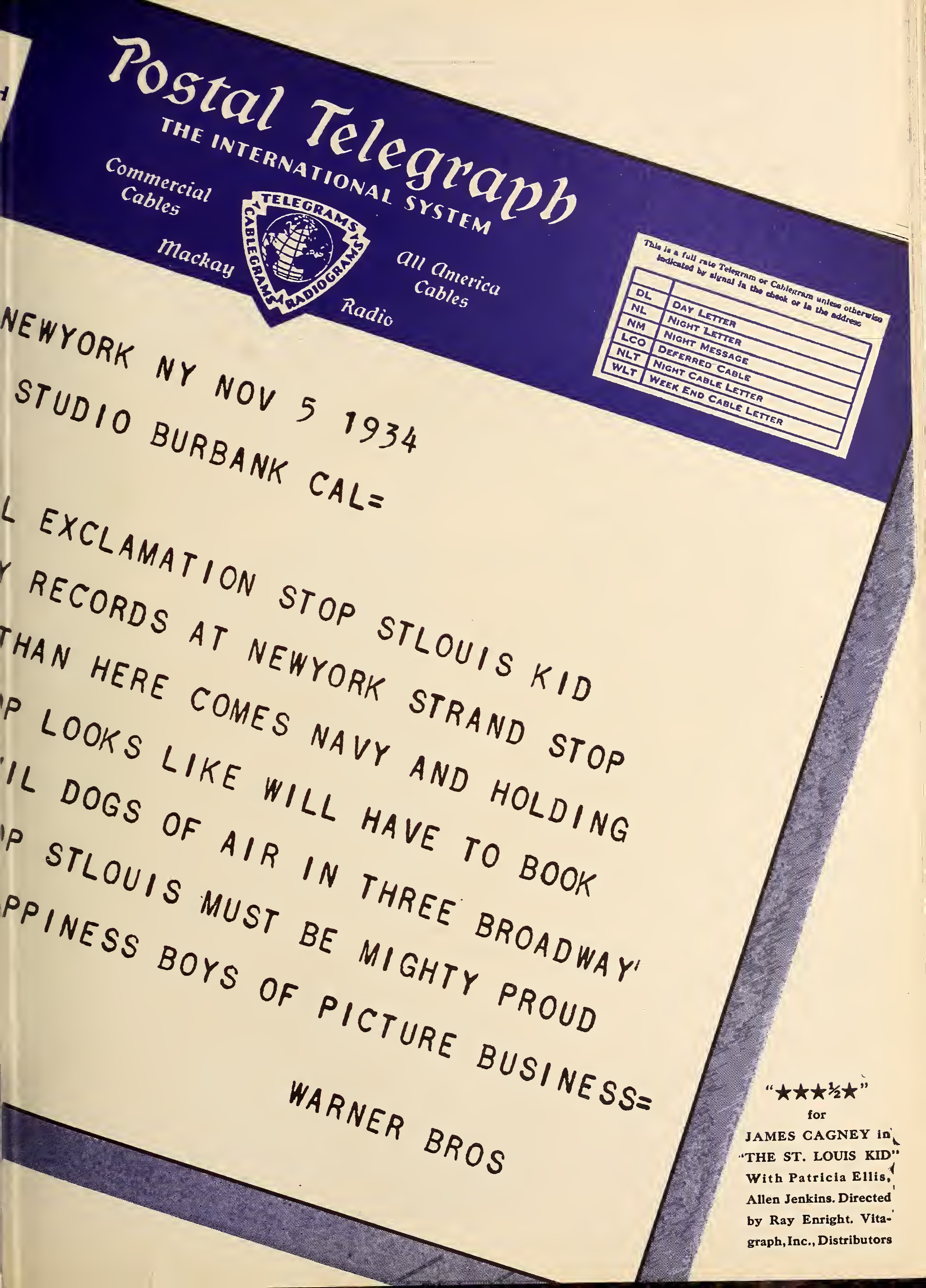

Postal Telegraph
THE INTERNATIONAL SYSTEM

Commercial Cables
TELEGRAMS
CABLEGRAMS
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Mackay Radio
All America Cables

This is a full rate Telegram or Cablegram unless otherwise indicated by signal in the check or in the address

| | |
|---|---|
| DL | DAY LETTER |
| NL | NIGHT LETTER |
| NM | NIGHT MESSAGE |
| LCO | DEFERRED CABLE |
| NLT | NIGHT CABLE LETTER |
| WLT | WEEK END CABLE LETTER |

NEWYORK NY NOV 5 1934
STUDIO BURBANK CAL=

L EXCLAMATION STOP STLOUIS KID
Y RECORDS AT NEWYORK STRAND STOP
THAN HERE COMES NAVY AND HOLDING
P LOOKS LIKE WILL HAVE TO BOOK
IL DOGS OF AIR IN THREE BROADWAY'
P STLOUIS MUST BE MIGHTY PROUD
PPINESS BOYS OF PICTURE BUSINESS=

WARNER BROS

"★★★½★"
for
JAMES CAGNEY in
"THE ST. LOUIS KID"
With Patricia Ellis,
Allen Jenkins. Directed
by Ray Enright. Vitagraph, Inc., Distributors

# U. S. Clearance Seen Hinging On K. C. Case

(Continued from page 1)

assumes its decisive role because it is admittedly the nearest to a finished state, both in its own provisions and in its acceptability to exhibitors and distributors of the territory for which it was drafted, of any that has come out of the months of laborious attempts by the local boards throughout the country. In Kansas City it is virtually unopposed.

For this reason, according to the Campi source, a rejection of the Kansas City schedule by Campi will be equivalent to a rejection of the entire principle of clearance and zoning on a national scale. The objections to the plan itself which may be advanced in the event of its rejection by Campi, are viewed by this official source as devices, the real reasons for the veto being the rejection of the principle of clearance and zoning itself under the code, in favor of individual bargaining for protection.

### Seen as a Subterfuge

The principal objection to the Kansas City schedule, namely, that its provisions for basing availability on admissions charged would require so large an increase in prints that the cost to the distributor would be prohibitive, is rejected in some exhibitor quarters as a subterfuge. It is pointed out that this method of release has prevailed in Kansas City for some time without becoming a burden to distributors; that it prevails in Chicago and that the same situation is created and met without inconvenience in New York when large metropolitan circuits, such as Loew's and RKO, take simultaneous bookings on large numbers of their neighborhood houses.

The print cost objection was raised by M-G-M and Paramount at a recent appeal hearing of the Kansas City plan before a Campi committee. Warners, also, are known to be in opposition. Numerous other objections to the plan are anticipated when it comes before Campi.

Commenting on the objections, Jay Means, president of the I. T. O. at Kansas City, recently stated:

"It looks as if the major distributors are out to sell protection."

Decisive action by Campi on any other schedule, prior to Kansas City's, is held by sources close to Campi to be most unlikely.

## *Some K.C. Houses Defy Premium Ban*

(Continued from page 1)

premiums, and several who voted to abolish the practice have since reversed their opinion.

Premium champions claim the vote abolishing the practice, as conducted by Jay Means, I. T. O. president and grievance board member, was irregular inasmuch as it was by petition signed by those opposed to giveaways. It is contended the procedure should have been a secret ballot of all exhibitors in Greater Kansas City only, and not in the six-county area defined by the clearance board. Several who signed the petition later asked permission to withdraw their names, but the grievance board refused.

# *Looking 'Em Over*

## *"Three Songs About Lenin"*

(*Amkino*)

The distributors of this Russian film describe the technique of Vertov, its director, as a "distinct contribution to the cinema." This commentator, with no desire to be contrary, can hardly agree.

Divided into episodes which its title indicates, "Three Songs About Lenin," propagandizes to the hilt the theories and the practices of the Russian proletarian leader, gives him more closeups than any Hollywood director would dare throw to his star and generally builds a great case for Soviet political axioms.

Like virtually all Russian pictures, the purpose is political. Therefore, this is not entertainment in the accustomed sense. Occasionally, the treatment points a warning finger at Japan's desire for territorial aggrandizement. Usually, its photographic direction is dead-centered on social and economic improvement within the Soviet, aided by closeups of children's smiling faces.

The photography is often rainy and the camera which registered it not always steady on its pins. Most impressive is the sequence wherein the Soviet and its subjects go silent for five minutes in reverence of Lenin's memory. Weird and strange Asiatic music intrigues, but the sum total places this importation leagues behind the routine Hollywood product in point of technical accomplishment.

No code seal. Running time, 65 minutes.

K.

## *"Miracles"*

(*Amkino*)

A silent Russian picture with English titles, "Miracles," a Lenfilm production, is the best of the recent crop from the Soviet to be exhibited in this country.

The propaganda is present in generous quantities, but it is so well worked into the theme that it is not likely to be resented. The picture is gripping entertainment, sincerely, powerfully and graphically unfolded.

There is an ironic note to this story of a fanatically religious father (Vladimir Gardin) who is the instrument of his son's (N. Simonov's) death. The son, the head of a revolutionary group seeking justice for the Russian workers in the days of the Czar, is in the hands of the authorities, wounded. The father prays for a miracle to save the youth. The police, anxious to learn from Simonov the meeting place of the revolutionists, take pains to have his life saved. When they get their information through another source, they order that efforts to save the prisoner cease. The head of the hospital where Simonov is confined defies the order and saves his patient.

The father brings about the death of his son when he unwittingly causes an uprising against the Jews. The mob invades the hospital in the belief it is under Jewish control and shoots down the son when he tries to hold off the invaders. The father turns against the mob, escaping with his life when his son's fellow revolutionists come to his rescue. The film closes with the father calling in vain for a second miracle to bring his son back to life.

As the father Gardin turns in an impressive performance. Simonov brings conviction to the role of his son. The other parts are well performed, especially by T. Gouretskaya and I. Peyov. P. Petrov-Bytov directed. No code seal. Running time, 74 minutes.

## *"The Brand of Hate"*

(*Hollywood*)

Bob Steele ought to make quite a hit with the youngsters in this western. He succeeds remarkably well in winning sympathy for himself in his fight against the villains of the piece. The ingredients are stale, but they have been stirred into such a froth of excitement—that is, as far as the young are concerned—that they offer some good fare for those whose tastes are along this line.

Things start humming when a couple of "no good nohow" relatives force themselves upon William Farnum. They bully him and his two children, one of whom is Lucille Brown, and force the girl to break off her romance with Steele. The youth's father is shot when the scoundrels are surprised cattle-rustling. To further their plans one of the trio tries to force Miss Brown to marry him. It is needless to say Steele comes to the rescue in the nick of time and brings the tough hombres to boot.

Also in the cast are George Hayes and Charles French. The direction is credited to Lew Collins. Supreme Pictures produced.

No code seal. Running time, 60 minutes.

(*Additional reviews on page* 11)

# Expect Patent Case Move in 4 to 6 Weeks

(Continued from page 1)

vacated its order of Oct. 8 and ha announced it will review the case a originally submitted, it is not believe that new briefs will have to be file particularly as the petition filed b Paramount last week covered the onl additional points which were raise The case now being before the cour no additional matter can be injecte

## *Washington Settles Five Pending Cases*

WASHINGTON, Nov. 6.—Five case have been decided by the clearanc and zoning board.

Herbert Zimmerman, operating th Echo, Baltimore, won his protes against 21 days' clearance held b Walter Pacy's Garden. The boar decided 14 days is enough.

The case brought by Joe Fields fo the Rivoli, Baltimore, protesting clearance given first runs operated b Frank H. Durkee, Thomas D. Goldberg, Max Cluster and Charles Nolt was dismissed.

The Bayne-Roland Corp., Virgini Beach, Va., sought a cut in the 30 day held by Norfolk over its Bayne Theatre. The board cut the Norfolk advantage to 21 days.

Thomas E. Ayres, operating th Palace, Seaford, Del., asked that th 14 days' clearance of the Arcade Salisbury, Md., be cut. It was halve to seven days. Lee Insley, operato of the Arcade, was instructed to dat pictures as soon as possible.

Due to the distance from Washington, the case brought by H. T Spraker, operating the Victory, Saltville, Va., against the 14-day clearanc of the Dixie, Glade Springs, operate by Sam Hendricks, was presented b mail and read by Secretary James B Fitzgerald. The case was dismisse after a short discussion in executiv session.

## *M. P. Unit Revamped*

Motion Picture Unit, publisher o *Movie Classic* and *Motion Picture*, has been reorganized. Stanley V. Gibson publisher, remains as president. Those to be associated with the company wil be: Samuel J. Campbell, president an treasurer of Kable News Co., magazine distributors; Warren A. Angel vice-president and general manager o Kable News Co., and A. K. Taylor an executive of the same outfit.

## *List Sonotone Stock*

Listing of 185,250 additional shares of Sonotone Corp. voting common has been approved by the N. Y. Curb Exchange. According to the company 100,000 shares of the $1 par common will be sold for cash, 35,250 will be sold to employes, and 50,000 shares will be held for conversion of 2,000 shares of outstanding preferred stock.

## *Donahue & Coe to Move*

Donahue & Coe, advertising agency, has leased the entire 26th floor of the RKO building, Rockefeller Center, and will move from the Paramount Building about Jan. 1.

# PERFECT STORY
# N 9 WORDS . . .

## *Held over for 2nd Week in World's Largest Theatre*

THAT'S THE FIRST REPORT ON THE FIRST ENGAGEMENT OF

*The*
**SAMUEL GOLDWYN**
*presentation of*

# ANNA STEN
*and*
# FREDRIC MARCH
*in*
# *We Live Again*

*What the Critics said after*
*eeing* **WE LIVE AGAIN**
*at the*
**ADIO CITY MUSIC HALL**

A motion picture masterpiece! Combines
e rare elements of ideal star, story and
irector!" — *N.Y. AMERICAN*

The enchanting Miss Sten triumphs
andsomely!" — *N.Y. TIMES*

Her performance proves that she is
eally the actress her producer has been
roclaiming her!" — *N.Y. HERALD-TRIBUNE*

Now Anna Sten is definitely established
s an outstanding star!"
— *N.Y. EVE. JOURNAL*

Fredric March is splendidly cast!"
— *N.Y. DAILY MIRROR*

A real hit!" — *N.Y. SUN*

A ROUBEN MAMOULIAN PRODUCTION

●

*Released thru*
**UNITED ARTISTS**

# "One Night" 2nd Run Hit, Philadelphia

PHILADELPHIA, Nov. 6.—Outstanding excitement in Philly last week was caused by the second run engagement of "One Night of Love" at the Karlton. After a slow first run start, the picture moved to this 1,000-seater and grossed $8,500, a tremendous figure for the house. It was held a second week.

Another good figure was landed at the Earle with $18,000. Burns and Allen in person boosted the figure. "Lost Lady" was the film.

"What Every Woman Knows" dispointed, despite rave notices with $10,500 at the Boyd. "Happiness Ahead," with $7,500, died at the Stanley, and "Little Friend," with $4,000 at the Locust, came under expectations.

Total receipts down town were $70,200. Average is $70,400.

Estimated takings for the week ending Nov. 1:

"MADAME DU BARRY" (Warners)

ALDINE—(1,200), 40c-55c-65c, 3 days, 2nd week. **Gross:** $2,000. (Average, 6 days, $7,000)

"365 NIGHTS IN HOLLYWOOD" (Fox)

ARCADIA—(600), 25c-40c-50c, 6 days. **Gross:** $1,700. (Average, $2,400)

"WHAT EVERY WOMAN KNOWS" (M-G-M)

BOYD—(2,400), 40c-55c-65c, 6 days. **Gross:** $10,500. (Average, $12,000)

"LOST LADY" (Warners)

EARLE—(2,000), 40c-55c-65c, 6 days. Stage: Burns and Allen, Gold, Raye and Cross; Larry Adler; Bryant, Raines and Young. **Gross:** $18,000. (Average, $12,000)

"CARAVAN" (Fox)

FOX—(3,000), 35c-55c-65c (2nd run, first pop price), 6 days. Stage: "Music Hall Varieties" with Landt Trio and White; Gracelle and Theodore; Paul Draper; Max and His Gang. **Gross:** $13,000. (Average, $12,000)

"ONE NIGHT OF LOVE" (Columbia)

KARLTON—(1,000), 30c-40c-50c, 6 days, 2nd run. **Gross:** $8,500. (Average, $3,500)

"LITTLE FRIEND" (Gaumont-British)

LOCUST—(1,300), 40c-55c-65c, 6 days. **Gross:** $4,000. (Average, $7,000)

"HAPPINESS AHEAD" (Warners)

STANLEY—(3,700), 40c-55c-65c, 6 days. **Gross:** $7,500. (Average, $12,000)

"OUR DAILY BREAD" (U. A.)

STANTON—(1,700), 30c-40c-55c, 6 days. **Gross:** $5,000. (Average, $6,000)

# "Princess," Band, $13,000, Oklahoma

OKLAHOMA CITY, Nov. 6.—A combination of "Kansas City Princess" and Cab Calloway and his band took the big money here last week, $13,000, at the Warner.

"Belle of the Nineties" was also in the hit class with a $5,000 gross, up by $1,000, at the Midwest.

Total first run business was $24,900. Average is $13,500.

Estimated takings for the week ending Nov. 3:

"MRS. WIGGS OF THE CABBAGE PATCH" (Para.)

CRITERION—(1,700), 10c-20c-36c-41c-56c, 7 days. **Gross:** $3,600. (Average, $5,000)

"BELLE OF THE NINETIES" (Para.)

MIDWEST — (1,500), 10c-26c-36c-56c, 7 days. **Gross:** $5,000. (Average, $4,000)

"OUTCAST LADY" (M-G-M)

CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $1,800. (Average, $2.500)

"CARAVAN" (Fox)

LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. **Gross:** $900. (Average week, $2,000)

"LADIES SHOULD LISTEN" (Para.)

LIBERTY—(1,500), 10c-15c-26c-36c, 3 day **Gross:** $600. (Average week, $2,000)

"KANSAS CITY PRINCESS" (Warners)

WARNER—(1,900), 20c-35c-50c-75c, 7 days. Stage: Cab Calloway and show. **Gross:** $13,000.

# "Happiness," 'Herbert' Top Minneapolis

MINNEAPOLIS, Nov. 6.—"Happiness Ahead" and "Big Hearted Herbert" tied for top grosses here with $6,000 each, the former playing at the Orpheum and the latter at the State. The take was $500 over normal in each instance.

In St. Paul "The Gay Divorcee" with a strong $4,700 at the Orpheum and "The Count of Monte Cristo" with $4,000 at the Riviera were top attractions.

Total first run business in Minneapolis was $23,000. Average is $21,000. Total St. Paul business was $19,000. Average is $16,000.

Estimated takings:

*Minneapolis:*

*Week Ending Nov. 1:*

"MADAME DU BARRY" (Warners)

CENTURY — (1,000), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

"OUR DAILY BREAD" (U.A.)

LYRIC—(1,000), 20c-25c, 7 days. **Gross:** $2,000. (Average, $1,500)

*Week Ending Nov. 2:*

"HAPPINESS AHEAD" (F.N.)

ORPHEUM — (2,900), 25c-50c, 7 days. **Gross:** $6,000. (Average, $5,500)

"BIG HEARTED HERBERT" (Warners)

STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

"A GIRL OF THE LIMBERLOST" (Monogram)

TIME—(300), 25c-35c, 7 days, 3rd week. **Gross:** $2,500. (Average, $2,500)

"THE BRIDE OF THE LAKE" (Amer-Anglo)

WORLD—(400), 25c-75c, 7 days. **Gross:** $2,500. (Average, $2,500)

*St. Paul:*

*Week Ending Nov. 1:*

"CLEOPATRA" (Para.)

PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,500. (Average, $5,500)

"THE COUNT OF MONTE CRISTO" (U. A.)

RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3.500)

"THE GAY DIVORCEE" (Radio)

ORPHEUM — (2,000), 25c-40c, 7 days. **Gross:** $4,700. (Average, $4,000)

"OUR DAILY BREAD" (U.A.)

TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,800. (Average, $1,500)

"THE BRIDE OF THE LAKE" (Amer-Englo)

WORLD—(300), 25c-75c, 7 days. "Dawn to Dawn." **Gross:** $2,000. (Average, $2,000)

# "Servants" $9,000 Smash in Portland

PORTLAND, Nov. 6.—Big money here went to "Servants' Entrance," which took $9,000, and went over the line by upwards of $4,000 at the Paramount, with the help of a stage show.

Total first run business was $26,500. Average is $20,000.

Estimated takings for the week ending Oct. 27:

"WAKE UP AND DREAM" (Univ.)
"DRAGON MURDER CASE" (F. N.)

BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $4,500. (Average, $5,000)

"BULLDOG DRUMMOND STRIKES BACK" (U. A.)

ORIENTAL—(2,040), 25c, 7 days. **Gross:** $2,000. (Average, $2,000)

"GAY DIVORCEE" (Radio)

HAMRICK'S ORPHEUM—(1,700), 25c-35c-40c, 7 days. Stage show. **Gross:** $6,000. (Average, $3.000)

"SERVANTS' ENTRANCE (Fox)

PARAMOUNT — (3,008), 25c-35c-40c, 7 days. Stage show. **Gross:** $9,000. (Average, $5,000)

"WHAT EVERY WOMAN KNOWS" (M-G-M)

UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

### *And So It Goes*

**Kansas City, Nov. 6.—S. Bernard Joffee, who manages the Tower, downtown first run, and the next-door Downtown, 10-cent grind house, has an interesting personal reaction to Kansas City's new clearance schedule.**

**"As far as the Tower is concerned, I don't think the first runs are getting adequate clearance over 10-cent houses," he said. "But with respect to the Downtown, I think the clearance over 10-cent houses is excessive."**

# "Happiness," Show, Garner $35,500, Hub

BOSTON, Nov. 6.—Grosses held up fairly well for the week with Metropolitan hitting a new high for several months with "Happiness Ahead" coupled with the personal appearance of Bebe Daniels and Ben Lyon in a revue, "Star Time." It hit $35,500 which is just $7,500 above average.

"The Gay Divorcee" in its third week at the Keith Memorial equalled its average with $500 to spare. This is the second successive film which has run three weeks at Keith's, the other being "Count of Monte Cristo."

Loew's State put on a double feature program and grossed $1,500 above par, which made 50 per cent of the first runs in the double feature column for the week, but Loew's State returns to a single feature next week.

Total first run business was $107,500. Average is $94,000.

Estimated takings for the week ending Nov. 1:

"GIFT OF GAB" (Univ.)

BOSTON—(2,900), 25c-50c, 7 days. Vaude. **Gross:** $17,500. (Average, $16,000)

"CARAVAN" (Fox)
"SIX-DAY BIKE RIDER" (F.N.)

FENWAY—(1,800), 30c-50c, 7 days. **Gross:** $10,500. (Average, $9,000)

"THE GAY DIVORCEE" (Radio) (Third Week)

KEITH'S—(3,500), 25c-65c, 7 days. 3rd week. **Gross:** $16,500. (Average, $16,000)

"TRANSATLANTIC MERRY-GO-ROUND" (U.A.)
"GIRL IN DANGER" (Col.)

LOEW'S STATE—(3,700), 35c-50c, 7 days. **Gross:** $17,500. (Average, $16,000)

"HAPPINESS AHEAD" (F.N.)

METROPOLITAN — (4,350), 30c-65c, 7 days. Stage: Bebe Daniels and Ben Lyon. **Gross:** $35,000. (Average, 28,000)

"CARAVAN" (Fox)
"SIX-DAY BIKE RIDER" (F.N.)

PARAMOUNT—(1,800), 30c-50c, 7 days. **Gross:** $10,000. (Average, $9,000)

# "Lady by Choice" Leads Providence

PROVIDENCE, Nov. 6. — Another smashing week brought smiles to exhibitors with every house exceeding par except Loew's State. With rallies on every street corner and millions being poured into the pari-mutuel handle at Narragansett, this excellent showing is taken as an indication of good things to come.

The biggest take was garnered by the RKO Albee which caught $10,200 with "Lady by Choice," and a stage show, "Carnival Capers." Fay's came

(*Continued on page* 11)

# "Divorcee" Is First to Hold 3rd Loop Week

CHICAGO, Nov. 6.—After breaking attendance records the first week at the Palace "The Gay Divorcee" pulled $24,500 for the second week, and thereby established a precedent by being held for a third week.

"One Night of Love" took a hot $40,000 for the second week at the Chicago, and "Cleopatra" gave the Roosevelt a fine $18,000. "Six-Day Bike Rider" was good at $6,000 in the Garrick.

Total first run business was $134,000. Average is $119,600.

Estimated takings:

*Week Ending Oct. 30:*

"CLEOPATRA" (Para.)

ROOSEVELT—(1,591), 25c-35c-50c, 7 days **Gross:** $18,000. (Average, $11,000)

*Week Ending Nov. 1:*

"SIX-DAY BIKE RIDER" (F.N.)

GARRICK—(900), 25c-35c-40c, 7 days **Gross:** $6,000. (Average, $5,000)

"ONE NIGHT OF LOVE" (Col.)

CHICAGO—(4,000), 25c-35c-68c, 2nd week 7 days. B. & K. stage production with Diamond Brothers, Dick & Edith Barstow Evans Girls. **Gross:** $40,000. (Average $34,600)

"HAVE A HEART" (M-G-M)

ORIENTAL—(3,940), 25c-40c, 7 days Blanche Galloway revue, Helen Kane, Ted Cook & acts. **Gross:** $18,000. (Average $15,000)

"THE GAY DIVORCEE" (Radio)

PALACE—(2,509), 25c-35c-50c, 2nd week 7 days. Salici Varieties, Ben Blue, Funny Boners, Mann, Robinson & Morton. **Gross** $24,500. (Average, $22,000)

"BARRETTS OF WIMPOLE STREET" (M-G-M)

UNITED ARTISTS—(1,700), 30c-40c-60c 3rd week, 7 days. **Gross:** $13,000. (Average, $17,000)

"OUTCAST LADY" (M-G-M)

APOLLO—(1,400), 25c-35c-50c, 7 days **Gross:** $12,000. (Average, $12,000)

"I'LL FIX IT" (Col.)

STATE-LAKE — (2,776), 20c-25c-35c, days. Jean Calloway revue, Rodions & Girls, other acts. **Gross:** $15,000. (Average $15,000)

# "Gift of Gab" on Dual Buffalo Top

BUFFALO, Nov. 6.—"Gift of Gab" and "Name the Woman," which was accepted by audiences as hilarious comedy, although intended seriously gave the Lafayette $8,100, or $1,600 over normal for its fourth anniversary week. All other first run houses were down, despite an epidemic of double features. First snow of the season fell during the week.

Total take was $41,000. Average is $42,800.

Estimated takings for the week ending Nov. 2:

"WHAT EVERY WOMAN KNOWS" (M-G-M)

BUFFALO—(3,500), 30c-55c, 7 days Stage: Lillian Roth; Moore & Revel; Vai & Stewart; Ritter Troupe. **Gross:** $13,400 (Average, $14,300)

"THE MAN WITH TWO FACES" (F. N.)
"LADIES SHOULD LISTEN" (Para.)

CENTURY—(3,000), 25c, 7 days. **Gross** $6,000. (Average, $6,000)

"SIX-DAY BIKE RIDER" (F. N.)
"OUTCAST LADY" (M-G-M)

GREAT LAKES—(3,000), 25c-40c, 7 days **Gross:** $6,800. (Average, $8,000)

"THE AGE OF INNOCENCE" (Radio)
"BIG-HEARTED HERBERT" (Warners)

HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $6,700. (Average, $8,000)

"GIFT OF GAB" (Univ.)
"NAME THE WOMAN" (Col.)

LAFAYETTE—(3,300), 25c, 7 days. **Gross** $8,100. (Average, $6,500)

# 'Cleopatra" Seattle Hit, Gets $10,200

Seattle, Nov. 6.—"Cleopatra" was n outstanding money-maker at the ifth Avenue last week. It piled up 0,200, over par by $3,200, in a nine-ay run.

"Girl of the Limberlost" was well n the profit side of the line with a ,300 take at the Orpheum. "The Gay ivorcee," which took $4,200 at the lue Mouse, and "Mrs. Wiggs of the abbage Patch," which grabbed $6,100 the Paramount, also were in the oney.

Total first run business was $40,300. verage is $36,500.

Estimated takings for the week end-g Nov. 2:

**"GAY DIVORCEE" (Radio)**
BLUE MOUSE—(950), 25c-40c-55c, 7 days. Extended run from Music Hall.) **Gross:** ,200. (Average, $4,000)

**"CLEOPATRA" (Para.)**
FIFTH AVENUE—(2,450), 25c-40c-55c, 9 ays. **Gross:** $10,200. (Average, 7 days, ,000)

**"THE LADY IS WILLING" (Col.)**
**RANDY RIDES ALONE" (Monogram)**
LIBERTY—(1,800), 10c-15c-25c, 7 days. **ross:** $3,450. (Average, $4,000)

**"YOUNG AND BEAUTIFUL" (Mascot)**
**"SIDE STREETS" (F. N.)**
MUSIC BOX—(950), 25c-35c-50c, 7 days. **ross:** $3,200. Average, $3,500)

**"RICHEST GIRL IN THE WORLD" (Radio)**
MUSIC HALL—(2,275), 25c-40c-55c, 7 ays. **Gross:** $5,900. (Average, $6,500)

**GIRL OF THE LIMBERLOST" (Mono.)**
ORPHEUM—(2,500), 25c-35c, 7 days. audeville headed by Leary & Craven. **ross:** $7,300. (Average, $5,500)

**"MRS. WIGGS OF THE CABBAGE PATCH" (Para.)**
PARAMOUNT—(3,050), 25c-35c, 7 days. uss Ferris' "Broadway Vanities" revue on tage. **Gross:** $6,100. (Average, $6,000)

# "Lady by Choice" Leads Providence

(*Continued from page* 10)

through with $8,400, booking "Night Alarm" and "Dancing Honeymoon," the latter a revue. The average take for both of these houses is $7,000. The Strand caught $7,400 with a combo bill, "Ready for Love" and "Menace," and the Majestic, with "Six-Day Bicycle Race" and "Big Hearted Herbert," was strong at $7,200. Loew's slipped to $9,000 with "Transatlantic Merry-Go-Round" and "Against the Law," although the well-balanced bill seemed to please.

First run business was $43,400. Average is $40,500.

Estimated takings for the week ending Nov. 1:

**"READY FOR LOVE" (Para.)**
**"MENACE" (Para.)**
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $7,400. (Average, $6,500)

**"LADY BY CHOICE" (Col.)**
RKO ALBEE—(2,300), 15c-40c, 7 days. "Carnival Capers," revue, on stage. **Gross:** $10,200. (Average, $7,000)

**"TRANSATLANTIC MERRY-GO-ROUND" (M-G-M)**
**"AGAINST THE LAW" (Col.)**
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $9,000. (Average, $12,000)

**"NIGHT ALARM" (American)**
FAY'S—(1,600), 15c-40c, 7 days. Stage: "Dancing Honeymoon" revue. **Gross:** $8,400. (Average, $7,000)

**"SIX-DAY BICYCLE RACE" (Warners)**
**"BIG HEARTED HERBERT" (Warners)**
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $7,200. (Average, $7,000)

**"GAY DIVORCEE" (Radio)**
**"BEGGAR'S HOLIDAY" (Monogram)**
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,200. (Average, $1,000)

# *"U" May Not Produce Abroad-Laemmle, Jr.*

(*Continued from page* 1)

here he will look over plays and take in a number of shows.

Speaking of coast production, Universal's production head declared extensive preparations are being made for "Show Boat," "The Great Zeigfeld," "Return of Frankenstein," "Night Life of the Gods" and others. "Imitation of Life" has just been completed and should be in from Hollywood any day, he said.

Asked if he had signed anyone before he left the coast, he said he couldn't think that far back. His 17-day trip on the water has been a great rest and he didn't want to think of business, he added.

Accompanying him were Harry Zehner, his assistant; Polan Banks, author; and Archie Gottler, song writer. Meeting the party at the boat were David Werner, Charles Ford, Joe Weil, Sam Sedron and Paul Gulick.

## *Yes and No*

**Carl Laemmle, Jr., said upon his arrival from the coast yesterday that he would not spoil his 17-day vacation by getting down to business last night.**

**In the next breath he asked a Universalite meeting him for his mail.**

# *Meyer Will Advise On Theatre Angles*

Hollywood, Nov. 6.—Fred S. Meyer, president of the M. P. T. O. of Wisconsin, who becomes special assistant to Carl Laemmle, Sr., shortly, will advise the Universal president on production from an exhibitor angle. He succeeds Joe Weil, who has been returned to exploitation in the company's New York office.

Meyer has been an exhibitor for many years and latterly has operated the Alhambra, Milwaukee, under a sub-lease from Universal.

Milwaukee, Nov. 6.—Fred S. Meyer will be guest at a farewell party tomorrow night at the Hotel Pfister to be given by the M. P. T. O. unit. Mrs. Meyer will accompany her husband to the coast. A son, Stanley, is now manager of the Fox Oriental here. A daughter, Delphine, is studying in the University of Southern California.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"I Am a Thief"*

(*Warners*)

Hollywood, Nov. 6.—Combining murder, mystery and melodrama with jewel thievery and the jolly intrigue that surrounds the stealing and protection of diamonds of fabulous price, Robert Florey has directed a smart, interesting film from a corking screen play by Doris Malloy and Ralph Block.

While not pretentious or startling, the film commands attention by its curiosity-arousing suspense, enhanced by limiting the players to the length and breadth of a speeding express train going from Paris to Istanbul.

Two forces, the audience guessing which is which, combat each other as Ricardo Cortez, Dudley Digges, Ferdinand Gottschalk and Frank Reicher, jewel thieves, pit their wits against Mary Astor, Irving Pichel and Hobart Cavanaugh, secret service and insurance agents. Robert Barratt's gang, jewel hijackers, conflicts with the other thieves and the detectives. A romance between Cortez and Miss Astor weaves in and out of the yarn.

The climax is a neat unity of thrill, gunplay and suspense snapping into a quick denouement.

Production values are okay, with Sid Hickox's photography the same.

Admitting of exploitation, the film is a nice program picture, with better expectancy from subsequent runs.

Code seal No. 358. Running time, 60 minutes.

## *"The Bride and the Best Man"*

(*M-G-M*)

Hollywood, Nov. 6.—Here is a weak story dressed up with rowdy clean comedy and good performances. The yarn deals with Carole Lombard, a gold digger who takes gangster big shots, Nat Pendleton, Sam Hardy and Leo Carillo, for plenty of what it takes to buy pretty things, finally to be reformed by bodyguard Chester Morris, who turns honest and offers love in a cottage.

The cast all troupe in a grand manner. Zasu Pitts provokes hearty laughs. The dialogue is alternately scintilating and dull. Jack Conway's direction wrings the most from the situations, such as they are. Photography by Ray June is good.

The picture is one of Leo's fairly entertaining ones. No code seal. Running time, 75 minutes.

*"365 Nights in Hollywood," the new picture at the Mayfair, was covered by wire from Hollywood on Sept. 29.*

# "One Night" Denver Draw In 2nd Run

Denver, Nov. 6.—"One Night of Love" came back for a second run at the Aladdin and was the only above-par attraction in town. It took $3,000.

"Happiness Ahead" and "Peck's Bad Boy" were good for $6,000 each at the Denver and Orpheum, respectively.

Total first run business was $20,000. Average is $20,500.

Estimated takings for the week ending Nov. 1.

**"ONE NIGHT OF LOVE" (Col.)**
ALADDIN—(1,500), 25c-35c-50c, 2nd run, 7 days. **Gross:** $3,000. (Average, $2,500)

**"WAGON WHEELS" (Para.)**
DENHAM—(1,500), 25c-35c-50c, 7 days, with musical prologue. **Gross:** $3,500. (Average, $4,000)

**"HAPPINESS AHEAD" (F. N.)**
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $6,000. (Average, $6,000)

**"PECK'S BAD BOY" (Fox)**
ORPHEUM—(2,600), 25c-35c-50c, 7 days. **Gross:** $6,000. (Average, $6,000)

**"SIDE STREETS" (F. N.)**
PARAMOUNT — (2,000), 25c-35c-50c, 3 days. **Gross:** $500.

**"FRIENDS OF MR. SWEENEY" (Warners)**
PARAMOUNT — (2,000), 25c-35c-50c, 4 days. **Gross:** $1,000. (Average for week, $2,000)

# *Sees No Pathe Help Without Refinancing*

(*Continued from page* 1)

today by A. B. Poole, vice-president of the company, who leaves for the east Saturday, after a 10-day visit on the coast, where he has established an office to represent Pathe interests at the RKO Pathe studio, with John Jasper in charge.

Anticipating an early decision from the courts in this matter, Pathe is seeking to enlarge its eastern laboratory production and is reviewing many propositions submitted by the higher class of independent producers, Poole asserted. He added that should these deals go through and necessitate establishment of a laboratory here or association with one of the independent laboratories for local rush work, this will be done.

Further indication that Pathe is in the field for more Hollywood business is said to be that Stuart Webb, head of the company, plans to alternate with Poole in making quarterly visits to the coast.

## *Give Party for Stahl*

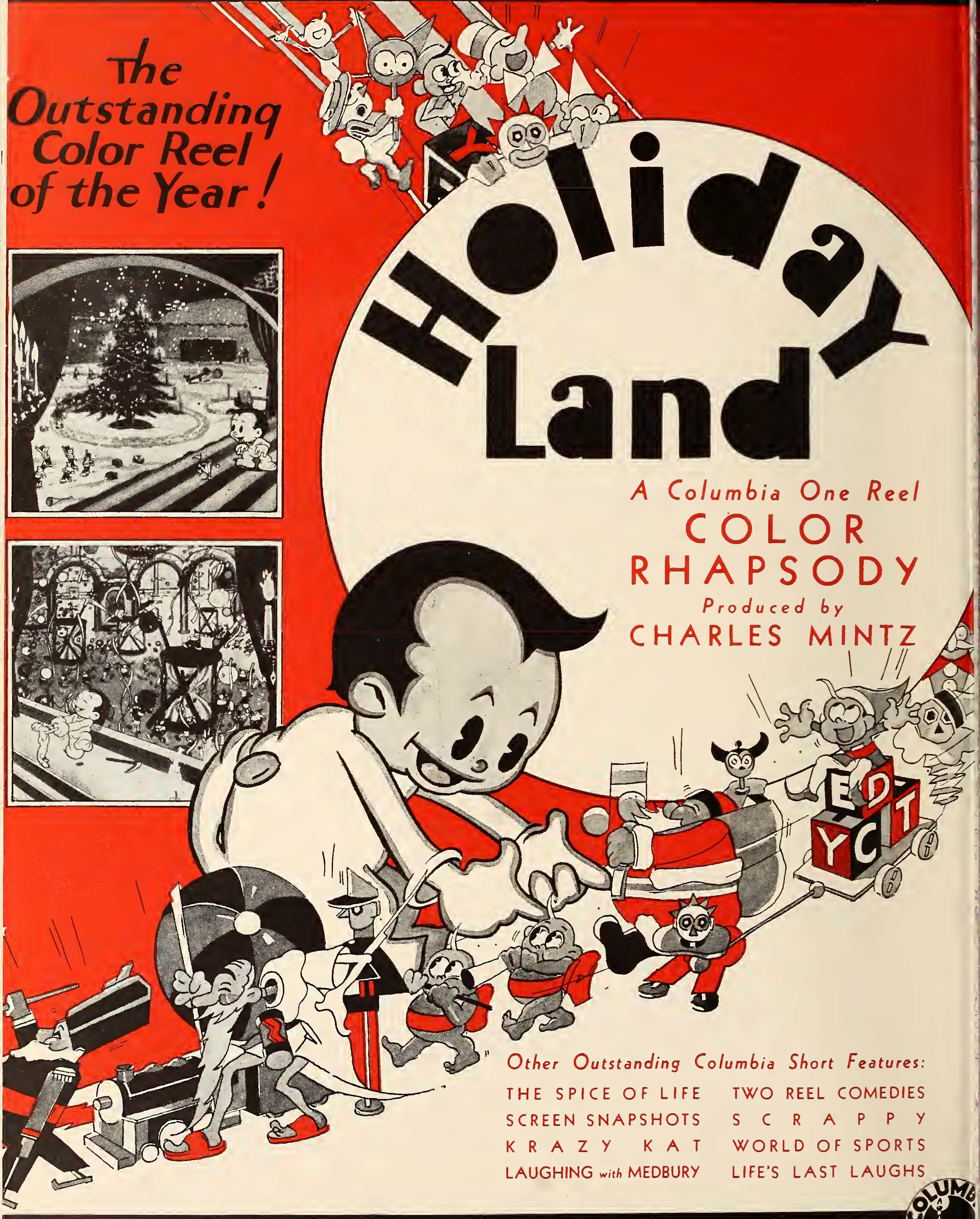
Hackensack, Nov. 6.—Managers of the Skouras theatres in Jersey turned out for a "Blessed Event Party" for Maurice Stahl, division manager, and Mrs. Stahl, at Ben Marden's Riviera the other night. Guests also included George Skouras, Larry Kent, Harry Buxbaum, Joe Lee, William Sussman. Managers of all Jersey Skouras theatres were there.

## *Flash Review*

*The Blue Danube*—A slight but pleasing production, charming in its musical content and photographic accomplishment. . . .

*This film will be reviewed in full in a later issue of* Motion Picture Daily.

# A THANKSGIVING TREAT FOR EVERY THEATRE IN THE COUNTRY



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)L. 36. NO. 110 NEW YORK, THURSDAY, NOVEMBER 8, 1934 TEN CENTS

## )bstacles to New Plan for Para. Fading

### )ivisions Over Stock Transfers Remain

With agreements expected to be ached today or tomorrow on Allied wners' $23,000,000 claim and that of rpi for $1,800,000, virtually all seris obstacles to completion of the uhn, Loeb & Co. plan of reorganition for Paramount Publix will be emoved, an authoritative source ated yesterday.

Regarded as virtually the only comexities of a time-consuming nature ow in existence are certain internal ojections to provisions for stock ansfers which, it is said, have relted in a minor division within the incipal stockholders' group, the comittee of which Duncan A. Holmes chairman and which represents

(Continued on page 4)

## Expect Early Deal With E. V. Richards

Possibilities of an agreement being ached within the next few days on e provisions for E. V. Richards' rticipation in the reorganized Saenr Theatres company were voiced esterday by those close to the negoations.

Richards is remaining here for the al conferences which may occur toorrow or Saturday. Karl Hobzelle, Paramount operating partner Interstate Circuit, Texas, is acting intermediary between Richards and

(Continued on page 4)

## Roxy, Rialto May Be Fox Outlet on B'way

Fox will look to the Roxy and ialto as its new outlet for pictures ot playing the Music Hall, following ancellation of a contract with the layfair.

Two pictures, "Gambling" and Hell and High Heaven," have been ffered the two Broadway houses and is likely the former film will go to the Rialto.

No deals are set. If, and when, a

(Continued on page 6)

## Farnol Resigns His Post with Goldwyn

Lynn Farnol, for seven years genal publicity representative for amuel Goldwyn, has resigned his ost, effective early in December, to nter the general advertising field. The

(Continued on page 6)

### No Plan Yet

Warners stated yesterday no decision had been reached as to whether or not the classification of film idea will be extended beyond the Philadelphia theatre zone. The letter "A" indicates pictures held suitable for adults and "F," for the family.

"We haven't learned enough about it," explained a Warner theatre executive yesterday, "but we should have all the information we require shortly."

## Fox Midwest Uses Plan of Rating Films

Kansas City, Nov. 7.—The Warner circuit idea of segregating pictures for adult and family audiences and designating them as such has a forerunner in a similar plan launched last August by Fox Midwest for its theatres in Kansas, Missouri, Illinois and Iowa.

The Fox Midwest classification plan became effective with the state of the new releasing season, and already

(Continued on page 6)

# SEEK CLEARANCE SHOWDOWN TODAY

### Campi Indies Say They Cannot Fathom Delay By Distributors

Contending distributors are "procrastinating and deliberately stalling" on clearance and zoning, independent forces are expected to ask for a showdown at today's meeting of Campi.

Certain members of Campi cannot understand distributors' attitude on delay in view of the fact that Code Authority some time ago adopted 12 basic principles for setting up schedules, one of them having admission prices as a keystone on clearances.

At all appeal hearings following adoption of the principles, distributors have raised objections to clearances based on admissions. In the Detroit and Kansas City instances, exhibitors attending hearings from these territories stated similar plans have been in force for the past five years without protests. In the case of Kansas City, exchange men in that zone were

(Continued on page 4)

## Court Fight Looms On K.C. Premiums

Kansas City, Nov. 7.—Premium proponents here have laid plans to go to the Federal courts to test the constitutionality of the ban on the practice if the local grievance board finds against two exhibitors charged with violation of the restriction. A group of independents have organized to fight the ban. They are raising funds and have hired counsel. The manner in which Leonard Ulmann, attorney for the premium users, conducted the defense at the grievance hearing this afternoon is seen as an

(Continued on page 6)

## Allied Law Moves Ready, Samuelson

Allied is now ready to go ahead with its three-point legislative program, Sidney Samuelson, president, stated yesterday. The national independent organization is seeking to remove the music tax imposed by

(Continued on page 8)

## Sinclair Threatens Drive for EPIC Plan

San Francisco, Nov. 7.—A threat to set underway a new drive to make his EPIC plan a reality was hurled today by Upton Sinclair as he contemplated his defeat in his race for the governorshop of California on the Democratic ticket. Incomplete returns placed acting Gov. Frank F. Merriam, Republican, some 200,000 votes ahead of his Democratic opponent.

Characterizing the results of the balloting as a "brief victory" for the

(Continued on page 8)

## Gaumont Has 90% of U. S. Territory Set

With 90 per cent of the country set as far as sales force is concerned, Gaumont British expects to line up the remaining 10 per cent within the next two weeks, Arthur Lee, general manager, stated yesterday.

George Weeks, general sales manager, was in Dallas yesterday and left last night for Los Angeles where he

(Continued on page 4)

## Report Fox Ready to Make 12 in Britain

London, Nov. 7.—Fox is reported set to produce 12 pictures in England. The company is understood looking for studio space and may use the Gaumont British facilities.

## "G" for General "A" for Adults

**Because it believes classification of films is on the way along more general lines than now prevails,**

**Because, despite the attitude of some that every picture is an attraction for all audiences, it obviously is not,**

**Because many of the difficulties, originating from outside sources, may be traced to a paucity of information furnished as to a particular picture's entertainment appeal,**

**Because classification places greater responsibility on the shoulders of parents, where it properly should rest,**

**Because many sage and sound observers, who also happen to be film men, lean on the arrangement as one which must officially come, sooner or later,**

***Motion Picture Daily*, from this point on, will designate feature reviews—"G" for general entertainment and "A" for adult entertainment.**

**The designation, it is pointed out, will not be applied rigidly. Neither will it aim to be conclusive. Rather, it will furnish theatre operators with an additional item of valuable information.**

**KANN**

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DAILY
(Registered U. S. Patent Office)

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### Wolf Named Head of Variety Club No. 10

Indianapolis, Nov. 7.—Mark Wolf, general manager for the Young Theatres in Indiana, has been elected president of Variety Club Tent No. 10. Floyd Brown, Universal manager, is first vice-president; Kenneth Collins, Apollo Theatre manager, second vice-president; Carl Niesse, Central City Amusement Co., manager, treasurer, and A. C. Zaring, Zaring Theatre, secretary.

Joe Cantor of United Artists is the retiring president.

### Grace Moore Ends Tour

Omaha, Nov. 7.—After singing here with a temperature of 101 against the advice of a physician, Grace Moore canceled her tour. She boarded a train for Milwaukee. Helen Jepsen, radio soprano, will take her place.

### Control in New House

The Control Corp. of America has been contracted by Charles Segall to install complete air conditioning, cooling, heating and ventilating systems in the new Bromley Theatre, Philadelphia, now under construction.

### Ampa Meet Today Closed

The Ampa meeting today will be a closed one. The purpose is to put to a vote the admittance of women in the industry as associate members.

## British Films Cut Down American Takes—Lesser

British producers are making more pictures, spending more money for production and are reaching for an international market, Sol Lesser, independent producer, stated yesterday on his return from a five weeks' trip to England and France on the *Rex*. He said that English films are taking 25 per cent from American companies because of their increased business.

Theatres are cleaning up in England, Lesser said, and doing a terrific business. While in England, Lesser spent five days in shooting exteriors on "Cowboy Millionaire." He leaves for the coast Sunday.

Eddie Cline, director, who accompanied Lesser, also asserted business in England was good and all studios are humming at top speed. He said it was difficult to rent a theatre for a trade showing.

"All English studios are full of Americans," he added, and at his visit to some of the plants he met many friends from California. Cline and his wife leave today for Hollywood to complete the George O'Brien picture. O'Brien and his wife are now in Russia and sail from France on the *Paris* on Nov. 14.

Clarence Brown returned on the *Rex* also after a three months' vacation in England, France, Switzerland, Hungary, Italy and Austria. He said he kept away from the picture business as much as possible and added he saw two pictures while in France. He said he was forced to see these. He leaves by plane Nov. 14 for Hollywood to start his new three-year contract.

Tullio Carminati, who appeared in "One Night of Love," was a passenger on the Italian liner. He said he made an Italian film, "The Wedding March," in Rome for Mander Films. He added he had an offer to make one picture for Radio, but hasn't decided whether to accept. It all depends on the story, Carminati stated. He was abroad for six weeks and also attending the opening of "One Night of Love" in London. He will leave for the coast as soon as he decides on the RKO proposition.

Ely Culbertson, who made six bridge shorts for Radio, is back after winning the international bridge match for the Charles Schwab trophy. He said he has a number of ideas in mind for additional shorts and will discuss them with Radio executives with a view to making another series of six featurettes. Culbertson declared his shorts are successful because they are entertaining, in addition to being instructional, and audiences are amused by them.

Katharine Cornell was another passenger. She denied printed reports she would appear in films. Miss Cornell said she has not been offered a contract, and, if she were, she would turn it down. She will have nothing to do with pictures, she declared. Miss Cornell was away three months vacationing in France and Italy and shortly will appear in "Romeo and Juliet," first of her repertoire, which includes "The Barretts of Wimpole Street," "Candida" and "Flowers of the Forest."

### Wolff Sets "Civilized"

Jerome H. Wolff, sales manager for Raspin Productions, Inc., has returned from a tour of St. Louis, Kansas City, Detroit, Philadelphia and Boston where he made arrangements for the distribution of "Are We Civilized?"

### Schenck Sailing Off

London, Nov. 7.—The return of Joseph M. Schenck, president of United Artists, to New York, which was scheduled for this week, has been again postponed. He will probably sail in a week or 10 days.

### "Divorcee" to Music Hall

"The Gay Divorcee" opens at the Music Hall Nov. 15.

### "Herbert" for Mayfair

"Big Hearted Herbert" opens the Mayfair Monday evening.

### Eastman to New High on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 38 | 36¼ | 38 | +1¼ | 800 |
| Consolidated Film Industries | 3½ | 3½ | 3½ | ..... | 100 |
| Consolidated Film Industries, pfd | 15⅞ | 15⅝ | 15⅞ | — ¼ | 1,800 |
| Eastman Kodak | 108⅝ | 107 | 108⅝ | +1¾ | 1,900 |
| Fox Film "A" | 12⅞ | 12¾ | 12⅞ | + ⅛ | 1,200 |
| Loew's, Inc. | 31¾ | 30¾ | 31⅝ | — ½ | 6,700 |
| Loew's, Inc., pfd | 99½ | 98 | 99½ | +1½ | 400 |
| Paramount Publix, cts | 4⅜ | 4⅛ | 4¼ | ..... | 6,000 |
| Pathe Exchange | 1¼ | 1¼ | 1¼ | ..... | 900 |
| Pathe Exchange "A" | 13½ | 12½ | 13½ | ..... | 700 |
| RKO | 2 | 1⅞ | 2 | + ⅛ | 2,300 |
| Warner Bros. | 4¾ | 4⅜ | 4¾ | + ⅛ | 1,600 |

### Trans Lux Rises ¼ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13¼ | 12⅞ | 13¼ | ..... | 500 |
| Trans Lux | 2⅛ | 2 | 2 | + ¼ | 500 |

### G. T. E. Bond Issues Advance

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 6½ | 6½ | 6½ | + ½ | 2 |
| General Theatre Equipment 6s '40, ctf | 6⅜ | 5½ | 6⅜ | + ⅞ | 15 |
| Loew's 6s '41, ww deb rights | 104 | 103¼ | 103¼ | — ¾ | 4 |
| Paramount Broadway 5½s '51 | 40¾ | 40¾ | 40¾ | ..... | 1 |
| Paramount F. L. 6s '47 | 58¼ | 57½ | 57½ | — ¼ | 25 |
| Paramount Publix 5½s '50 | 58¼ | 57½ | 58 | + ¼ | 20 |
| Pathe 7s '37, ww | 98½ | 98½ | 98½ | ..... | 2 |
| Warner Bros. 6s '39, wd | 59 | 58⅞ | 58⅞ | — ⅛ | 9 |

## Purely Personal

JOHN HAY WHITNEY is no known in industry circles as t "flying producer." He has been flyi to the coast for checkups on "Bec Sharp" and back again, making t trips in 48 hours in all.

**Will H. Hays, Ed Kuykenda** and **Sidney Samuelson** lunched at t M. P. Club yesterday, each sitting different tables. **Hays** was with **A thony Muto** and **Kuykendall** w with **Louis Phillips.** **Samuelso** was all by his lonesome.

**Milt Kusell** returned from A bany and Buffalo yesterday. He he special meetings of the sales forces acquaint them with the new thre month sales drive which gets und way Jan. 1.

**Joe Penner,** who gets top billing "College Rhythm," attended the tra showing of the picture at the Ast yesterday morning.

**Louis Nizer** is now head of t M. P. Division of the Commerce a Industry section of the Citize Family Welfare Committee.

**Ursula Parrott's** forthcomi novel, "Goodbye Again," has be bought by Universal.

**Robert Andrews'** "Drum Beat and **Ewing Scott's** "Renegade" ha been acquired by Paramount.

**Nunnally Johnson,** accompani by **Mrs. Johnson,** is in town fro the coast and is at the Warwick.

**Constance Cummings** arrives he in two weeks to star in **Cros Gaige's** play, "Old Loves."

**Robert Flaherty,** G-B directo sails for England tomorrow on t *Aquitania.*

**John McDermott,** screen write arrived in town yesterday for a sho stay.

**Lou Metzger** left for the coast ye terday and will return in a month.

**Joseph Santley** has sold "Murd in a Chinese Theatre" to M-G-M.

**Lynn Farnol** is equipping a ne apartment in East 79th St.

### Rests with Architects

Architects are drawing plans for theatre and office building on the si of the Rialto, 42nd St. and 7th Av Dependent upon their suggestions res decision to proceed. Midtown Tim Square, Inc., is the name of a ne company which has acquired the pro erty from the Gerry Estates. Arth Mayer, present operator of the Rial has a year to go on his present leas

### "Little Men" to Start

Hollywood, Nov. 7.—Mascot's pr duction of Louisa M. Alcott's "Litt Men" will start shooting Friday wi Phil Rosen directing. The cast i cludes Erin O'Brien-Moore, Ral Morgan, Frankie Darro, Cora S Collins, Dickie Moore, Trent Durki Tad Alexander, Margaret Man George Ernst, and Ronni Crosby.

### To Meet on Magazine Ba

Hollywood, Nov. 7.—Publicity d rectors will meet tomorrow to discus banning magazines tying up Broad way's semi-nude chorines with pictur stars.

VICTOR McLAGLEN

HELEN VINSON

*It stood 'em up in*
**ROCHESTER**

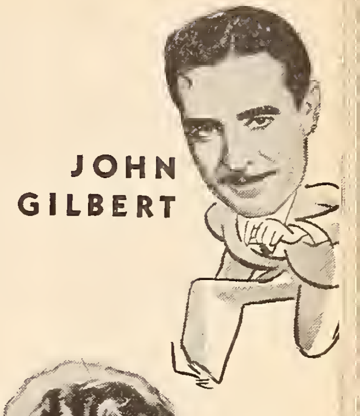
*It was a sensation in*
**CINCINNATI**

*It bowled 'em over in*
**INDIANAPOLIS**

*It was colossal in*
**ST. LOUIS**

*What's the use of being modest?*

**IT'S JUST A HELL OF A SWELL PICTURE!**


JOHN GILBERT

ALISON
SKIPWORT

WALTER CONNOLLY

WALTER
CATLET

TALA BIRELL

# he CAPTAIN HATES the SEA

**A LEWIS MILESTONE PRODUCTION**

*Story and screen play by Wallace Smith*

**Directed by Lewis Milestone**

A COLUMBIA PICTURE

# Showdown on Clearance Is Sought Today

(*Continued from page* 1)

astounded by M-G-M and Paramount objections.

Exhibitors generally agree there is no other way to set clearances other than by admissions. Distributors, however, want to sell protection. Practically all major circuit deals throughout the country are now closed and have special protection clauses in them, it is understood. Whether clearance schedules to be adopted will supersede contract clauses has not yet been determined.

A special effort on the part of some Campi men will be made today to rush through the Kansas City schedule so that it can be put into operation by Dec. 1. A report on the Los Angeles plan will be presented, but indications are it will not be approved today.

A special hearing was held yesterday on the Port Richmond, S. I. and Leonia, N. J., clearance decisions handed down recently by Campi. An application for rehearing will be presented today for action. In both cases, the complainants, although given decisions, are dissatisfied.

### Loew Case Up Again

Loew's Victory against Forum and Fleetwood, a clearance case which has been on and off the Campi calendar for the past few sessions, is again listed for disposition today.

Certain Code Authority members are so riled at the "slow motion" attitude in getting clearance set up that unless something is done today one or two may resign, it was reported last night. The attitude of the complainants is that all the appeal hearings have been a waste of time if Campi cannot expedite matters on national zoning.

Division Administrator Sol A. Rosenblatt is reported displeased with the constant delays and is ready to take action. One report has it he may increase Campi from 10 to 15 with exhibitor representation outnumbering distributors. With the country voting in favor of the "New Deal," Rosenblatt is definitely set to continue in his present post. He has certain changes in mind as far as Campi is concerned, it is stated. Deputy Administrator William P. Farnsworth will substitute for Rosenblatt today as he did at the last session.

## *Maximum Dating Time Asked in K. C.*

KANSAS CITY, Nov. 7.—A resolution asking all exchange managers here to fix maximum clearance as a definite dating period was adopted today at a meeting of the I. T. O.

No objections were expressed to the minimum and maximum clearances with difference of seven days as included in the schedule up for Campi approval tomorrow. Instead a request for a maximum dating period will be made to the exchanges direct. The idea is to prevent preferred dating by favored exhibitors, according to those at the meeting.

# *Surprise Party for Horne Actually Proves Surprise*

*At Hal Horne's surprise party yesterday. Left to right: Monroe Greenthal, Hal Horne, Mrs. Horne, A. J. Kohler, Sally Blane and Abe Lehr.*

Hal Horne, arch conspirator in the matter of arranging surprise parties, found himself on the receiving end yesterday and liked it.

It seemed that Lea Sachs, who yesterday became Mrs. Horne, had proven herself a woman of great resolve and, in the last few years, had turned down Horne's offer of marriage with great regularity. The detail of what happened latterly is not clear, but what is clear is that Hal won out eventually and the couple married at City Hall yesterday. That's the why of the surprise party.

About 160 turned up at Leon and Eddie's. There were press agents of other companies, trade and daily newspaper men and virtually the entire array of United Artists executives. Hal arrived first, had a date to meet the bride, drank no drinks because he had promised not to and held his breath until Mrs. Horne arrived.

Jack Benny was among those who took advantage of the situation and not only kissed the bride, but the groom as well. He was not misunderstood. Harry Brand, publicity man at the U. A. studio, wired a suggestion that Hal first ascertain whether Lea Sachs was of the 5th Ave. Saks or Goldman, Sachs and, if the latter, for Horne to wait until Eddie Cantor wins his suit.

Monroe Greenthal was master of ceremonies. He was busy and so were the photographers. Al Lichtman described the nuptials not as a "wedding, but as a reconciliation." Horne thought that was funny, but his smile at the crack wasn't all that it might have been.

Kay Kamen, distributor of the Mickey Mouse accessories, wired an offer of $15 for Hal's address book, but the party broke up without any deal. There were some around who thought that this augured badly for the future.

Nobody paid much attention to the speeches, but Paul Benjamin, representing the Ampas, delivered his speech in the form of a present: a traveling bag.

On the dais were Dennis F. O'Brien, William P. Phillips, Harry D. Buckley, Joe Moskowitz, Harry Goetz, Al Lichtman, Monroe Greenthal, A. J. Kobler, James Mulvey, Abe Lehr and Fred Kohlmar.

Horne and Mrs. Horne shook off the well wishers in plenty of time to make the Century, coast-bound, where he will confer with Darryl F. Zanuck on exploitation plans for "The Mighty Barnum."

## *Reingold Back on Job*

ST. LOUIS, Nov. 7.—B. B. Reingold, local manager for Fox, who had been ill for several weeks with a mild attack of pneumonia, has returned to his desk. He has not yet recovered his full strength, but is expected to be hitting on all 12 cylinders at an early date.

## *Indianapolis Ohio Open*

INDIANAPOLIS, Nov. 7.—The Ohio theatre has opened here with a double feature. George Settos, who formerly operated a circuit in Ohio, leased the house from D. A. Coulter.

## *Move Dickinson Booking*

KANSAS CITY, Nov. 7.—The booking department of the Dickinson circuit has been moved from Kansas City to Lawrence, Kan., where the circuit maintains headquarters.

# Obstacles to New Plan for Para. Fading

(*Continued from page* 1)

more than 50 per cent of the Paramount shares outstanding. These differences, it is expected, will be ironed out within a week or 10 days.

These formal preparations for submission of the Paramount plan are regarded in reorganization quarters as routine procedure and not likely to delay completion of the plan later than Dec. 1.

Barring unexpected delays, it was said there is an excellent chance of a reorganized Paramount by Jan. 1.

The agreement involving Erpi's claim is understood to be of a provisional nature, the effectiveness of which may depend on the outcome of the current American Tri-Ergon patent litigation. Also schedule for early completion, it was stated, is the reorganization plan for Olympia Theatres, Paramount's New England subsidiary, which may be completed within the next week.

## *Court Permits Para. Suit Against Warner*

Permission to retain counsel to press the long pending Paramount Publix patent infringement action against Warners and First National over the Dunning process of composite picture making was granted the Paramount trustees yesterday by Federal Judge Alfred C. Coxe.

The suit, which has been pending in Federal court at Los Angeles since 1930, asks for an injunction and an accounting by the Warner companies and subsidiaries. Paramount is a joint complainant with Dunning Process Co. in the action and, under cross licensing agreements would receive 25 per cent of any judgment won. The Dunning company would also receive 25 per cent and Roy J. Pomeroy, 50 per cent.

Hornidge & Dowd, New York patent attorneys, will be retained by the Paramount trustees to press the action. The firm has advised the trustees that, in its opinion, an appreciable sum may be realized if an accounting is obtained.

## *Expect Early Deal With E. V. Richards*

(*Continued from page* 1)

the Paramount Publix trustees in the negotiations which are progressing "encouragingly", according to authoritative sources. An adjustment of Richards' participating interest in the reorganized Saenger companies in Paramount's favor is at stake. An agreement would permit the reorganization of the large southern circuit to proceed as soon as the changes resulting from the negotiations had been incorporated in the Saenger reorganization plan, which is complete in all other respects.

## *Gaumont Has 90% of U. S. Territory Set*

(*Continued from page* 1)

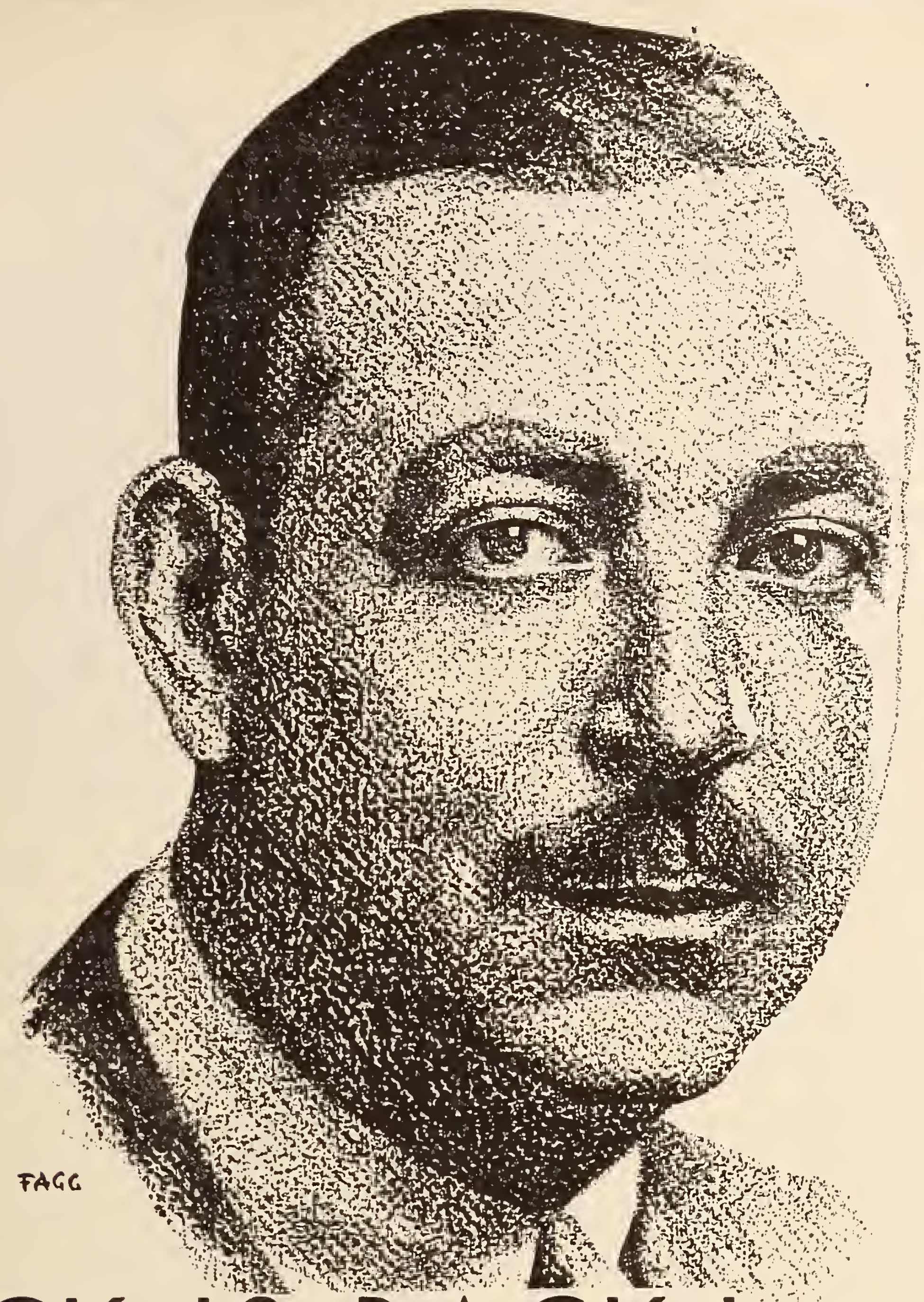
arrives Saturday. From Los Angeles he will go to San Francisco and then make several other key cities en route east. He will be back in three weeks.

Weeks has closed deals with A. C. Hayman for Hayman's first run houses in Buffalo and Niagara Falls and with Elmer Rhoden, Fox Midwest circuit, for first run in Kansas City and 60 other spots.

Weeks has also appointed Marcel Mekelburg of Albany as salesman.

"Man of Aran" ended its run at the Criterion last night, grossing approximately $3,500 on the final seven days. This afternoon the picture opens at the Westminster on the same two-a-day policy. Carl Goe is in charge of the Westminster for G-B.

Harry Brandt has closed for the entire Gaumont British lineup for his circuit. "Evergreen" goes into the Music Hall some time in December and George Arliss in "The Iron Duke" is slated to play the house in January. Definite dates are not set.



# JACK IS BACK !

Jack is John W. Alicoate, Editor and Publisher Film Daily. He's just back from Europe . . . He's always just back . . . From somewhere... Because wherever news is... Jack is... Exhibitors can depend upon him . . . Film Daily judges pictures by the box-office... Film Daily said that "Chu Chin Chow" "Power" "Little Friend" and "Man of Aran" were all box-office... Each one of these four has delivered at the Box-office.

*Remember these titles:*

"CHU CHIN CHOW" "POWER" "LITTLE FRIEND" "MAN OF ARAN"

**COMING! EVELYN LAYE *in* "EVENSONG" ROXY FRI. NOV. 16**
**ON THE WAY! GEORGE ARLISS *in* "THE IRON DUKE"**

PHYSICAL DISTRIBUTION • FOX EXCHANGES • CANADA, REGAL FILMS, LTD.

# Midwest Uses Plan Of Rating Pictures

(*Continued from page* 1)

beneficial results are reported by the theatres, especially in the smaller cities and towns where the manager is closer to community contacts.

Part of an elaborate campaign to counteract current criticisms of pictures and designed to win over the critics, the "earmarking" idea was intended to return to the parents the responsibility for selection of film fare for children.

"We had to do something to counteract the agitation and tune in with the trend for more wholesome entertainment," observes E. C. Rhoden, Fox Midwest division manager.

While the plan originally contemplated designating pictures with an A or an F in newspaper and other advertising, this so far has not been developed. But the same purpose is achieved by the issuance of leaflets, one a month, similar in form and content to the "Selected Motion Pictures" booklet distributed by the M. P. P. D. A. These leaflets, condensed to four pages, list current releases used by the circuit's theatres and appended are the estimates of the west and east coast preview committees. The segregation idea is carried out, and each picture is marked for either adult or family suitability.

### Leaflets Mailed to Parents

The leaflets are placed in the hands of those directly interested, being mailed by individual managers to a selected list of parents, as well as Parent-Teacher organizations, women's clubs and other groups.

Discussing the classification plan, H. E. Jameyson, Fox Midwest district manager at Wichita, one of the circuit executives who worked it out, recently said:

"We are not kidding ourselves about this plan. We do not expect to see the families flock out en masse to see every family picture. Neither do we expect to see children stay away from strictly adult pictures. We know from experience that parents will bring children to see such pictures.

"But we do believe that if this plan is carried out, thoughtful people will realize we are attempting to do our part in keeping youngsters away from pictures they shouldn't see and we also believe our efforts in this respect will win much good will in the community."

## *Roxy, Rialto May Be Fox Outlet on B'way*

(*Continued from page* 1)

deal is made it will be on an individual picture agreement.

The Rialto opened with "The Last World War," which was turned down by Walter Reade and has nothing to do with the new proposition on tap. Both the Rialto and Roxy are open to individual film deals with Fox, but Harry C. Arthur and Arthur Mayer will look at them first before doing business.

## *Cohen, Herzbrun West*

Emanuel Cohen, Paramount production head, and Henry Herzbrun, studio attorney, left for the coast yesterday after a 15-day visit here. In the same party were Mrs. Douglas MacLean, wife of the Paramount producer, and Lewis Genzler, song writer.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Babbitt"*

(*First National*)

Hollywood, Nov. 7.—Flavored with the salty humor of American home life, blending comedy and pathos, Guy Kibbee delivers a broad-brushed, engaging portrait of Sinclair Lewis' main stem hero who goes along, content with real estate, a little fun and a zebra Rotary club.

The present film version deviates somewhat from Lewis' satirical novel and, although it is minus the barbs and ridicule, nevertheless the film stands on its own feet as a human, homely entity leavened with laughter and presenting family entertainment to suffuse audiences with a comfortable feeling.

The story is of a middle-aged realtor who innocently gets involved with a girl who tries to shake him down. It shows how his family and friends stick to him.

Kibbee's character portrayal is a gem of joy with that sterling trouper, Aline MacMahon, as his wife, good, as always. Minna Gombell handles a difficult role splendidly. Minor Watson makes a small role stand out. Alan Hale, Berton Churchill, Claire Dodd, Maxine Lewis and Glen Boles balance the cast.

### *What the Symbols Mean*

**Reviews classified with a "G" are regarded as suitable for general entertainment.**

**Those with an "A" are regarded as suitable for adult entertainment.**

William Keighley directed smartly from the screen play by Mary McCall and the adaptation by Tom Reed and Nevin Busch with additional dialogue by Ben Markson. The photography by Arthur Todd is okay.

Containing hearty laughs and human interest, this film should satisfy generally as better than average. Production code seal, No. 349. Running time, 65 minutes. Classification: "G."

# *Looking 'Em Over*

## *"Are You a Mason?"*

(*Olympic*)

Twickenham studios have turned out in "Are You a Mason?" an amusing farce comedy. Here is pretty good fun handled with relish and briskness by a capable cast. The film is fortunate in that it is free of the clipped English speech that mars so many British productions.

Sonnie Hale's ma-in-law (Bertha Belmore) is a bug on Free Masonry. To her a person is good or bad according to whether or not he is a Mason. She is insistent that Hale join up. To win her favor he deceives her into believing he has done so. Grand fun results when he finds himself in the presence of his father-in-law (J. Robertson Hare), also a fake Mason, inspired in the deception by the fact it was the only way of being free of his wife one day in the week.

The two men are wary of each other, each believing the other to be an honest-to-goodness member of the order. Hale makes a bad move when he confesses to Hare. He gets even by raking up the ashes of a past indiscretion. The plot then goes off into some humorous tangents.

Some of the other players are Davy Burnaby, Gwyneth Lloyd, Joyce Kirby and Lewis Shaw. Henry Edwards directed well. No code seal. Running time, 74 minutes. Classification: "G."

*"The First World War," last night's premier at the Rialto, was reviewed Oct. 31.*

*"The White Parade," tomorrow morning's opener at the Paramount, was reviewed by wire from Hollywood Oct. 19.*

*"Evelyn Prentice," which opens at the Capitol tomorrow morning, was reviewed by wire from Hollywood Oct. 29.*

*"There's Always Tomorrow," tonight's preview at the Roxy, was reviewed Aug. 23.*

*"Kid Millions," Saturday morning's premiere at the Rivoli, was reviewed by wire from Hollywood Sept. 27.*

# Court Fight Looms On K.C. Premiums

(*Continued from page* 1)

indication that an early court test will be sought. Ulmann at the outset denied the board's authority to conduct a hearing, alleging no ban existed as the poll of exhibitor sentiment on the matter lacked the necessary 75 per cent vote of unaffiliated showmen, since six who voted for the ban later requested their vote be reversed.

Referring to the board's alleged refusal to honor this request, Ulmann attempted to impeach the body's procedure in making the ban effective and asked that cases filed by Fox Midwest against Charles Potter and E. S. Young, involving three theatres, be thrown out.

Ulmann offered no defense, but denied premiums were given by the respondents.

It is understood the group mapping the fight on the premium ban will waive the right to appeal to Campi in the event of an adverse decision, preferring to take the fight to the courts direct from the local board.

Decision on the hearing will be given Saturday.

## *Ohio Tax Comes Up Sixth Time Nov. 19*

Columbus, Nov. 7.—With the smoke of election clearing, the post-election session of the General Assembly is expected to be called by Governor White on Nov. 19, during which the sales tax, defeated five times in previous sessions, is scheduled to come up for final consideration by the present incumbents. Some feel the measure will go over until Jan. 1.

Meanwhile, exhibitors, both individually and through their organization affiliations, are bringing every possible pressure to bear to speed passage of the sales tax, now tentatively set at three per cent, as it will mean repeal of the present admission impost, ultimately, if not now.

## *Farnol Resigns His Post with Goldwyn*

(*Continued from page* 1)

split is amicable and predicated on Farnol's desire to enter a new field. No successor has been named.

Hollywood, Nov. 7.—Samuel Goldwyn stated today Lynn Farnol's resignation was news to him and that, since it has never been discussed until now, he has nobody in mind as a successor.

## *Seadler, Doob Returning*

Si Seadler, assistant to Howard Dietz, and Oscar Doob, head of advertising and publicity for Loew Theatres, who have been on the coast looking over M-G-M's coming product, are expected back by plane today.

## *Harry Thomas on Tour*

Harry Thomas, president of First Division Exchanges, left for Detroit last night on a tour of various key cities. From Detroit he plans to visit Chicago, Atlanta, New Orleans, Charlotte and Dallas, returning here in about three weeks.

# Annual Dinner Dance
# of the
# Universal Club

(Of Universal Pictures Corporation)

SATURDAY, DECEMBER 1, 1934
DINNER AT EIGHT
ENTERTAINMENT AND DANCING
FROM THEN ON
MAKE YOUR RESERVATIONS NOW
CALL UNIVERSAL CLUB
CIRCLE 7-7100
TICKETS . . $7.50 PER PERSON

## Allied Law Moves Ready, Samuelson

(*Continued from page* 1)

A. S. C. A. P., a complete revision of the code and Campi setup and elimination of block booking.

Samuelson will outline plans to the New Jersey unit at its regular meeting next Tuesday. He had intended to be present at the annual meeting of Allied of Michigan in Flint yesterday and today, but because of the elections he called off the trip. The original date for the meeting was Oct. 6-7, when Samuelson had planned to attend.

Directors of the national organization will meet in New Orleans around Dec. 10. The annual meeting of the membership will take place in Chicago shortly after the first of next year.

## *Allied of Michigan Opens Two-Day Meet*

FLINT, Mich., Nov. 7.—Allied of Michigan opened the first session of a two-day annual meeting here today with Ray Branch president, wielding the gavel.

Election of officers is slated for tomorrow. Nominations are by petition and elections by closed ballot. Branch may continue his present post.

Abram F. Myers, Allied counsel, decried block booking, holding it the direct cause of the Legion of Decency campaign here. He said the whole country has returned to the "booking evil," adding Allied will wage a bitter fight against it.

Discussion of the Tri-Ergon patent decision and amendment of the code for protection of the independent exhibitor brought the 200 delegates to their feet in wild applause.

Fred McWilliams and Fred Harrington were among those present. H. M. Richey, James Minter and Lester Matt are in charge of local arrangements. Fireworks are expected at tomorrow's session.

## *Educational Signs Aces*

KANSAS CITY, Nov. 7.—Goodman Ace, formerly film critic and columnist of the *Kansas City Journal-Post*, and his wife, Jane Ace, have been signed by Educational and will be featured in a series of two-reel "Marriage Wows" comedies, he has informed friends here. They also will make a series of comic travelogues for Van Beuren this season. The Aces are known through their chain radio feature, "Easy Aces."

## *Miss Meehan Engaged*

HOLLYWOOD, Nov. 7. — Jeannette Meehan, member of the Hollywood staff of MOTION PICTURE DAILY, is the recipient of a sparkler, large enough to dwarf the cuff button of Diamond Jim Brady, which calls for a trip to the altar next May with the donor, Swanton Dorse Dalton. The groom-to-be is catalogued in the annals of science as a chemical engineer for the General Petroleum corporation.

## *Oregon Governor Friendly*

PORTLAND, Nov. 7.—General Charles G. Martin, elected governor of Oregon yesterday, today promised the industry the same cooperation he extended it when he was in Congress.

## *Taxes to Be Allied Topic at Des Moines*

DES MOINES, Nov. 7.—Taxes will be the principal subject of discussion at a convention to be held here Nov. 13 by Allied Theatre Owners, Inc.

First among the taxes will be the new rates of A.S.C.A.P. Another will be the Iowa sales tax. A state official will be present to explain its workings.

A movement is under way to introduce an amusements tax in the next session of the legislature and opposition to it is being lined up.

## *Para. Sues in Sandusky*

SANDUSKY, O., Nov. 7.—Suit has been filed in Common Pleas Court here by Paramount Distributing Co. against Howard Carter, operating the Liberty, at Vermillion, O., seeking judgment for $990 for failure to play or pay for Paramount product according to contract.

The action sets forth that Carter contracted for 35 features, but refused to play "Belle of the Nineties" and "Good Dame." Rental for the two pictures is given as $20.50 and $13, respectively.

## *End Kenton Schine Suit*

KENTON, O., Nov. 7.—The Kenton Amusement Co. has ended suits to compel continuation of the 20-year lease given to Schine Chain Theatres, Inc., and personal operation of its modern theatre and office building here. A settlement was reached. The Kenton will reopen soon under management of G. H. Foster of Marion.

## *March, Gable to Zanuck*

HOLLYWOOD, Nov. 7.—Darryl Zanuck has signed Fredric March for the leading role in "Les Miserables."

Zanuck has also borrowed Clark Gable from M-G-M for "Call of the Wild," which William Wellman will direct. Both pictures will go into production early next month.

## *Hawthorne Funeral Held*

Funeral services were held yesterday for Charles Evans Hawthorne, Paramount lawyer handling real estate, from his home in New Rochelle. Burial was in Kensico Cemetery and was private.

Hawthorne died Saturday from pneumonia. He is survived by his sister, Mrs. Adelaide H. Woodin.

## *Newman Death Shock*

Phil Reisman, vice-president and general foreign sales manager of the RKO Export Corp., issued a statement yesterday expressing his firm's shock and sorrow at the death of Sol G. Newman in England and expressing condolence to his widow.

## *John Servaas Is Shot*

INDIANAPOLIS, Nov. 7.—John Servaas, operator of Exhibitors' Exchange and a circuit of theatres in Indiana, was seriously wounded by a bandit who robbed him of approximately $100. Little hope is held for his recovery at Methodist Hospital.

## *Sanders Subs for Brandt*

Rudolph Sanders substituted for Harry Brandt as presiding officer at the regular ITOA meeting yesterday. Brandt was home ill. Nothing of importance was discussed.

## *Supply Men to Hold Board Meeting Here*

The second annual meeting of the board of the Independent Theatre Supply Dealers' Assn. will be held today at the organization's headquarters in the Paramount Bldg., with J. E. Robin, president, in charge. Directors who are here to attend the meeting are B. F. Shearer, Seattle; H. W. Graham, Denver; Ray Smith, Milwaukee; Max Ruben, Detroit; K. R. Douglas, Boston; Clem Rizzo, Philadelphia, and J. C. Hornstein.

A discussion of the theatre supply code is scheduled for the meeting.

## *Sinclair Threatens Drive for EPIC Plan*

(*Continued from page* 1)

opposition, Sinclair stated that "this election has just been a skirmish and our people have enlisted for the war."

HOLLYWOOD, Nov. 7.—C. C. Pettijohn, counsel for the M. P. P. D. A., was flooded with congratulations from all branches of the industry today for his work in the campaign to defeat Upton Sinclair as he prepared to depart tonight for New York. Among the tributes was one from Louis B. Mayer.

## *Manhattan Opens Sunday*

MANHATTAN, KAN., Nov. 7.—The long fight for Sunday shows that has been waged here was brought to a climax yesterday when local voters approved the measure in yesterday's referendum by a majority of 839. The proposition was defeated in the referendum last year.

## *Hear Arcturus-RCA Suit*

WILMINGTON, Nov. .7.—Chancellor J. O. Wolcott is hearing testimony in the injunction suit of the Arcturus Radio Tube Co. against RCA. Arcturus seeks to have RCA enjoined from enforcing a minimum royalty clause in a licensing agreement.

## *Closes Minnesota Deal*

Jules Levy, vice-president and general manager of RKO Distributing Corp., has closed a deal with the Friedhl-Publix circuit of Minnesota for his company's entire product for 1934-35.

## *Cancels Two Musicals*

Radio will not release the two Lou Brock musicals announced for the 1934-35 schedule as Brock has resigned from the studio staff to join another organization.

## *Campi Takes More Space*

Campi has taken an additional 600 feet at the RKO Building in Radio City. Milton Silber and Sam Moross, in addition to a number of filing clerks, occupy the new space.

## *Una O'Connor Is Hurt*

HOLLYWOOD, Nov. 7.—Injuries were suffered by Una O'Connor yesterday when she was thrown by her horse. She will be confined to a hospital three weeks, it was stated.

## *"College Rhythm" Shown*

Paramount held a trade showing of "College Rhythm" at the Astor yesterday morning.

## "Dames" Is $9,400 Grosser in Omaha

OMAHA, Nov. 7.—"Dames" clicke to the tune of $9,400 at the Paramoun last week.

Business was good elsewhere, too "Six-Day Bike Rider" and "A Girl o the Limberlost" went over par b $1,500 for a $5,000 gross at the Brandeis, and "Here Comes the Navy" an "One Exciting Adventure" were ove normal by $1,600 on a $9,100 gross a the Orpheum.

Total first run business was $27,00 Average is $22,500.

Estimated takings:

*Week Ending Oct. 31:*

**"STUDENT TOUR" (M-G-M)**
**"READY FOR LOVE" (Para.)**
WORLD—(2,200), 25c-40c, 7 days. **Gross** $3,500. (Average, $3,500)
**"DAMES" (Warners)**
PARAMOUNT—(2,800), 25c-40c, 7 days
**Gross:** $9,400. (Average, $8,000)

*Week Ending Nov. 1:*

**"SIX-DAY BIKE RIDER" (F. N.)**
**"A GIRL OF THE LIMBERLOST" (Monogram)**
BRANDEIS—(1,500), 20c-25c-35c, 7 days
**Gross:** $5,000. (Average, $3,500)
**"HERE COMES THE NAVY" (Warners**
**"ONE EXCITING ADVENTURE" (Univ.**
ORPHEUM—(3,000), 25c-40c, 7 days
**Gross:** $9,100. (Average, $7,500)

## *Guild to Keep Talks On Equity Move Quie*

HOLLYWOOD, Nov. 7.—Decision t keep discussions on the propose affiliation with Actors Equity secre until all problems are thrashed ou satisfactorily to both groups wa reached at a meeting held behin closed doors tonight by the board o governors and advisory council of th Screen Actors' Guild. The proposa will then go to the general membership, it is understood.

## *Radio to Do Grant Yar*

HOLLYWOOD, Nov. 7.—Radio is preparing to film a story based on th life of General U. S. Grant and ha purchased the Arthur Goodrich play "Mr. Grant."

The studio will immediately launch a buildup campaign on the picture b sending written queries to the variou drama editors and critics throughou the country regarding their choice fo the starring role.

## *Lazarus En Route East*

MINNEAPOLIS, Nov. 7.—Paul Lazarus, western division manager fo United Artists, has arrived here fro Hollywood for a short stay. While here he will confer with local fil men. He plans to leave for New York the end of the week.

## *Real Estate Men Protest*

ST. LOUIS, Nov. 7.—The Real Estate Exchange has joined the protest against leasing the Municipal Auditorium for "Ziegfeld's Follies."

## *Renew with Andy Clyde*

HOLLYWOOD, Nov. 7.—Columbia has renewed its option on Andy Clyde for another series of comedies.

## *Milwaukee Strand Dark*

MILWAUKEE, Nov. 7.—Warners' Strand, 1,400-seat first run, has gone dark after operating two weeks.

The Leading
Daily
Newspaper
of the
Motion
Picture
Industry

# MOTION PICTURE DAILY

Alert,
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the Industry
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Branches

DL. 36. NO. 111 NEW YORK, FRIDAY, NOVEMBER 9, 1934 TEN CENTS

## ew Seeking Cancellation Of Film Here

### sing All Current List; New Buying Delayed

Exhibitors are asking few cancelions in the Greater New York area, survey of local branch managers incates.

According to exchange men, exbitors are using as many pictures on 33-34 contracts as possible because ry little buying of new product has evailed. Now that the Loew-RKO oking situation is cleared, salesmen e beginning to turn in new deals.

Some exchangemen state that, in a imber of instances where theatremen nceled a few pictures, they are beg repurchased because of a shortage. his is not general, it is stated, but evails in a few cases.

Exhibitors wishing to cancel must tify bookers within 14 days after lease date notices are posted in exanges. If they fail to cancel within e two-week period they must book cording to releases as available.

So far no grievances involving canllations have come before the local ard. .

## eals Given to 18 Features, 9 Shorts

Hollywood, Nov. 8.—Eighteen feares, nine shorts and one serial epide have received certificates of apoval from the Production Code Adinistration over the 10-day period om Oct. 18 to Oct. 28. The total nce the bureau started July 15 is w 186 features and 164 shorts.

Paramount tops the list with five. arners and Columbia are second ith three features and one short ch. Universal has two features, o shorts and a serial episode. Fox s two features, Radio, Monogram

(Continued on page 12)

## 33 Maryland Gross Totaled $6,336,000

Washington, Nov. 8.—Maryland st year operated 144 motion picture eatres with box-office receipts of ,336,000 and payrolls of $1,248,000 d four other houses with receipts $167,000 and payrolls of $102,000, was announced today by the United ates Census Bureau.

Baltimore, the only large city in the ate, was reported to have 77 motion cture theatres whose 1933 receipts

(Continued on page 12)

## NRA Shies from Meddling With Clearance Situation

By CLARENCE LINZ

Washington, Nov. 8.—Complaints against the alleged slowness of Campi in setting up national clearance and zoning will receive scant sympathy here, where Code Authority is considered to be proceeding only with the caution which the situation demands.

Declaring that Campi, as it should, is feeling its way carefully, Division Administrator Sol A. Rosenblatt today pointed out that the adoption of the 12 principles recently by Campi was "one of the most constructive steps" the industry has ever taken and that the compliance organization must be set up in conformity with those principles.

Rosenblatt dismissed as "unimportant" rumors that independents were considering an appeal for expansion of Campi to 15 members, with exhibitors outnumbering distributors. It was pointed out that this would involve an amendment to the code and one of such importance that it could be adopted only after a public hearing.

It was indicated that the whole question of the clearance and zoning set up is in the hands of Campi and that Washington will not, for the present, at least, interfere.

### Deny Any Probe

**Washington, Nov. 8.—Officials of the Securities and Exchange Commission today denied that any investigation of a pool in Paramount stock is being made.**

**Reports from New York that certain aspects of a pool were under scrutiny were said to be without foundation.**

## Industry Now On Road Back, Says Laemmle

Hollywood, Nov. 8.—"Henry Ford was right. We are all on the road back! All we need is the same courage we used to have when this business was younger," declared Carl Laemmle, president of Universal, in a statement issued yesterday.

"The whole motion picture business has reason to be happier today than it was a year ago, two years ago, or three years ago," Laemmle continues.

"True, we are not making a fortune today—but we are not losing the fortunes we were losing just a little

(Continued on page 9)

## 3 Stanley Warner Phila. Theatres Cut

Philadelphia, Nov. 8.—Stanley Warner today made public a reduction in admissions at three downtown houses, the Stanley, Boyd and Aldine. The new prices are 40 cents to 6 P. M. and 55 cents to closing. These scales replace 40 cents to 1 P. M., 55 cents to 6 P. M. and 65 cents to closing. The change puts into effect the lowest first run admission in downtown Philadelphia in more than 10 years.

## Fate of K. C. Plan Rests in Modification

Incidental business yesterday shunted the Kansas City clearance and zoning situation off the calendar until next Tuesday, when Campi will hold a special session for the express purpose of discussing that city's schedule.

Unless something can be suggested to modify the plan in its present form, it will not go through. Basing clearances on admissions will not be conceded by distributors, who are prepared to fight the Kansas City clearance plan tooth and nail on this point. Every plan so far submitted has the same basic objection, as far as dis-

(Continued on page 9)

## Cleveland Worried By New Dual Moves

Cleveland, Nov. 8.—A serious threat to continuance of the anti-dual ban and clearance schedule in effect here for the past two years is seen in the plans of George Harvey and Sam Cowan to open the Alhambra as a first run dual house Nov. 16.

The proposal calls for a scale of 25 cents at all times, including Sunday, with the opening bill to consist of "A Girl of the Limberlost" and "Wake Up and Dream."

## Ask Court to Take National Bid for FWC

### Offer Is $14,782,722; Hearing Set Nov. 19

Los Angeles, Nov. 8.—Trustees of Fox West Coast today petitioned Referee S. W. McNabb to accept a bid of National Theatres Corp. for a private sale of the circuit. The bidder agrees to pay 100 cents on the dollar for all claims totaling $14,782,722.97. In addition to this the new company will assume the unadjudicated claim of Paramount Publix aggregating $11,259,704.45. The latter involves operation of two Paramount houses in San Francisco, two in Portland, one in Oakland and one in Seattle whereby Paramount gets 37 per cent of the net profits.

Both Paramount and West Coast have entered into an agreement whereby the former's claim against the latter will be permitted to work itself out from future earnings. It is the belief of West Coast trustees that the present total claims will be voluntarily reduced to $7,500,000 under the new setup, as rents and leases of all properties have already been pared to two-thirds the amount paid when

(Continued on page 9)

## No New Fox Theatre Head Expected Soon

No immediate meeting of the board of Fox Theatres to elect a successor to Archibald R. Watson, whose resignation as president was accepted in a Federal court order signed by Judge Martin Manton earlier in the week, will be held, it was learned yesterday.

It is understood that election of a successor may await the outcome of hearings which were begun yesterday before Special Master Courtland Palmer on the provability of claims filed against Fox Theatres. Several weeks will be required to conclude the hearings and Palmer will make

(Continued on page 9)

## 39 Weeks' Loss Cut By K-A-O and Keith

Keith-Albee-Orpheum and its subsidiaries suffered a net loss of $168,546.35 after all charges in the 39 weeks to Sept. 29. This compares with a loss last year of $552,792.60, which included a net loss of $124,836.16 of Orpheum Circuit and its subsidiaries from Jan. 1 to Jan. 27, 1933,

(Continued on page 12)

MOTION PICTURE
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## Women Memberships Are Voted by Ampa

Women will be permitted to join the Ampa as associate members under a decision reached yesterday by the membership. The vote was 34 in favor and 12 against. Possibilities in new membership are placed at 200.

Marvin Kirsch of the employment committee reported that of the 39 unemployed members, 26 had been placed and that it was expected the other 13 will be set with jobs within the next three weeks.

## Supply Dealers Meet

A discussion of the theatre supply dealers' code featured the second annual meeting of the board of Independent Theatre Supply Dealers' Ass'n. at the organization's headquarters in the Paramount Bld'g. yesterday. J. E. Robin presided.

## Mrs. Randel in Hospital

Henry Randel's wife yesterday entered the Women's Hospital for an abdominal operation which will be performed today. Randel is Brooklyn and Long Island branch manager for Paramount.

## Book "A Wife a Day"

"A Wife a Day," starring Emil Jannings and Sidney Fox, has been booked into the Criterion for two weeks. Tentative opening date has been set for Nov. 22.

# Insiders' Outlook

IN the open secret category is the increasing impatience in Paramount's executive ranks over delays in completing a reorganization plan. Actual development of any rehabilitation program is in the hands of those heading the committees representing the company's principal creditors, debenture holders and stockholders with the result that Paramount officials, themselves, are frequently left in the dark as to reasons for bumps in the plan and occasionally as to the actual progress being made toward their solution. . . .

▼

The resultant situation is responsible for desultory friction between company executives and reorganization factors. Out of this many rumors arise concerning the tack, threatened or imagined, which Paramount leaders are said to have considered taking during recent weeks in their restlessness over further delays. One of these reports would have several key figures withdrawing from the organization and taking with them enough units to form the nucleus of a new company. . . .

▼

The report, along with others of its kind, is discounted for the simple reason that those named as the leaders are known to be lacking a financial alliance of the kind required for such a move. The fact remains, however, that several important figures in Paramount are impatient over reorganization delays. The latest estimates—and these are admittedly optimistic, although from a highly reliable source—name Dec. 1 as the earliest possible date for completing the plan. Delays beyond that date may have an important bearing on the future of Paramount. . . .

VIEWED as no longer a candidate in the new management slate, whatever its personnel may be, is N. L. Nathanson, head of Famous Players Canadian. "Nate," not so long ago, entertained the idea of moving to New York. That was before he returned to the Canadian chain in the development of which he was such an extremely important factor. Sponsored principally by Sir William Wiseman, a partner of Kuhn, Loeb and Co., which holds millions in Paramount bonds, "Nate" is believed to be out of the picture and Wiseman out of a candidate for heavy operating duties. . . .

▼

Austin Keough, one of Paramount's "strong but silent" men, listed as secretary of Paramount Publix, Paramount Productions, Paramount Pictures Distributing, Paramount Pictures Corp. and Paramount International, would almost escape outside notice if it were not for discerning newsgatherers who want to know the lowdown on this or that situation. The observations disclose that more and more top-notch responsibilities are going Keough's way these days and, correspondingly, less of them in legal assignments that once were his as general counsel of the company. Louis Phillips, of the company's home office legal staff, appears to be moving gradually into Keough's former niche. . . .

▼

"Jock" Whitney made the first pages with that yarn on Technicolor. He said, or his press release said, that Pioneer Pictures will spend $7,000,000 on nine or more color pictures in the next couple of years. For Whitney, it seems, has visions of the future of color. Technicolor, mind you, or the company in which "Jock" owns sizeable blocks of stock. Social note, or maybe more: Whitney, when in Hollywood, spends practically all of his time in the company of Dave Selznick. . . .

▼

Wired Sam Briskin to Lewis Milestone on "The Captain Hates the Sea" location somewhere in the Pacific: "Just checked cost sheets. They are staggering." Wired Milestone: "So is the cast." Not in those words, but certainly in that intent. The Columbia picture ran to $600,000 before it was brought in. . . . Roxy can have the Philadelphia Mastbaum from Warners any time he wants, but he has to furnish the cash to operate. . . . Cosmopolitan may not go to Warners until the year ends, but the Hearst papers already are swinging publicity support to their film affiliate's new alliance. Number 1 is a four column photo of George Hearst and Jack Warner shaking hands with Trans-Pacific Flyer Sir Kingsford-Smith at the Warner studio. In the *New York Evening Journal* last night. . . . KANN

## Universal Rises 2 on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Consolidated Film Industries | 3½ | 3⅜ | 3⅜ | — ⅛ | 300 |
| Consolidated Film Industries, pfd | 16 | 15⅝ | 15⅝ | — ¼ | 500 |
| Eastman Kodak | 109¼ | 108 | 109¼ | + ⅝ | 1,100 |
| Fox Film "A" | 13 | 12⅝ | 12⅞ | ..... | 1,400 |
| Loew's, Inc. | 31¾ | 30⅞ | 30⅞ | — ¾ | 6,400 |
| Loew's, Inc., pfd | 99¾ | 99¾ | 99¾ | + ¼ | 100 |
| Paramount Publix, cts | 4⅜ | 4¼ | 4⅜ | + ⅛ | 4,000 |
| Pathe Exchange | 1¼ | 1¼ | 1¼ | ..... | 2,700 |
| RKO | 2 | 1⅞ | 1⅞ | — ⅛ | 1,400 |
| Universal Pictures, pfd | 37 | 37 | 37 | +2 | 1,000 |
| Warner Bros. | 4⅞ | 4½ | 4½ | — ¼ | 3,100 |

## Trans Lux Up Eighth on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13¼ | 13 | 13 | — ¼ | 300 |
| Trans Lux | 2⅛ | 2⅛ | 2⅛ | + ⅛ | 300 |

## Warner Bonds Advance Eighth

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 6 | 6 | 6 | — ½ | 6 |
| General Theatre Equipment 6s '40, ctf | 5¾ | 5¾ | 5¾ | ..... | 3 |
| Keith B. F. 6s '46 | 62¾ | 62¾ | 62¾ | — ¼ | 2 |
| Loew's 6s '41, ww deb rights | 103⅞ | 103⅝ | 103⅞ | + ¼ | 4 |
| Paramount Broadway 5½s '51 | 40½ | 40¼ | 40¼ | — ½ | 14 |
| Paramount F. L. 6s '47 | 58 | 57¼ | 57¼ | — ¼ | 10 |
| Paramount Publix 5½s '50 | 58¼ | 58 | 58¼ | + ¼ | 34 |
| Warner Bros. 6s '39, wd | 59 | 59 | 59 | + ⅛ | 5 |

## Dickens Film to Go On the Air Nov. 16

As a step in the nationwide movement to advance the teaching of film appreciation in educational institutions, scenes from Universal's screen version of Dickens' "Great Expectations" will be broadcast the afternoon of Nov. 16 over WEAF and affiliated stations, with the cast made up of students of the Weequahic High School, Newark. The school was the scene of the initial experiment in the teaching of film appreciation as part of a regular high school curriculum.

The air dramatization of "Great Expectations" will coincide with the distribution of study guides on the film to pupils in 18,000 high schools throughout the country, according to the M.P.P.D.A.

## Kurt Neuman Injured

HOLLYWOOD, Nov. 8.—Kurt Neuman was severely injured here when he fell down a flight of stairs while directing "Straight From the Heart" for Universal. The director suffered a leg injury which will keep him in bed for eight days, forcing the studio to substitute another director.

## Frank McCarthy on Tour

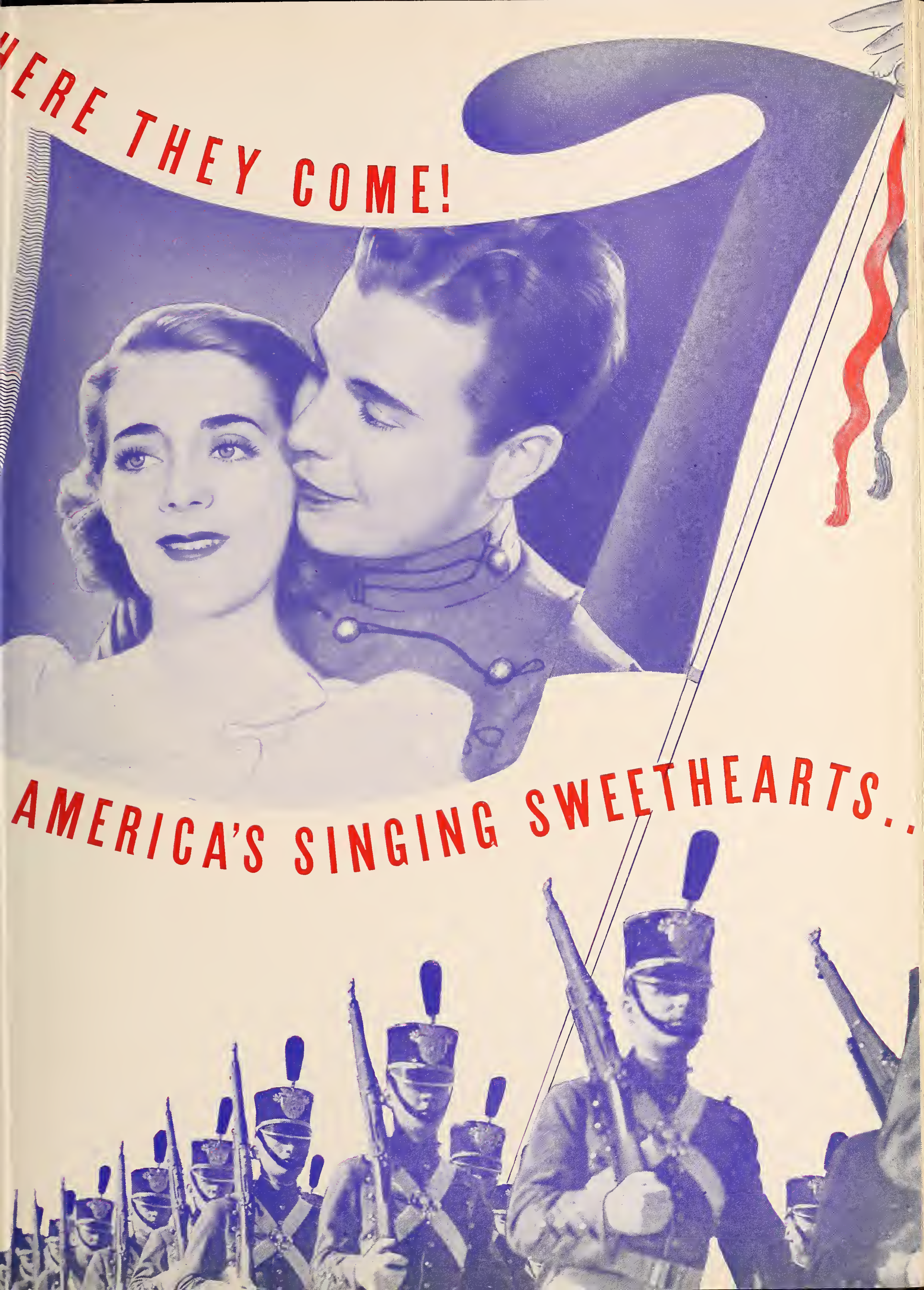
Frank McCarthy, eastern sales manager for Universal, is on a trip to exchanges under his supervision, including Toronto and Buffalo branches. He'll be back next week.

## G. B. Men Plan Return

LONDON, Nov. 8.—Jeffrey Bernerd of Gaumont British may return to New York in a few weeks, while Mark Ostrer figures on another visit about Jan. 1 as part of a three-visit-a-year schedule.

## To Preview "Evensong"

Gaumont British will preview "Evensong" at the Westminster Cinema Tuesday morning. The picture goes into the Roxy Nov. 16.


ERE THEY COME!
AMERICA'S SINGING SWEETHEARTS..

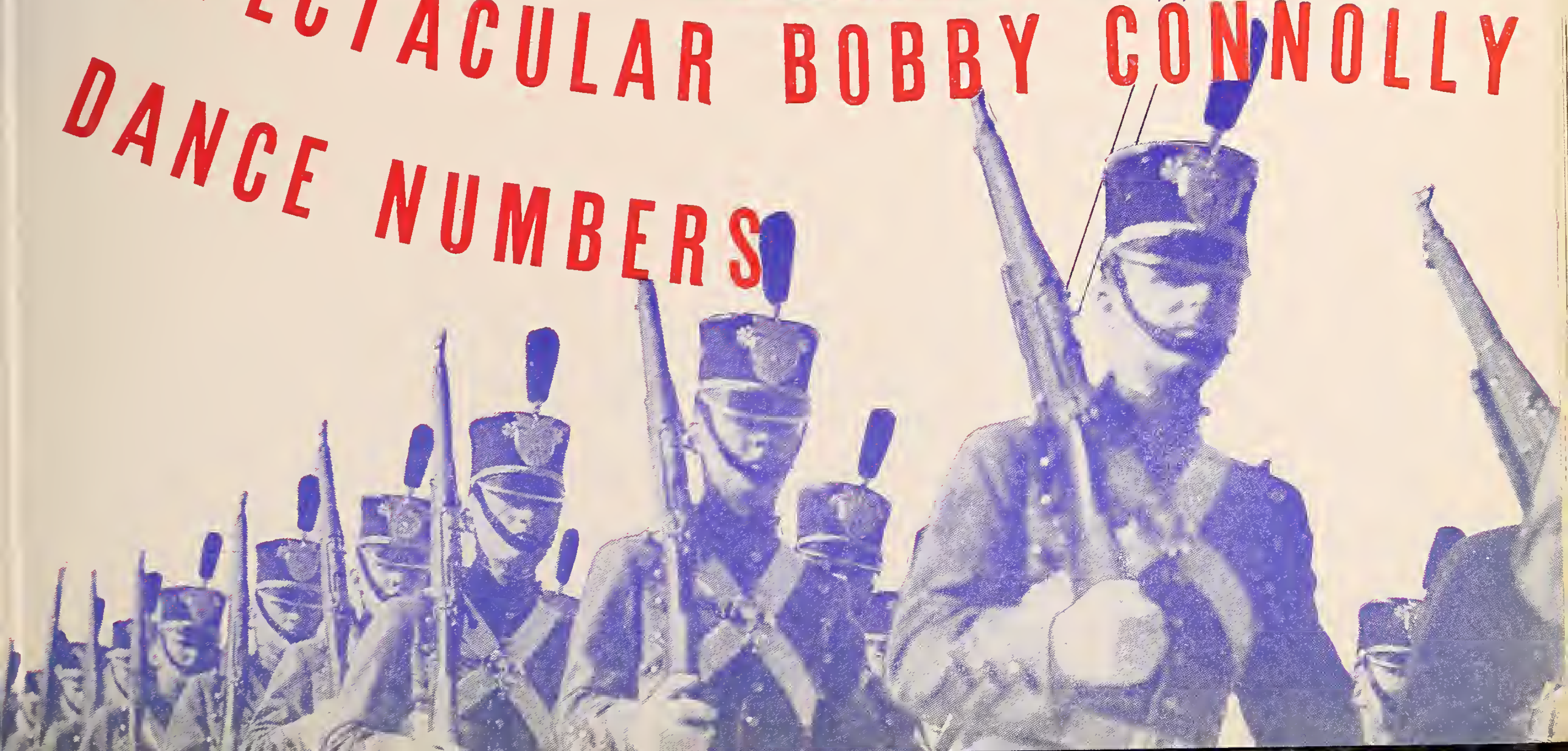
## ...AND THE WHOLE

## WEST POINT CADET CORPS

. . . AND HUNDREDS

OF HAWAIIAN BEAUTIES

IN SPECTACULAR BOBBY CONNOLLY DANCE NUMBERS

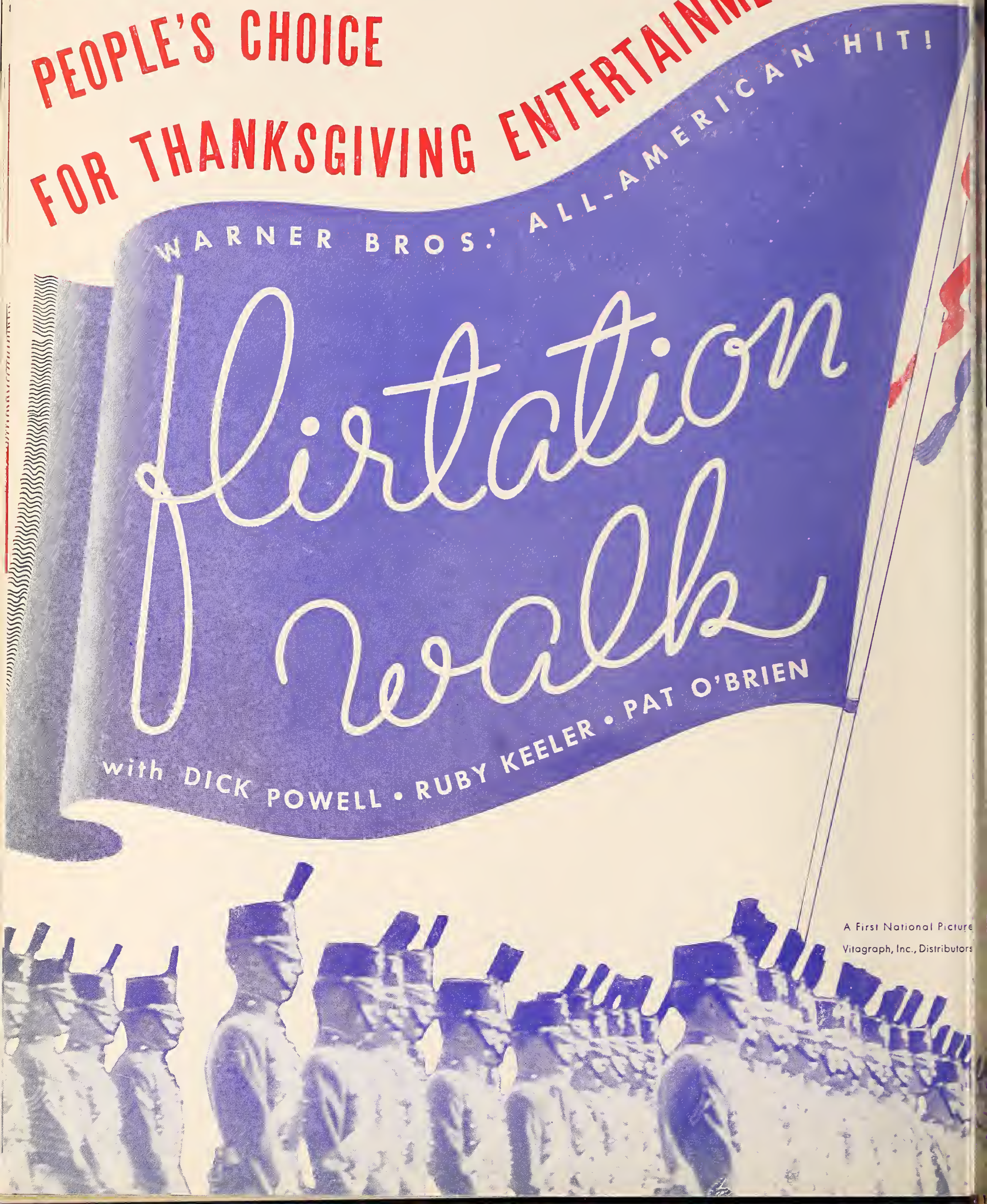


. . . AND 3 DICK POWELL SONG HITS BY
DIXON & WRUBEL

...AND FRANK BORZAGE'S

MOST BRILLIANT PRODUCTION EFFECTS

# ...IN THE PEOPLE'S CHOICE FOR THANKSGIVING ENTERTAINMENT...


WARNER BROS.' ALL-AMERICAN HIT!
flirtation walk
with DICK POWELL • RUBY KEELER • PAT O'BRIEN

A First National Picture
Vitagraph, Inc., Distributors

# Fate of K. C. Plan Rests in Modification

(*Continued from page 1*)

tributors are concerned, and that is admissions as a guide in setting release dates.

Some members of Campi who have protested the constant delays in trying to get one of the plans in operation are now giving it up as a hopeless fight. They claim distributors are selling first and second runs as they want to, with provisions in all contracts for protection. However, some protestants feel that if Campi hands down an edict on the Kansas City schedule it will be used as a model for national zoning. All schedules adopted by Code Authority will supersede prevailing contracts, it is held.

Principal objection to all schedules is giving theatres charging the same admission the right to identical availabilities. As it was pointed out by Edward M. Saunders, M-G-M western division manager, at the appeal hearing on the Kansas City plan, distributors will have to increase the number of prints in each territory and burden each company with extra print costs that are unwarranted. Saunders pointed out at the time that in Chicago exchanges have to call on nearby branches for extra prints every time B. & K. subsequent houses date a picture. If this condition were to prevail in every city, the extra print cost would run into thousands of dollars, he asserted.

### Solution Is Suggested

With the intimation that a solution to the problem is to clear houses according to geographic location and distance, it is evident that the present zoning plans will stay without change. Up to the time of the code, exhibitors were not so mindful of fighting for lower protection and re-zoning, it is held. In some territories, like New York, very few changes in clearances have been made. If any have, they were made by conferences with Loew's, RKO and large independent circuits.

If harmony can prevail in the largest city in the world, the same system can predominate elsewhere, it was stated.

From indications late last night, if the Kansas City schedule is adopted it will set a precedent for the industry in that every territory will be permitted to simultaneously date pictures in theatres with identical evening admissions. As a national dating policy this is regarded as a radical departure which will never be tolerated. A modification, however, will have to be made if the plan is to go through.

At yesterday's meeting, presided over by George Schaefer of Paramount, members were told not to discuss the Kansas City situation with outsiders until next Tuesday. No meetings by committees will be held in the interim.

About 10 individual appeals from various parts of the country took up most of the morning. No bank night cases were on tap. The Loew's Victory-Fleetwood-Forum decision was handed down but will not be made public until next week. Applications for rehearing of the Port Jefferson and Leonia clearance cases were discussed. An investigation has been ordered before a decision will be handed down.

In addition to Schaefer, attending the session were Deputy Administrator William P. Farnsworth, Nathan Yamins, Charles L. O'Reilly, R. H. Cochrane, Ed Kuykendall, Edward Golden, Harold S. Bareford, Robert Youngman and Felix Jenkins.

The code assessment order for distributors, producers and exhibitors came through yesterday from Washington and is now officially in effect. No one objected to the revised plan at the session.

## *Overbuying Charge Filed Against Loew*

First overbuying case against Loew's has been filed with the New York grievance board and is slated for hearing next Tuesday. It's one of four complaints of a similar nature.

The exhibitor filing the charges is Sam Rhonheimer of the Electra, Brooklyn, who complains that because of the number of pictures corraled for Loew's Bay Ridge he can't get product. Rhonheimer also states in his claim that the change of policy from two to three changes of duals is unfair. The independent also contends that Loew's has bought 405 pictures when it needs only 312 for the Bay Ridge. It is charged that Universal, Fox, United Artists, Paramount, Warners, M-G-M, Radio and Columbia have sold to Loew's and the Electra is left without a single film.

Other overbuying cases on the same calendar are the Liberty, Freehold, against Walter Reade's Strand, same city; Roosevelt, Beacon, against Springer & Cocalis' Beacon, Beacon; Gary Piccione of the Plaza, Freeport, L. I., against A. H. Schwartz's Grove, Freeport.

Warners have filed two premature advertising complaints against Leon Rosenblatt in New Jersey. One is the Oritani, Hackensack, charge against the Westwood, Westwood, and the second is the Millburn, Millburn, against the Maplewood, Maplewood.

## *Clearance Ruling on Floral Park Held Up*

After hearing summations by Louis Nizer and Milton Klupt on Morris Kutisker's clearance complaint against A. H. Schwartz, the main New York clearance board yesterday held its decision in abeyance for a week to study the evidence.

Nizer, representing Kutisker, who operates the Community, Queens Village, L. I., asked that the Floral Park in Floral Park be denied clearance over the Community. Schwartz has protection on the Queens Village in his Paramount contract. Nizer held that for the past two and a half years the Floral Park has been playing day-and-date with the Community, but now that Kutisker and Joseph Seider of Prudential have ended a booking and operating arrangement, Schwartz wants priority over the Community. Schwartz and Seider have a joint operating agreement covering about eight Long Island houses. Nizer declared the two houses are not competitive.

Klupt held that Loew's has clearance on a wider area in Long Island because of its buying power and he felt Schwartz was entitled to buy protection. He added the theatres involved were competitive.

# Ask Court to Take National Bid for FWC

(*Continued from page 1*)

original operating agreements were made.

The court consented to this new pact and will pass on acceptance of the bid on Nov. 19, at which time all creditors will have received notices of the bid and given an opportunity to register protests at a hearing called for on the same day.

Referee Earl E. Moss, sitting in the absence of McNabb, also authorized first and final service fees of $15,000 to be paid jointly to Charles P. Skouras and John Treanor for acting as receivers. He also authorized the first and final fees of $25,000 to the legal firm of O'Melveny, Tuller & Myers for services rendered to the receivers. In addition to this, another $5,000 was authorized to the law firm of Bailie, Turner & Lake, which prepared and filed bankruptcy proceedings.

The integral part of the bid includes commissions payable to the trustees and their attorneys as follows: commissions to trustees aggregate sum to them jointly equivalent to $2,554.10 weekly beginning with the week April 9, 1933, and including the week December 29, 1934, or with the date the sale is made. The fees for O'Melveny, Tuller & Myers and Rouben G. Hunt amounts to an aggregate of $2,546.10 each week for the same period; also total commission of $75,000 to McNabb.

All creditors will receive payment of 100 cents on the dollar upon the day of the sale, the bid states. The three trustees are Skouras, William H. Moore and Charles C. Irwin.

### Skouras Party in West

Los Angeles, Nov. 8.—Charles Skouras, Edward Zabel, his secretary; James Davidson, statistician for F. W. C.; Ralph S. Harris of Hughes, Schurman & Dwight, attorneys for F. W. C., and Bert S. Shipman, representing counsel for Chase National Bank, returned today from New York after completing plans for rehabilitating 400 theatres in the circuit. Dave Bershon of Westland Theatres, an affiliate of F. W. C., returned yesterday from the east after attending an appeal hearing on a decision against the circuit on bank nights.

Skouras returned without signing a five-year contract as vice-president in charge of operations. The contract is set, but one or two technicalities arose which needed straightening out. Spyros Skouras is a party to the joint agreement. The latter will have headquarters in New York, while Charles will work out of the local office. Charles Skouras and his party will leave for New York again in about three weeks. S. R. Kent, president of Fox, National Theatre Corp., the latter the new name for Wesco, and F. W. C. Theatres, is expected here the first week in December.

## *Defer Fox Met Meet*

A meeting of the bondholders' committee of Fox Metropolitan Playhouses scheduled for yesterday to consider action on a plan of reorganization was postponed because of the illness of Morton G. Bogue, counsel for the committee. Inability to hold yesterday's meeting may result in an adjournment of the Federal court hearing scheduled for next Thuursday before Judge Julian W. Mack.

# Industry Now On Road Back, Says Laemmle

(*Continued from page 1*)

while ago. Sunlight is showing through the clouds.

"The large producing companies which have suffered the torments of the damned during the past few years are now reorganizing—and doing it smartly and successfully.

"Through the brilliant efforts of Adolph Zukor and George Schaefer, the old Paramount is emerging from its darkness. Through the brilliant efforts of Merlin Aylesworth, the RKO outfit is now stepping out. Through the masterful work of Sidney Kent, the Fox organization is out of the woods.

"I am glad from the bottom of my heart.

"These companies are direct competitors of Universal, but to me they are more than that—they are a part and parcel of the recovery of the whole industry.

"The more quickly they recover, the more quickly does the confidence of the banking world in the whole moving picture industry recover. And the sooner the banks renew their faith in our business, the better it is for every one.

"But none of us could ever hope to recover unless the rest of the important parts of the business also recovered.

"Today all of the important elements of the industry seem to have got their second wind.

"We are all on the road back just as sure as fate. We are all in better shape than we were a year ago to prove that we represent a safe, sound, substantial business. We have proved to the world that we are not a fly-by-night business. After several years of hell, we are sound, sane and secure!"

## *Fox to Sell British List in the Empire*

The 12 pictures Fox plans to make in England are not entirely for quota regulations, but for distribution in the British Empire market, Clayton Sheehan, head of the company's foreign activities, states. The first, "Borrow a Million," has already been completed at the Wembley studios. Two others are set, tentatively called "Six Dead Men" and "Love Test."

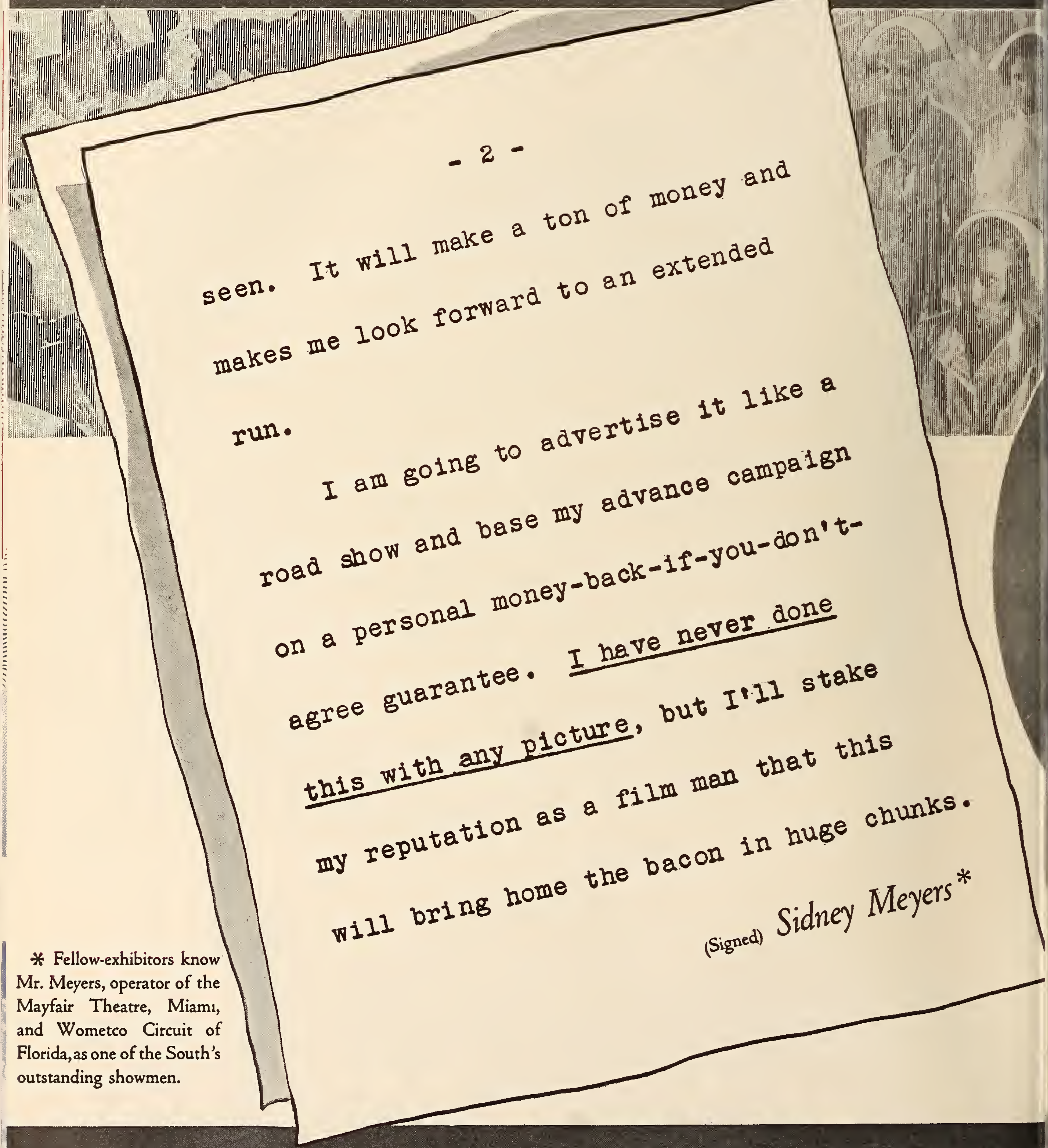
## *No New Fox Theatre Head Expected Soon*

(*Continued from page 1*)

his report on them to Judge Manton thereafter. With the establishment of validity of a sufficient number of the claims reorganization proceedings for the company may again be instituted.

# I have never done thi

## exclaims Exhibitor Sidney Meyer



- 2 -

seen. It will make a ton of money and makes me look forward to an extended run.

I am going to advertise it like a road show and base my advance campaign on a personal money-back-if-you-don't-agree guarantee. I have never done this with any picture, but I'll stake my reputation as a film man that this will bring home the bacon in huge chunks.

(Signed) *Sidney Meyers* *

* Fellow-exhibitors know Mr. Meyers, operator of the Mayfair Theatre, Miami, and Wometco Circuit of Florida, as one of the South's outstanding showmen.

## PHONE YOUR FOX EXCHANGE FOR A SCREENIN

ith any picture....

s he joins the parade of praise

# THE WHITE PARADE

**JESSE L. LASKY**
**Production**
with

**LORETTA YOUNG**
**JOHN BOLES**

Directed by Irving Cummings. Screen play by Sonya Levien and Ernest Pascal. From the novel by Rian James. Adaptation by Rian James and Jesse Lasky, Jr.

FOX

AND *You'll* JOIN THE PARADE OF PRAISE

## Seals Given to 18 Features, 9 Shorts

(*Continued from page 1*)

and Chesterfield each register one feature. M-G-M has received code seals on three shorts. United Artists and Audio have had one approved short subject each.

Titles of pictures approved are listed as follows:

**Audio**

(*Shorts*)

"Once Upon a Time."

**Chesterfield**

(*Features*)

"The World Accuses."

**Columbia**

(*Features*)

"Stake-Out," "White Lies" and "Jealousy" (formerly "Spring 3100").

(*Shorts*)

"The King's Jester."

**Fox**

(*Features*)

"White Parade" and "My Second Wife."

**M-G-M**

(*Shorts*)

"You Said a Hatful," "Washee Ironee" and "Toyland Broadcast" (Harman-Ising)

**Monogram**

(*Features*)

"Lost in the Stratosphere."

**Paramount**

(*Features*)

"Enter Madame," "Code of the West," "Limehouse Nights," "Here Is My Heart" and "It's a Gift."

**Radio**

(*Features*)

"Lightning Strikes Twice."

**United Artists**

(*Shorts*)

"The Goddess of Spring" (Disney).

**Universal**

(*Features*)

"When a Man Sees Red" and "Tres Amores" (Spanish).

(*Shorts*)

"Sky Larks" and "Rival Romeos."

(*Serials*)

"Tailspin Tommy" No. 10—"Death at the Controls."

**Warners**

(*Features*)

"Babbitt," "Flirtation Walk" and "I Am a Thief."

(*Shorts*)

"Vacation Daze."

## 39 Weeks' Loss Cut By K-A-O and Keith

(*Continued from page 1*)

when Orpheum was adjudicated bankrupt.

Net loss of $173,603.75 after all charges for the 39 weeks ended Sept. 29 is reported for B. F. Keith Corp. and subsidiary companies. In the same period of 1933 a loss of $354,038.53 was sustained.

## '33 Maryland Gross Totaled $6,336,000

(*Continued from page 1*)

were $4,939,000 and payrolls of $994,000, and three other houses with receipts of $159,000 and payrolls of $97,000.

The four race tracks in the state reported receipts of $2,127,000.

## Rosso Visiting Studios

HOLLYWOOD, Nov. 8.—Ambassador Rosso of Italy has arrived here to visit the studios to obtain information for Premier Mussolini on the workings of the industry. He said:

"Premier Mussolini is anxious to build up the motion picture industry in Italy."

## Seven Are Held as "Bombing" Suspects

After trailing several men for weeks, detectives yesterday rounded up seven on charges of violating the penal code by having in their possession valeric acid, a stench bomb fluid.

It was said by the detectives that some of the prisoners confessed and admitted they were "contractors" who arranged for the bombing of theatres and other places. In the lineup, however, all denied the charges.

The alleged "contractors" were booked as John Borofsky, operator, of Elmhurst, L. I., and Charles Selzer, of Brooklyn. The other prisoners were booked as: Charles Chrust, Long Island City; Thomas Strong, Long Island City; Morris Toback, Brooklyn; August Lacaze, Long Island City, and John Reilly, New York.

## Urges Non-Profit Films

ATLANTIC CITY, Nov. 8.—The 34th annual convention of the New Jersey Congress of Parents and Teachers at the Hotel Ambassador here was urged today by Mrs. Robbins Gilman, motion picture chairman of the National Congress of Parents and Teachers, to fight for the production of educational and recreational films made with no eye to profit.

## Claim New Rialto Mark

"The First World War" established a new opening day record for the year at the Rialto yesterday, according to a statement issued by the theatre management late yesterday afternoon. The first week's gross is expected to approximate $25,000 on the basis of yesterday's receipts, according to the management.

## Brandt, Weinzimmer Ill

Harry Brandt, president of the I. T. O. A., and Louis Weinzimmer of Progressive Poster Exchange, are down with the grip. Thornton Kelly, New Jersey exhibitor, was in bed with a bad cold for four days and was back on the job yesterday.

## Eastman Kodak Dividend

Eastman Kodak Co. has declared a regular quarterly dividend of $1 per share on its common stock and $1.50 on its preferred, both payable Jan. 2 to stockholders of record Dec. 5.

## Cramblet to U. A.

MINNEAPOLIS, Nov. 8.—Ralph Cramblet has been appointed branch manager of the local United Artists exchange. He succeeds Max Stahl, who resigned.

## Macfadden Ups Carlisle

William S. Carlisle has been switched to eastern advertising manager of its women's group of magazines by the Bernarr Macfadden Publishing Co.

## Dave Gould Sails Dec. 1

Dave Gould, head of M-G-M's branch in Puerto Rico, sails on the *San Juan* on Dec. 1 for home. He is here for his health.

## Meet on Charity Drive

Industry leaders active in the Federation of Jewish Charities yesterday met at the M. P. Club.

## Short Subjects

### "An Old Spanish Onion"

(*Radio*)

The story takes place in Spanish California in 1842 and has Ruth Etting visiting friends who own a hacienda. To aid her girl friend in marrying her fiance, Miss Etting sings while her friend goes through the motion. She does two numbers and these are the only redeemable features of the picture. Etting fans might enjoy this, but it is below her usual Etting standard. Code seal, No. 285. Running time, 20 mins. Classification: "G."

### "G" for General "A" for Adults

***Motion Picture Daily's* film classification system launched yesterday on features today is extended to all shorts as well.**

**The "G" symbol indicates general entertainment.**

**The "A" symbol indicates adult entertainment.**

### "A Toyland Broadcast"

(*M-G-M*)

An exceptionally fine cartoon done in Technicolor that should have particular appeal to children. The toys in a nursery come to life and broadcast a musical program of varieties. Paul Whiteman, Kate Smith, Bing Crosby and Rubinoff are some of the radio stars impersonated by the characters. No code seal. Running time, 7 mins. Classification: "G."

### "At the Mike"

(*Universal*)

Ford Bond, radio announcer, introduces Bennie Ross, Tess Gardella (Aunt Jemima), Maxine Stone, Kathleen Howard and Baby Rose Marie in this Mentone short. They combine to serve up a miniature variety program that is fast moving and entertaining. Code seal, No. 0146. Running time, 20 mins. Classification: "G."

## Flash Reviews

*Sequoia*— . . . an unusual wild animal picture . . . seems destined to be outstanding and one of the most talked about . . . a worthy attraction for any theatre.

*It's a Gift*—Being clean and highly enjoyable, it will appeal to all crying for laughs.

*The Silver Streak*— . . . provokes exploitation angles for exhibitors. However, its story values lower its entertainment values.

*Flirting With Danger*—Handicapped by a slow start and dialogue in keeping, this picture winds up as thoroughly acceptable comedy. . . .

*Jealousy*—Up to the closing sequence . . . the story moves swiftly and has plenty of action and suspense.

*Against the Law*—The story has its moments. . . . Lambert Hillyer has done a good directorial job with story material that is a bit creaky. . . .

*These films will be reviewed in full in a later issue of* MOTION PICTURE DAILY.

## Ray Branch Renamed By Michigan Allied

FLINT, Mich., Nov. 8.—Ray Branch, Hastings, was re-elected president today of Allied of Michigan at its convention at the Durant Hotel here. Other officers named were: Frank Wetsman, Detroit, vice-president; William Schuttenhelm, Detroit, treasurer; Barney Kilbride, Detroit, secretary.

Directors elected include Samuel Brown, M. J. Chargot, Fred Delodder, E. E. Kirchner, William London, James Ritter, F. H. Schneider, Alec Schreiber, J. E. Stocker, Lew Wisper, all of Detroit; A. Eiseman and James Minter, Flint; G. A. Cross, Battle Creek; W. A. Cassiday, Midland; Allen Johnson, W. E. Goodrich, Roy Taylor, all of Grand Rapids; J. C. Peck, Fenton; P. C. Schram, Kalamazoo.

The convention went on record against the A.S.C.A.P. music taxes.

## Liberty Closes New Deal

Negotiations for the distribution of Liberty's lineup of 12 productions in the Atlanta, Charlotte and New Orleans territories have been closed with First Division. The deal includes a franchise arrangement with Big Feature Rights to distribute the Liberty product for First Division in Kentucky and Tennessee.

## Coming on Guild Move

HOLLYWOOD, Nov. 8.—Kenneth Thomson and Lawrence Beilenson, attorney for the Screen Actors' Guild, were on their way to New York by plane tonight for conferences with Equity to clarify details of the proposed affiliation between the two groups.

## "Tragedy" Suit Settled

SYRACUSE, N. Y., Nov. 8.—The libel suit brought against Paramount Publix by Minerva Brown, mother of Grace Brown, whose tragic romance with Chester Gillette formed the basis of "An American Tragedy," was settled today.

## Fleck Now Sound Head

HOLLYWOOD, Nov. 8.—Fred Fleck, who has spent the last five years at Radio as an assistant director, budget expert and assistant to C. D. White, studio manager, has been appointed head of the sound recording department at the company's studio.

## "Big U" Wins in Drive

Leo Abrams and the "Big U" sales force in New York are the winners in the J. R. Grainger three months' sales drive, which ended last month. Boston placed second and Detroit rated third in the drive which had all the earmarks of stiff competition.

## Blumstein to 1st Div.

Abe Blumstein, formerly in charge of short subjects in the Chicago Columbia exchange, yesterday joined First Division as assistant to Morris Epstein, local branch manager. Blumstein starts Monday.

## "Shivers" for Langdon

HOLLYWOOD, Nov. 8.—"Shivers!" is the title of the Harry Langdon comedy which is set for production tomorrow at Columbia.

# 13'S A LUCKY NUMBER!

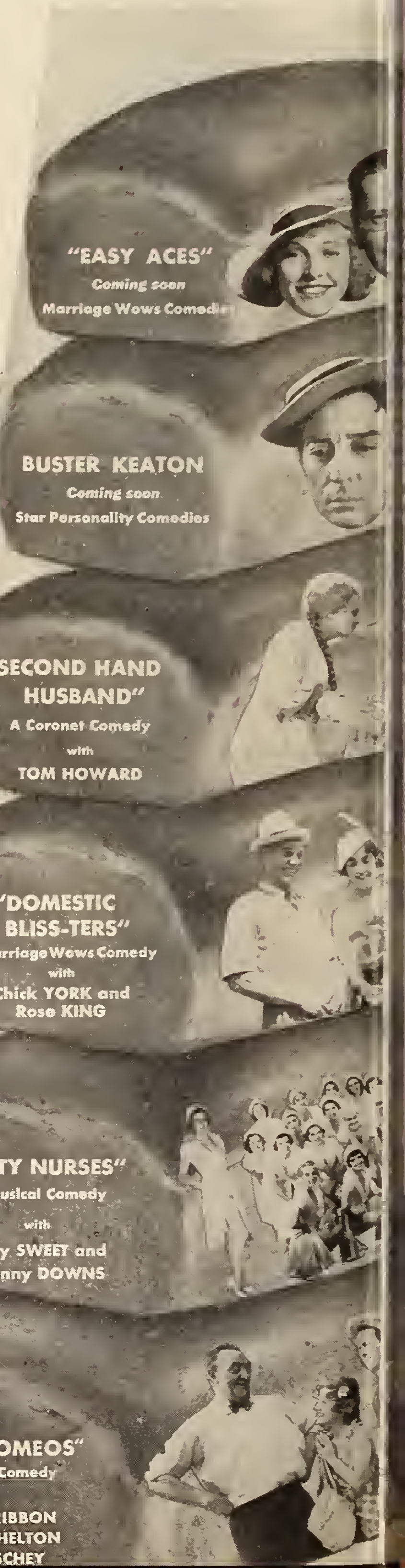
hen you're the thirteenth . . . and the other twelve are an even dozen of
utiful co-eds, blonde . . . brunette . . . and redhead, just begging for attention!
anny Ross is the boy who has learned that when you're stumped for words,
song will turn the trick . . . and he's putting theory into practice in this musical
onversation with a row of gorgeous gals who are too thrilled to answer back!
hey're the babies who cheer . . . and get cheered with Lanny in Paramount's

# COLLEGE RHYTHM'

**OE PENNER · LANNY ROSS · JACK OAKIE · HELEN MACK**
**YDA ROBERTI · MARY BRIAN · GEORGE BARBIER** and the All-American Co-Eds
Paramount Picture directed by Norman Taurog with plenty of words and lots of music by Gordon & Revel

# DOUGH, BOYS!

It's there!.... profit, and plenty of it.... fo showmen.... in *Educational's* Short Feature .... the one line you can always count on fo that ideal short subject combination.... bi star names, big production value and rea entertainment that sends them out smilin and happy.... and that means dough, boys



"EASY ACES"
Coming soon
Marriage Wows Comedie

BUSTER KEATON
Coming soon
Star Personality Comedies

"SECOND HAND HUSBAND"
A Coronet Comedy
with
TOM HOWARD

"DOMESTIC BLISS-TERS"
A Marriage Wows Comedy
with
Chick YORK and Rose KING

"NIFTY NURSES"
A Musical Comedy
with
Sally SWEET and Johnny DOWNS

"RURAL ROMEOS"
A Coronet Comedy
with
Harry GRIBBON
George SHELTON
Muriel SCHEY

**And always more great stars ..............**

**SYLVIA FROOS and FRANK LUTHER**
two of radio's most famous singers
See them in the single-reel Song Hit Story
**"The House Where I Was Born"**
and in the two-reel Musical Comedy
**"THE GIRL FROM PARADISE"**
with N.T.G. and the Paradise Revue
Produced by Al Christie

Educational Pictures
THE SPICE OF THE PROGRAM

Distributed in U.S.A. by FOX Film Corporation

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

OL. 36. NO. 112 NEW YORK, SATURDAY, NOVEMBER 10, 1934 TEN CENTS

## Australians' Quota Moves Irk Britain

### Fear They Will Give An Advantage to U. S.

By BRUCE ALLAN

LONDON, Nov. 9 (*By Mail*).—Pro- osals for a quota law in Australia re causing some disquiet here, be- ause they provide for the right on the art of the Australian exhibitor to can- el contracts for imported films, to llow substitution of Australian pro- luctions. Australian made films rank s British in England, under the Films Act, but British films in Australia would, under present plans, be on the ame "non-Australian" footing as American imports, and owing to the trength of American distributing companies in Australia, it is thought Brit- sh films would suffer more than American from the cancellation clause.

* * *

The Paramount Theatre, Liverpool, 2,760-seater, was given a spectacu- ar opening. Paramount executives, headed by J. C. Graham and Earl St. John, led a large party of trade and press visitors from London, and the

(*Continued on page 2*)

## Say Czecho-Slovak Quota Is Abolished

By J. K. RUTENBERG

BERLIN, Nov. 9.—Minister of Commerce Dostalek yesterday signed a decree abolishing the Czecho-Slovakian film quota system, according to advices received here today from Prague.

Under the new regulations there is established an import license of 20,000

(*Continued on page 2*)

## Oct. Quigley Award To Robert H. Suits

Manager Robert H. Suits of the Colonial, Reading, Pa., a Loew house, has been named winner of the Quigley Award for October. His campaign on

(*Continued on page 3*)

### Just a Night Off

**Philadelphia, Nov. 9.—First social gathering of the Independent Exhibitors' Ass'n. will be held this Sunday evening with a private film showing at the Fox. Later on the schedule is a dinner-dance to be held at the Bellevue-Stratford Nov. 25.**

## St. Louisians Favor Letters For Film Ads

### Wehrenberg and Others Long Users of Plan

ST. LOUIS, Nov. 9.—Generally favorable reactions have developed here to the Warner Philadelphia plan of marking films for adult and family audiences. Fred Wehrenberg, president of the M.P.T.O. of Eastern Missouri and Southern Illinois, was outspoken in his praise of the plan.

He has spoken in favor of the idea before many organizations for a number of years past, and his theatres, the Cinderella, Melba, Michigan and Virginia in South St. Louis, have often carried the line: "We do not recommend this picture for children."

Many others, including St. Louis Amusement Co. houses, have also used the line in their newspaper ads.

The local Better Films Council was one of the first in the country and has cooperated for a long time on family night shows Fridays in practically all the neighborhood houses here and throughout St. Louis County. The family night shows are said to have been profitable.

## Pettijohn Sees Tax Outlook as Hopeful

KANSAS CITY, Nov. 9.—Asked about the probable effects of the election on the tax situation in the near future, C. C. Pettijohn, M. P. P. D. A. counsel, passing through here on his way east from the coast, said today that "in view of the election of a Democratic House and Senate everything looks encouraging." He expressed elation over the outcome of the California balloting.

Pettijohn declared "this is the time for the industry to sit tight and make good pictures and say nothing."

## 1st Division-BIP Deal in the Offing

LONDON, Nov. 9.—The possibility of a reciprocal deal between First Division and British International is reported here following conferences held recently by William M. L. Fiske, III, who recently acquired an interest in First Division, and Arthur Dent of B. I. P.

The conferences, it is said, have revolved about arrangements for B. I. P. distribution of First Division's product

(*Continued on page 3*)

### Says Zukor to Stay

**Albuquerque, Nov. 9.—Adolph Zukor will continue as president of Paramount and his own contract still has some time to run, declared Emanuel Cohen, in charge of Paramount production, when they passed through here tonight on their return to the coast.**

**Zukor and Cohen have been east for two weeks discussing reorganization problems. With them was Henry Herzbrun, studio lawyer.**

**No radical changes in the production are expected as a result of the reorganization, Cohen said.**

## "We Live" $100,000 Hit at Music Hall

The Music Hall did the best business on Broadway last week, garnering $100,000 with "We Live Again," which has been held for a second week. The Roxy with "Kansas City Princess" took in $32,500 and the the Rialto take for the week was $9,500 on "Six-Day Bike Rider."

"Outcast Lady" combined with Amos 'n' Andy took only $28,500 at the Capitol. "The Merry Widow" is slated to go in next Friday and this will be followed by "The Painted Veil." The Paramount with "Mrs.

(*Continued on page 2*)

## Clyde to Do Three Under Rainbow Deal

Andy Clyde will appear in three features for distribution via Regal. Rainbow Pictures, headed by Jed Buell and Joseph Klein, will produce, the titles being "His College Sweetheart," "They Go Wild" and "Half Day Off."

HOLLYWOOD, Nov. 9.—Second of a series of four with Lightning, the dog, was placed in production today. Regal will distribute.

## "Gambling" to Reade On One-Picture Pact

Walter Reade and Fox have closed a deal whereby "Gambling" goes into the Mayfair under a new individual picture contract arrangement. Reade recently canceled a Fox pact which

(*Continued on page 3*)

## Theatre Unions Ask Hour Cut, Wage Tip

New labor contracts for theatre service employes which Local 95 will attempt to negotiate with circuit and independent exhibitor representatives

(*Continued on page 3*)

## Theatres Not Hit by Drive, States Cohen

### Sees Good Results from Clean Film Campaign

ALBUQUERQUE, Nov. 9.—No adverse reaction on theatre grosses has been noticeable under the Production Code, because pictures have been better and permanent good results are to be expected from Production Code Administration, declared Emanuel Cohen, Paramount production head, here tonight during a stop of the westbound Santa Fe Chief.

The morality code will bring about good results, he said, in that it is elevating standards and making producers good taste conscious. Something like that had to be done, he continued, to halt licentiousness for some producers were mistaking freedom for unbridled license.

The demand for moral stories, Cohen also said, has brought about a swing toward the fireside type, and although, perhaps, this has gone to the extreme, it will taper off.

Cohen also announced that Mae West's next picture would go into production in about two weeks and he commented on the fact that although reformers had focused their fire on her they would nevertheless hold her up as "a horrible example" if she were cast in a "Mother Goose" story.

## Authorize Columbia Fox Theatres Claim

Columbia Pictures was granted leave to file a supplemental claim of $2,500 against Fox Theatres Corp. in an order signed by Federal Judge Martin Manton yesterday.

Columbia's original claim of $500

(*Continued on page 2*)

## Distributor-Carrier Problems Discussed

Representatives of distributors and film carriers held the third of a series of quarterly meetings recently in an

(*Continued on page 3*)

### Harmony Both Ways

**Hollywood, Nov. 9.—Dissatisfied with "A Night at the Opera" as a title for their first M-G-M picture, the Marx Brothers are undecided between "Pipes of Pan" and "The Baritones of Wimpole Street."**

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MAURICE KANN
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*Advertising Manager*

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## Pathe Is 24 Years Old

Pathe News will celebrate its 24th anniversary starting tomorrow. The reel was founded by Charles Pathe in 1910. More than 800 miles of negative have been edited in that period.

"In all history," says Courtland Smith, editor, "there is nothing like the motion picture record of the past 24 years' world-shaking events, now safely stored in Pathe vaults."

## Urges Kid Theatres

ATLANTIC CITY, Nov. 9.—At the annual convention of the New Jersey Congress of Parents and Teachers now being held here, Mrs. Robbins Gilman, representative of the National Congress of Parents and Teachers, advocated the showing of pictures for the education and amusement of children in special halls to eliminate their attendance at regular theatres.

## "Widow" Ends Tomorrow

The Astor, now housing "The Merry Widow" on a two-a-day policy, goes dark tomorrow night. "David Copperfield" will reopen the house the latter part of December or early January.

## Weiss Returning East

HOLLYWOOD, Nov. 9.—Louis Weiss of Exploitation Pictures, Inc., leaves here tomorrow for New York. He has been here for the past six weeks attending production conferences.

# Australians' Quota Moves Irk Britain

(*Continued from page 1*)

official ceremony was performed by the Lord Mayor of Liverpool.

Francis A. Mangan, director of Paramount stage presentation, put on an outstanding spectacle, "Mirrors of Delight," in which 40 of the Paramount-Tiller girls appeared, as part of an inaugural program in which Teddy Joyce's Dance Band was another feature supporting the screen attraction, "Cleopatra."

In a cleverly designed epilogue, for which the setting was a reproduction of the entrance of the newly designed Mersey Tunnel, a personal appearance was made by Ida Lupino.

Thomas C. Reddin is the general manager of the new theatre and Leslie C. Holderness the house manager.

* * *

Countering joint arrangements between Gaumont British and British Movietone News by which these concerns have obtained exclusive rights to various news events, Universal and Pathe have combined to buy exclusive film rights in the Football Cup final.

* * *

A. W. Henchy, managing director of London Screen Plays, Ltd., has plans for the production of five features for United Artists release throughout the world, at the Worton Hall studio, which is being wired by W. E. Three of the films will feature Stanley Lupino. An American director will be used.

* * *

Theatre Equipment, Ltd., has changed its name to Pathe-Equipment, Ltd. W. J. Gell, managing director of Pathe Pictures, Ltd., has joined the board. Sole British selling rights in the Ross projector are an asset of the company, the managing director of which is F. Bowden and the sales manager P. G. Hammond, for 25 years in charge of Gaumont equipment department.

* * *

The Prince of Wales will attend the premiere of "The Iron Duke," George Arliss' first for Gaumont British, at the Tivoli on Nov. 30.

## Say Czecho-Slovak Quota Is Abolished

(*Continued from page 1*)

crowns (about $840) per picture. American distributors will take one Czecho-Slovakian picture for each seven American films licensed in that country, it is understood. Financial aid from the state for Czecho-Slovakian production is also provided for.

No word of the reported signing of the decree abolishing the Czecho-Slovakian film quota system had been received by the M.P.P.D.A. foreign department up to late yesterday. The last report received at that office, it was stated, was that representatives of American distributors were still negotiating with the Czecho-Slovakian officials.

## Authorize Columbia Fox Theatres Claim

(*Continued from page 1*)

was among those of creditors who petitioned for reorganization of the company last August. The petition was withdrawn several weeks ago pending the examination of claims before a special master.

Judge Manton also issued an opinion granting the law firm of Watson & Willguss, former attorneys for the Fox Theatres receivers, a final fee of $10,000 for services.

## "We Live" $100,000 Hit at Music Hall

(*Continued from page 1*)

Wiggs of the Cabbage Patch" was weak on the second week with $20,000. "Now and Forever" garnered $12,000 at the Palace and the Mayfair is headed for $9,700 on the week, which ends Monday night, on "365 Nights in Hollywood."

First week of "St. Louis Kid" at the Strand tallied $31,296.

## Radio, Publix in Deal

Cresson Smith, RKO western sales manager, and R. C. Price, Charlotte branch manager, have closed a deal with the Publix-Bamford circuit in South Carolina for the 1934-35 Radio lineup.

## Another Eastman High on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures vtc | 37¾ | 37 | 37¾ | — ¼ | 500 |
| Consolidated Film Ind. pfd | 15⅞ | 15½ | 15⅞ | + ¼ | 700 |
| Eastman Kodak | 110⅜ | 109½ | 110¼ | +1 | 2,000 |
| Fox Film "A" | 13¾ | 12¾ | 13¾ | + ⅞ | 5,100 |
| Loew's Inc. | 31⅞ | 30⅞ | 31⅞ | +1 | 5,000 |
| Loew's Inc. pfd | 98½ | 98½ | 98½ | —1¼ | 100 |
| Paramount Publix | 4⅜ | 4⅛ | 4⅛ | — ¼ | 3,400 |
| Pathe Exchange | 1⅜ | 1¼ | 1⅜ | + ⅛ | 2,700 |
| Pathe Exchange "A" | 13⅝ | 13 | 13⅝ | + ⅛ | 300 |
| RKO | 2 | 1⅞ | 2 | + ⅛ | 1,800 |
| Universal Pictures pfd | 37 | 37 | 37 | ..... | 1,000 |
| Warner Bros. | 4⅞ | 4⅝ | 4¾ | + ¼ | 2,200 |

## Technicolor Gains Quarter on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13⅜ | 13⅛ | 13¼ | + ¼ | 600 |
| Trans Lux | 2⅛ | 2⅛ | 2⅛ | ..... | 200 |

## Pathe Bonds Up One-Half

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equip. 6s '40 | 6½ | 6 | 6½ | + ½ | 20 |
| General Theatre Equip. 6s '40 ctf | 6½ | 5¾ | 6½ | + ⅜ | 9 |
| Keith, B. F., 6s '46 | 63¼ | 63 | 63¼ | ..... | .. |
| Loew's 6s '41 ww deb. rights | 103⅝ | 103⅝ | 103⅝ | — ¼ | 2 |
| Paramount F. L. 6s '47 | 57¼ | 57 | 57 | — ¼ | 6 |
| Paramount Publix 5½s, '50 | 58 | 57¼ | 58 | — ¼ | 19 |
| Pathe 7s '37 ww | 99 | 99 | 99 | + ½ | 3 |
| Warner Bros. 6s '39 wd | 59½ | 58¾ | 59½ | + ½ | 8 |

# Purely Personal

ARNOLD ALBERT has been pr moted to exploitation editor a sisting Gilbert Golden, in charge Warner press books. He succeeds Li Blumberg, who has been made a sistant promotion manager for t company under Sidney C. Davidso

Moe Streimer will be tendered a Indian Festival by the Monday Nigh ers next Tuesday evening. Place, M P. Club. Streimer, who is volunte fire chief of the Deer Park No. house, will attend in uniform.

Leslie Howard, work in Lond Films' "The Scarlet Pimpernel" completed, is on his way to Americ aboard the *Berengaria*. Meri Oberon, who appears in the film wit him, is expected here shortly afte

Johnny Burke and Harold Spin, composers, have delayed their trip the coast to write music and lyri for a musical comedy by Jam Montgomery.

Whitney Bourne, who recent completed work in the Hecht-MacA thur production, "Once in a Bl Moon," is convalescing at Docto Hospital from a general breakdow

Albert Warner, back from H Springs, scoffs at the story of his na row escape from an auto crash in snowstorm. However, it was close.

Leo Gottlieb, of counsel for Par mount Publix trustees, is due bac Monday from a business trip to th Paramount studio.

Arthur Loew, head of the M-G- foreign department, returns fro abroad on Dec. 24, cutting his tri short a week.

Edward O'Connor, head of th Dutch East Indies office of M-G-M is in Boston, his home town. It's hi first visit in six years.

Fred Kohlmar of the Goldwy office flew to the coast to visit th bedside of his sick mother, Mrs. Le Kohlmar.

W. Ray Johnston, president Monogram, is expected back from th coast sometime late next week.

C. E. Munroe of the Fox Australian sales force, leaves for Englan in a few days.

Ed Kuykendall is going to Ne Haven today for the football gam He'll be back tomorrow night.

Jean Gacon de Cavaignac, Parisian producer, sails for home toda on the *Ile de France*.

Si Seadler and Oscar Doob wil not return from their short visit t the M-G-M studio until Monday.

Irving Wormser's son, Richar will light his first birthday candl Nov. 22.

Mervyn and Mrs. LeRoy, who hav been here for a brief visit, expect t return to the coast next Wednesday

Sylvia Froos, radio singer, has ha her option taken up by Educationa and will appear in several more shorts

Dave Palfreyman returns fron his Michigan trip today.

C. C. Pettijohn arrives from th coast tomorrow.

Carl E. Milliken left for the coas yesterday to be gone about a month

Norman Taurog, Paramount director, arrives from the coast today.

## Theatre Unions Ask Hour Cut, Wage Tip

(Continued from page 1)

n the near future will ask for a 40-
our week and increases in ushers'
ages from 25 cents per hour to 40
ents per hour and in those of door-
en and porters from 35 cents to 55
ents per hour, it was stated yester-
ay by James Wilson, financial secre-
ary of the local.

An organizing movement has been
alled for Nov. 13 at which members
f the local may be asked to vote
uthorization of a strike call in the
vent negotiations are unsuccessful, it
as stated. The local is now affiliated
ith the Greater N. Y. Council of
ldg. Service Employes' Unions,
hich includes all classifications of
ervice help, superintendents and jani-
ors, cleaners and elevator operators.
meeting of the council is scheduled
or tonight at which arrangements will
e discussed for joint action on closed
hop demands and cooperation in event
f strikes, it was learned. Under the
rrangement, it is said, a strike of the-
tre service employes would result in
walkout of all affiliated building ser-
ice employes where a theatre is a
art of an office building.

The Paramount Bldg. and Hippo-
rome Theatre are reported to be
egotiating with the union now.

## "Gambling" to Reade On One-Picture Pact

(Continued from page 1)

ad 30 pictures to be played when the
istributor sold "The White Parade"
the Paramount without giving
eade a chance to book it under pro-
isions of his contract.

"Gambling" also was offered to the
oxy and Rialto. The three houses
ill have a chance to play all Fox
lms not slated for the Music Hall.
Hell in the High Heaven" may go
to the Roxy. Negotiations are under
ay for a deal. "Gambling" goes into
e Mayfair the latter part of the
onth.

## st Division-BIP Deal in the Offing

(Continued from page 1)

Great Britain and the latter com-
any's distribution of B. I. P. product
America. Fiske is here from New
ork on a combined business and
ecreation trip.

## "Love" Stays 3rd Week

PHILADELPHIA, Nov. 9.—"One
ight of Love" will continue its sen-
ational stay at the Karlton, a second
un theatre, for a third week. It
arks the first time a picture has gone
ree weeks at this theatre in years.

The first week trebled the usual
ross while the second fell only
ightly under the first figure.

## Limit Appeal Hearings

Code appeal meetings next week will
e limited to Wednesday and Thurs-
ay. On Tuesday Campi will meet to
iscuss the Kansas City clearance and
oning situation and in addition may
ispose of a number of recommenda-
ons by appeal committees which
ere not taken up on Thursday.

## "Anne" Goes to Roxy

"Anne of Green Gables" has been
old to the Roxy and runs there
hristmas and New Year's weeks.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## "Sequoia"

*(M-G-M)*

HOLLYWOOD, Nov. 9.—This is an unusual wild animal picture filmed against the beautiful Sierra Mountains with Malibu, a deer, and Gato, a puma, natural enemies, starred. The picture seems destined to be outstanding and one of the most talked about. It is a worthy attraction for any theatre.

Essentially, the production maintains the theory that only hereditary instinct causes animal enmity. As exemplified by the pair, adopted in orphaned babyhood by Jean Parker, the theory is proved.

For entertainment it skillfully blends natural drama, comedy, romance, thrills, action, menace and conflict. When, upon maturity, the creatures are released in the forest, they continually befriend each other.

Marked by understandable sympathy-generating humanness, it builds situations so that full value is derived from every element. In the finale, when death from humans menaces Malibu, the stalking Gato fights the mutual foe to exhaustion and Malibu administers the coup de grace. For an epilogue both gambol in friendly companionship.

### What the Symbols Mean

**Reviews classified with a "G" are regarded as suitable for general entertainment.**

**Those with an "A" are regarded as suitable for adult entertainment.**

Everyone connected with the picture is entitled to plaudits. Chester Franklin's direction, aided by Vance Hoyt, the author, is a triumph of patience and understanding. The screen play by Ann Cunningham, Sam Armstrong and Cary Wilson actually makes the animals human. Chester Lyons' photography is also a feature the patrons will talk about. It may be difficult to get folks to see this, but once interest is created praise is sure to come and it will be a great asset. Previewed without a production code seal. Running time, 70 minutes. Classification: "G."

## "Flirting with Danger"

*(Monogram)*

HOLLYWOOD, Nov. 9.—Handicapped by a slow start and dialogue in keeping, this picture winds up as thoroughly acceptable comedy. Edgar Kennedy and two pals, Robert Armstrong and William Cagney, chemical engineers for a big plant manufacturing explosives, manage to keep everyone in the cast on the point of being blown up with their experiments.

The three are finally sent to their company's Mexican factory as punishment for negligence. Here the boys get mixed up with fake revolutionaries, cafe dancers and more highly explosive formulas.

Marion Burns, the company's liaison officer, finally saves the three from an arson charge pinned on them by crooks. Romance is provided by Cagney and Burns.

The entire cast appears to advantage. Director Vin Moore, with little inspiration in the earlier sequences, commits himself expertly in the final reels which feature a swell comedy scene in which the three drunken heroes build suspense playing around with explosives in the chemica' factory, which later blows up. The photography by Archie Stout is good. Previewed without production code seal. Running time, 65 minutes. Classification: "G."

## "It's a Gift"

*(Paramount)*

HOLLYWOOD, Nov. 9.—W. C. Fields wraps this up, juggles it deftly and delivers his laughter package beribboned with buffoonery.

Fields, in a broad comedy cartooning the "homo sappo" with his gifts of puzzled clowning, rates high up among the screen zanies.

With no story to guide him, Fields gyrates through a series of comic supplement situations of Americana, embellished with gags riotous with laughter.

Henpecked, sick of running a grocery store, with a dead uncle's legacy he buys an orange ranch in California from a booklet. Arriving by jitney with his family they find only a dilapidated shack. A promoter needing land for a race track purchases it and Fields sells at a terrific profit. Gags while shaving, gags in the grocery store with Tammany Young and Baby LeRoy, gags at 4 A. M., trying to sleep, gags on the road

(Continued on page 4)

## Neo Classic Trend Hits Sets—Wilson

"Eighteenth Century English and Neo Classic styles are now in vogue," according to Albert C. Wilson, in charge of properties and interior decorating at the Warner studios in Burbank.

"Instead of using extremely large sets the trend now is to employ smaller sets with more refinement and intimacy," he said.

Because of style changes, Wilson is here to buy new furniture and oddities for new productions. He said a recent inventory of the stock in the company's property department shows that Warners have about $500,000 invested.

On his way in from the coast, Wilson stopped off at Grand Rapids and Chicago to look over the furniture market. He plans to stay another week in New York looking around before he makes any buys. He has been with Warners 15 years, Wilson stated yesterday.

## Oct. Quigley Award To Robert H. Suits

(Continued from page 1)

"What Every Woman Knows" did the trick. Suits barely nosed out Sig Solomon of the Regent, Newark, for first honors, the latter receiving first mention for his "Richest Girl in the World" campaign.

Honorable mention went to the following:

Harry Botwick, State, Portland, Me.; W. Lee Byers, Ritz, Clarksburg, W. Va.; Charles Curran, Strand, New York City; Maurice Davis, State, St. Louis; Francis Deering, State, Memphis; Roy P. Drachman, Fox, Tucson, Ariz.; Ken Finlay, Royal, Guelph, Canada; John Goodno, Palace, Huntington, W. Va.; Ken A. Grimes, Warner, Morgantown, W. Va.; Leo Henderson, Idaho, Twin Falls, Idaho; Sidney Jacobs, Sheridan Square, Pittsburgh; Ben R. Katz, Warner, Milwaukee; George Laby, Victory, Holyoke, Mass.; E. J. Melniker, Grand, Atlanta; William Powell, Paramount, Newport, R. I.; Les Pollock, Rochester; Kenneth A. Reid, Loew's, Canton, O.; Jack Simons, Poli, Hartford, Conn.; Nathan Silver, Strand, Lowell, Mass.; Jimmy Totman, Warner, Erie, Pa.; E. E. Whitaker, Fox, Atlanta.

## Distributor-Carrier Problems Discussed

(Continued from page 1)

effort to reach an understanding of common problems existing between the two groups.

Problems arising from time to time are discussed between the film carriers and distributors so that a more efficient service can be rendered by members of the National Film Carriers' Assn., Inc. Cooperation between the two groups has been noted at all meetings.

The next gathering will probably be held in three months. At the last meeting James Clarke, president of the carriers group, and representatives of M-G-M, RKO, Fox, Warners, Columbia, Universal, Paramount and the Hay office attended.

## Loew Report Delayed

The annual financial report of Loew's, Inc., is slightly delayed this year. Auditors, however, are working nights to complete the job within the next couple of weeks.

## Danubia Gets "Rakoczi"

Danubia Pictures has acquired the American rights to the Hungarian film, "Rakoczi March." The picture will open at the Tobis Nov. 16.

## Fight on in Omaha For Rachman Pardon

OMAHA, Nov. 9.—Letters from prominent Omahans, including a former congressman and an ex-police chief, have been filed with the Nebraska Board of Pardons seeking commutation of the 15-year sentence imposed on Jule Rachman, former local theatre man for the murder of Harry and Sam Goldberg, who had been his business partners.

Rachman shot the brothers in December, 1932, in an argument over business matters. He pleaded guilty to second degree murder.

Among those asking clemency for Rachman are Eugene Blazer, A. S. C. A. P. attorney; Henry Monsky, impartial member of the local grievance board; Rabbi Frederick Cohn; Malcolm Baldrige, former congressman; John Hopkins, recently elected Douglas County sheriff; Harry Trustin and Harry Knudsen, city commissioners, and George W. Allen, retired Omaha police chief.

It is understood Ralph Goldberg, manager of the Town and Avenue theatres and brother of the slain men, will oppose clemency. The pardon board will hear Rachman's case Dec. 12.

## Shut Out 2 Magazines

HOLLYWOOD, Nov. 9.—At a Hays office meeting today publicity directors voted to deny studio cooperation to *Movie Humor* and *Real Screen Fun* for allegedly tying up production stills with semi-nude Broadway chorines. The photographs as they appear in the magazines, it is charged, give the impression they emanate from the studios. *Film Fun* was also accused, but, receiving assurances that the publication would stage a cleanup, the meeting agreed to place it on probation.

## Form 2 Exhibitor Units

ALBANY, Nov. 9.—Ajax Pictures Corp. has been chartered to exhibit films. R. M. Savini, J. F. Thomson and John Michelson are directors and subscribers.

Whiteway Enterprises, Inc., also has been chartered to exhibit films, theatricals, etc. Julian T. Abeles, Leopold Bleich and William Lieber are directors and subscribers.

## E. A. McAuliffe Dead

CINCINNATI, Nov. 9.—E. A. McAuliffe, widely known exhibitor, died suddenly of a heart attack while in a doctor's office. He formerly was division manager for Fox in the Cleveland territory, and later operated theatres at Bellefontaine, Dayton and Portsmouth, O. His widow and three children survive.

## Ivy Lee, 57, Dies Here

Ivy Lee, ace of American publicists, died suddenly yesterday in his 58th year. The end came in St. Luke's Hospital, where he had lain ill with a brain tumor. Surviving are his widow, two sons and a daughter.

## Flash Review

*I'll Fix It*— . . . a well-knit, fast-moving story with both kid and adult appeal. . . . Good family entertainment.

*This film will be reviewed in full in a later issue of* MOTION PICTURE DAILY.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

(*Continued from page 3*)

but all with a new Fieldian twist, are explosive and high spotted by the comedian trying to catch some sleep.

Norman McLeod's skillful direction milks all the laughs to the limit. Jack Cunningham wrote the screen play from Charlie Bogle's and J. P. McEvoy's original. Henry Sharp photographed.

Being clean and highly enjoyable, it will appeal to all crying for laughs. Production code seal, No. 343. Running time, 70 minutes. Classification: "G."

### "Home on the Range"

(*Paramount*)

HOLLYWOOD, Nov. 9.—Production weaknesses ranging from dull gags and muddled narrative to uncertain direction and casting lower this one's rating.

The picture has all the essentials of a good western, running the gamut from Alaskan gold country to the Arizona range and featuring a horse race, forest fire and lots of good fisticuffing. However, it is likely to find most favor with kids. Jackie Coogan makes his screen return as the brother and half owner of a ranch with Randolph Scott. Villainy is carried on by Addison Richards with the aid of Evelyn Brent and Dean Jagger, who have completed a job in Alaska and are trying new fields.

There is the usual mortgage on the ranch of Scott and Coogan and several fights and robberies sandwiched in between. Scott falls in love with Miss Brent, who reforms in the last sequence, which is too late to be convincing. The dramatic climax features Coogan and Scott outwitting the racketeers and Coogan riding his horse to victory in the Arizona Sweepstakes.

Arthur Jacobson directed. Ethel Doherty and Grant Garrett wrote the screen play from a Zane Grey original. William Mellor did a good job on the photography. Exploitation should be aimed at the juvenile contingent. Production code seal, No. 310. Running time, 72 minutes. Classification: "G."

### "Marie Galante"

(*Fox*)

HOLLYWOOD, Nov. 9.—Dealing with the timely passing of the United States fleet through the Panama Canal and bolstered by a plot to blow up the fleet, this packs audience appeal. Although it could do without several cafe scenes which detract, the picture holds the interest.

Ketti Gallian, French actress, makes her American film debut as a small-town girl enmeshed in an international plot. The story opens with the girl tricked aboard a ship carrying members of the plot ring. She winds up in Central America. Finding no one speaking French, she becomes a cafe singer.

In her effort to make a quick return to France Miss Gallian innocently becomes the accomplice of Siegfried Rumann, the chief plotter. Spencer Tracy, a United States agent working on the case, tries to keep her out of trouble but only intensifies the suspicion of Robert Loraine of Scotland Yard, also on the case. The plot is finally busted up. Miss Gallian is shot. Leslie Fenton, suspected of being the ringleader, turns out to be the Japanese envoy. The girl recovers as Tracy and Fenton wait to take her home.

Henry King's direction is intelligent. Ned Sparks' comedy as the cafe owner is a high spot. The Jacques Deval novel has been given an interesting treatment by Reginald Berkeley. The photography of John Seitz is A-1.

Code seal No. 283. Running time, 89 minutes. Classification: "G."

## Sharon Gets Excited

SHARON, PA., Nov. 9.—Organized at a recent meeting attended by 850 adult church members, the Civic League of Sharon has appealed to City Council to close theatres on Sundays. Petitions which bear signatures of 1,700 residents are expected to be presented in support of the request.

The meeting at which the league was formed was called by church leaders when three local theatres which inaugurated Sunday shows two weeks ago refused to heed their plea to close.

## Chouinard in U. A. Job

MINNEAPOLIS, Nov. 9.—Casper Chouinard, has been appointed office manager of the local United Artists exchange, succeeding Ralph Cramblet, who was recently appointed sales manager.

## "Band Plays" New Title

HOLLYWOOD, Nov. 9.—M-G-M has again changed the title of "The Kid from College" to "The Band Plays On."

## Short Subjects

### "Laughing with Medbur in Malaysia"

(*Columbia*)

The latest of the series produced b Walter Futter and written and spoke by John P. Medbury is slightly abov the average of this series. The comments of Medbury are typical, but th scenes of Malaysia are interesting i their variety. Reviewed without pro duction code seal. Running time, 1 mins. Classification: "G."

### What Symbols Mean

**The "G" symbol indicates general entertainment.**

**The "A" symbol indicates adult entertainment.**

### "A Little Bird Told Me"

(*Radio*)

A combination cartoon and straigh film with particular appeal to chil dren although the novelty of it migh please adults. The reel opens wit a shot of a child in the jam jar an his subsequent discovery. When tol that a little bird told on him the ree switches to the method birds use i finding out such things. The latter done as a cartoon, is novel and af fords all the entertainment in the pic ture. Code seal, No. 0164. Runnin time, 5 mins. Classification: "G."

### "Pathe Topics"

(*Radio*)

The first of a new series, entertain ing and up to previous standard c reels of this type. It opens with trip through the Canadian Rockie and the photography here is particu larly striking. The audience is the shown the baby elephant captured b the Martin Johnsons, a comedy b by Jay Fassett and scenes of Tuskegee Institute. Highly recommended particularly because of the final scene Code seal, No. 0156. Running tim 10 mins. Classification: "G."

### "Jolly Little Elves"

(*Universal*)

The fable of the poor cobbler wh fed a cold, hungry elf on his last piec of food and was subsequently rewarde by all the elves is told in this Technicolor cartoon. The color work i very good and the musical accompani ment above average. The "dunkin song" sung by the elves at the en probably will be hummed at large Code seal, No. 265. Running time, mins. Classification: "G."

### "You Said a Hatful"

(*Roach-M-G-M*)

One of the funnier of the Charle Chase series that should please Chas fans everywhere. It has good gag and the comedy situations are nc overplayed, nor are there any mean ingless repetitions. Dorothy Appelb and Oscar Apfel are also in the cas Code seal, No. 388. Running time, 2 mins. Classification: "G."

## Para. Holds Cary Grant

HOLLYWOOD, Nov. 9.—Another lon term option has been taken by Paramount on the services of Cary Grant

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of the
Motion
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Industry

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# Jersey Allied Petitions for Zoning Setup

### ights Buying Clearance In Film Contracts

Dissatisfied with the protection beig given circuits and unsuccessful in recent attempt to have a clearance nd zoning board established for the erritory, Allied of New Jersey has etitioned Campi to rezone theatres in orthern New Jersey.

Allied's contention is that the ciruit's are buying protection and pracically setting up the clearances as they esire with exchanges having very lile to say in the matter.

The petition was on the calendar of ode Authority at the Oct. 25 meetng and was tabled for the Nov. 8 ession. At the Campi session last hursday the request was lost in the naze of individual appeals and other ncidental business.

Unless Campi does something with he petition one way or another, Allied vill take its complaint to Division dministrator Sol A. Rosenblatt, its nembers say.

## Studios Gain; 35 Features in Work

Hollywood, Nov. 11.—Production ctivity took a turn for the better last eek with an increase of two features work over the preceding week. hirty-five features and four shorts ere before the cameras, with 23 feaures and 13 shorts in the final stages f preparation. In the cutting rooms,

(Continued on page 6)

## Premiums Gaining in East, States Dealer

Kansas City, Nov. 11.—A total of 0,000 pieces of chinaware is shipped nto Greater New York for theatre iveaways by his company alone, statd J. A. Armstrong, sales manager f the Salem China Co., of Salem, O., visitor here last week.

"Premiums have reached a new high the theatre business, especially in

(Continued on page 3)

## Kuykendall Pleased By Sinclair Defeat

Commending California exhibitors or their refusal to support Upton Sinlair's campaign for governor, Ed uykendall, M. P. T. O. A. president,

(Continued on page 6)

# Cleveland Lukewarm on Classification of Pictures

Cleveland, Nov. 11.—The Warner Philadelphia plan of designating pictures as adult or family entertainment is being watched locally with only mild interest.

It has long been the practice of Greater Cleveland exhibitors to play "family night" programs on Friday and Saturday. The Cleveland Cinema Club, the P-T-A's and the picture division of the Federated Women's Clubs have been in touch with the neighborhood theatre owners for the past five years in establishing family night week-end programs.

Results have been only fairly satisfactory. While exhibitors gave their fullest cooperation, the neighborhoods, with only a few exceptions, failed to support the shows.

However, exhibitors continue to book their Friday-Saturday pictures with a weather eye on the family trade

(Continued on page 3)

## Circuits in Frisco Oppose Film Marks

San Francisco, Nov. 11.—Circuits here are not using any symbol method to apprise the public as to whether pictures are suited to families or adults. Several organizations of parents and teachers, however, issue weekly bulletins advising their members on types of pictures and even going so far as to recommend against productions from time to time.

When the symbol method as now used by Warners in Philadelphia was called to the attention of bay region theatre men they all took the position

(Continued on page 3)

## Freehold Overbuying Case to Be Settled

Walter Reade is settling the overbuying complaint filed against him by the Liberty, Freehold, N. J. Reade operates the Strand in the same city.

Leo Justin of the Reade office tried to straighten the picture situation out at the local grievance meeting last Tuesday, but needed Reade's official okay before he could give the Liberty product. Reade has passed on the pictures and when the case is called tomorrow, the litigants will declare the matter settled. Harry Suchman represented the Liberty.

## Campi Expenditures Total to $157,019

Operation expense of Campi, its various boards and agencies has totalled $157,019.89 since the NRA

(Continued on page 3)

### FWC May Mark

**Los Angeles, Nov. 11.—The policy of classifying films as to their adult or family suitability is being seriously considered here by Fox West Coast executives, it was learned yesterday.**

**The subject is slated for early discussion and the policy would be confined to subsequent run houses if adopted, it was said.**

# London Limit For Standees Due on Jan. 1

By BRUCE ALLAN

London, Nov. 11.—(*By Mail*)—As from Jan. 1, 1935, theatres licensed by the London County Council will be subject to new rules limiting the numbers of patrons allowed to stand at any performance.

Only one row of persons will be allowed against side walls adjoining side gangways. At the back of the hall one row will be permitted with the further concession that extra rows, up to a total of three only, may

(Continued on page 6)

## Rosenzweig Sues on Deal Over Waldorf

Dave Rosenzweig, Mitchell Kay and Max Shapiro have filed suit in the Supreme Court, Kings County, against Louis Frisch, Sam Rinzler and Foxrand Realty Corp., claiming the defendants are "depriving the plaintiffs of 50 per cent interest in the ownership, management and control of the newly constructed Waldorf in Brooklyn."

Frisch and Rinzler admitted the suit was on, but would not comment.

## Skourases Are Sued On St. Louis Bonds

St. Louis, Nov. 11.—A suit for $6,420 has been filed in the Circuit Court here by Meyer Hessel, an attorney, against Spyros, Charles and George Skouras, and Clarence Turley,

(Continued on page 3)

# Say Debenture Issue Blocks NewRKOLoan

### Regarded as Second Lien On Company's Assets

Second liens on the RKO collateral securing the $1,425,000 of gold notes now outstanding may prevent the RKO trustee from negotiating a bank loan with which to retire the full amount of the notes at one time in accordance with the instructions of Federal Judge William Bondy, it was learned on Saturday.

The collateral securing the $1,425,000 of RKO gold notes, which are held by Consolidated Film Industries, has a book value of $50,000,000 and represents practically the entire RKO investment in its going subsidiaries. In approving the RKO-Consolidated agreement for extending maturities on the notes from next Jan. 1 to May 1, 1938, at six per cent interest, Judge Bondy instructed Irving Trust Co., trustee for RKO, to make an effort to negotiate a bank loan to retire the notes at one time and effect an appreciable saving of interest.

"Any bank should be glad to make

(Continued on page 3)

## New Mexican Film Rules Being Drawn

By JAMES LOCKHART

Mexico City, Nov. 11.—At the suggestion of President Abelardo Rodriguez, State Department experts have drafted a measure which calls for Federal constitutional amendments that will provide new regulations for all phases of the industry, including domestic production, importations, exports and exhibition, and has presented

(Continued on page 6)

## Booking Combine Is Believed Dead Here

Little response on the part of local exhibitors is being given the plan to combine about 100 independent theatres into one large booking and buying circuit. All indications are that the move is dead.

A number of I. T. O. A. members, although the idea was not backed by the unit, looked upon the amalgamation of the numerous independent interests as a weapon to break down the protection demands of major circuits.

However, as soon as the local union situation is settled, the I. T. O. A. will sign the code and demand a clearance and zoning schedule.

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DAILY

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## Sees Academy Hurt If Producers Quit

Hollywood, Nov. 11.—The Academy of M. P. Arts & Sciences would lose its "unique value" as a medium through which creative talent may engage in collective bargaining directly with producers if the latter were to withdraw, Frank Lloyd, newly elected Academy president, declared yesterday.

He denied persistent rumors that several producers planned to resign in order to bring about greater freedom in collective bargaining for creative talent branches of the academy. Lloyd contended that such a move would make collective bargaining within the Academy more difficult.

## Kaufman in Jersey Job

Herbert Kaufman of the Buffalo Paramount sales force has succeeded Frank Blakely, resigned, as New Jersey salesman. William Brimmer rejoins the company in Buffalo.

## Fox Renews with Three

Hollywood, Nov. 11.—Fox has given new one-year tickets to Claire Trevor and Stepin Fetchit.

Spencer Tracy was given a straight two-year contract without options.

## Hatrick Due in Tuesday

Los Angeles, Nov. 11.—E. B. Hatrick, Hearst representative in Cosmopolitan Prod., en route to New York, is due there on Tuesday.

# Insiders' Outlook

THE comparative state of content reigning in exhibition ranks and evidenced by the absence of well-supported crusades and squawks against production and distribution practices of the day is being remarked upon by both distribution executives and officials themselves of exhibitor organizations. Not in the memory of any of them, they say, has there been such seeming tranquillity among exhibitors on a large scale as now. No large group within the industry, they point out, is threatening "to call a cop" to iron out an industry problem, no irate exhibitors are hiring halls in which to raise a national cry against a real or seeming oppression and yells have reduced themselves to peeps on the part of those who, rightly or wrongly, are sometimes called the trade's chronic agitators. . . .

▼

The reason? Some hold that it is all a certain indication that box-office affairs are brighter again; that, when the exhibitor's books are balancing in the right direction, the ills of the trade, real or fanciful, lose significance. Others will tell you that the code machinery is dispelling many an uprising by removing the cause at the source. Whether this is merely a pleasant interlude or the legendary calm before the storm which may break over what was once called protection but which now has the more genteel name of clearance is something time will determine. Perhaps shortly now. . . .

▼

For years, this forum, writing in this space and in other space, has pointed out that protection, or clearance if you prefer, is one of the festering sores of the industry; that something had to be done about it; that chiseling on the part of the circuits which act the way they do merely because they are big had to be brought to some sort of a halt, not necessarily gentle; that, if the steps were not taken on the inside, pressure—meaning those Washington "New Dealers"—would be exerted from the outside. The right to live should be no exclusive with the powerful, granting at once to the comfortably intrenched the fact that they rate more because they own more. . . .

▼

Through the ether between London and New York comes the flash, from the inside, that all is not over between Gaumont British and British International. Outwardly, negotiations looking toward a consolidation have been broken off. Actually, the lowdown insists this is not the case at all; that the barter is under way and that a hitch is the price of $3.75 a share placed by Fox Film on its block of stock in the Industrial and Bradford Trust, Ltd., controlling company. That would place the Fox end at approximately $8,250,000. Isadore Ostrer, on the other hand, thinks his stock in the same company is worth $6.25 a share. Denied by the principals, the London trade at large views a deal as inevitable. When, is something else again. . . .

▼

How G. B. is working here was detailed to company stockholders at their recent annual meeting when Mark Ostrer said:

> "We decided to use our own sales force in all the larger territories and made an arrangement with Mr. S. R. Kent, president of Fox Films and also a director of your company, to physically distribute our product and to sell for us in the smaller territories where we, in conjunction with Mr. Kent, considered it uneconomical to sell ourselves."

The fact that, according to Ostrer, Fox is selling G. B. to smaller accounts is new and a hitherto untouched angle of that organization's activities. . . .

▼

More from London has to do with the headlong fling in theatre construction under way on the tight little island. In the next 12 months, responsible British trade opinion lends strength to the estimate that between 200 and 300 new houses will go up. Optimists there like to think this building campaign will result in the permanent darkening of small and obsolete houses which progress should have washed up long since anyway. The English cousins are reminded that the identical idea prevailed here to be kicked out when that memorable October, five years and a month back, arrived. . . .

KAN

## Eastman Still Soaring on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 38 | 38 | 38 | + ¼ | 100 |
| Consolidated Film Industries | 3½ | 3½ | 3½ | + ⅛ | 100 |
| Consolidated Film Industries, pfd | 15⅞ | 15½ | 15½ | — ⅜ | 900 |
| Eastman Kodak | 110½ | 110¼ | 110½ | + ¼ | 900 |
| Fox Film "A" | 13¾ | 13½ | 13¾ | ..... | 1,200 |
| Loew's, Inc. | 31⅞ | 31⅝ | 31⅝ | — ¼ | 2,300 |
| M-G-M, pfd. | 26½ | 26½ | 26½ | — ¼ | 100 |
| Paramount Publix, cts | 4⅜ | 4¼ | 4⅜ | + ¼ | 2,400 |
| Pathe Exchange | 1⅜ | 1¼ | 1⅜ | ..... | 1,100 |
| Pathe Exchange "A" | 14 | 13⅜ | 14 | + ⅜ | 1,000 |
| RKO | 2 | 1⅞ | 1⅞ | — ⅛ | 1,700 |
| Warner Bros. | 4⅞ | 4⅝ | 4¾ | ..... | 1,500 |

## Curb Issues Show Slight Losses

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13¼ | 13 | 13 | — ¼ | 200 |
| Trans-Lux | 2 | 2 | 2 | — ⅛ | 100 |

## Pathe Bonds Drop Half Point

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 6¾ | 6⅜ | 6½ | ..... | 20 |
| Loew's 6s '41, ww deb rights | 103⅞ | 103⅞ | 103⅞ | + ¼ | 1 |
| Paramount F. L. 6s '47 | 57½ | 57 | 57½ | + ½ | 8 |
| Paramount Publix 5½s '50 | 57½ | 57½ | 57½ | — ½ | 5 |
| Pathe 7s '37 ww | 99 | 98½ | 98½ | — ½ | 3 |

## Kelly Finds Films Affect Far Place

Styles and conditions of life are being affected by films in remote parts c the world, says Arthur W. Kelly, vice president of U. A. in charge of distribution, who has just arrived i Tokio on the last leg of a world tou

"It is impossible," he cables, "t overestimate the influence of Hollywood films in stimulating international trade. Every American pictur is an animated catalogue of American made products. American manufacturers and exporters owe a deep deb of gratitude to Hollywood producer for opening up again and again ne markets for their goods."

Kelly will return to this country i about five weeks.

## Preparing Shakespeare

Hollywood, Nov. 11.—Productio on "Midsummer Night's Dream" ha been definitely set to begin Dec. 1 Max Reinhardt and William Dieterl will co-direct from a screenplay b Charles Kenyon and Mary McCal Jr. Original Mendelssohn music wil be arranged by Erich Wolfegan Korngold. Art direction will be b Anton Grot. Costumes will be create by Max Ree. The only two peopl definitely set for the cast are Micke Rooney, borrowed from M-G-M, wh will portray "Puck," and Bronislav Nijinska, famous European dancer.

## Penzner Plans One

Hollywood, Nov. 11. — John B Alden, president of Penzner Pictures has become a member of the I. M. P P. A. Penzner will produce unde supervision of B. V. Mindenburg feature titled "The King"s Highway." Shooting starts Nov. 17. Rod La Roque has been signed for the lead Max Pollock will direct.

## Praise for Meyer

Regret over resignation of Fred Meyer as M.P.T.O.A. secretary was expressed on Saturday by Ed Kuykendall, who, describing Meyer as an "able and constructive co-worker," declared that "his place will be hard to fill." Meyer was recently named assistant to Carl Laemmle, Sr.

# ay Debenture ssue Blocks ewRKO Loan

(Continued from page 1)

e loan with such collateral as that,"
dge Bondy remarked at the time.
Financial observers now point out
at such a procedure may not be pos-
le under the terms of RKO's
1,600,000 debenture issue outstand-
g. The debentures, it is stated, are
second lien on the collateral secur-
the gold notes and, in addition,
ere is a debenture provision stipulat-
that RKO can make no new loans
thout re-securing the debentures
th the same collateral or with col-
eral equal to that posted for the new
an.

This is interpreted in official quar-
rs to mean that a bank would have
greater rights than debenture hold-
s if the collateral now securing the
ld notes held by Consolidated and
presenting practically all of RKO's
sets, was to be reassigned as col-
teral for a new loan. Little likeli-
od of finding a bank willing to make
e new loan on those conditions
ists, according to responsible opinion.
RKO has been unable to negotiate
reduction of interest on the gold
tes through Consolidated. However,
e agreement recently approved by
e court provides that RKO may ac-
lerate retirement of the notes at its
vn convenience, the retirement period
ding May 1, 1938, being merely the
aximum. The interest saving empha-
zed by Judge Bondy thus may be
alized by RKO's ability, in the face
improving earnings, to retire the
1,425,000 obligation in one-half, or
ss, the time provided in the agree-
ent with Consolidated.

## kourases Are Sued On St. Louis Bonds

(Continued from page 1)

ho were associated in the various
kouras Brothers theatrical enter-
rises here several years ago. In his
etition Hessel sets forth that he
wned six $1,000 second mortgage
onds on the Ambassador, Grand Cen-
ral and Missouri theatres, and claims
ey were guaranteed by the Skouras
rothers and Turley.

The petition states that the bonds
ave been in default since January,
933. He asks for payment of princi-
al and the accrued interest.

None of the defendants could be
eached for a statement. A reorgan-
zation plan for the theatre properties
ecame effective some months ago.

## remiums Gaining in East, States Dealer

(Continued from page 1)

he east, where the practice is spread-
ng," he told Motion Picture Daily.

Kansas City, he added, was the only
pot in the country where his com-
any's premium business had dropped
ff, because of the premium ban which
ecently went into effect. Until that
evelopment, premiums were gaining
ere also, he said. "The suspension
f premiums in Kansas City is only
emporary; the situation will correct
tself in a few days," he asserted, re-
ferring to the efforts of an exhibitor
roup to declare the ban void.

# Looking 'Em Over

## "Jealousy"

*(Columbia)*

Columbia has a find in George Murphy, former college athlete and stage actor, whose only screen experience prior to his role in "Jealousy" has been in a minor part in "Kid Millions." He has some of the dynamic quality of Cagney, and, in addition, is a big, fine-looking fellow who looks as though he could take it—and give it.

Up to the closing sequence where the director, Roy Neil, begins to extricate himself from an impending unhappy ending, the story moves swiftly and has plenty of action and suspense.

Murphy, a boxer, on the eve of an impending fight, finds his sweetheart, Nancy Carroll, working late in the office of Donald Cook. A mild scene follows. Later during the fight he is knocked out as he glances into the crowd to see Cook and Miss Carroll coming down an aisle. In the dressing room later, Murphy knocks Cook down.

### What the Symbols Mean

**Reviews classified with a "G" are regarded as suitable for general entertainment.**

**Those with an "A" are regarded as suitable for adult entertainment.**

They marry, though he is broke. Miss Carroll returns to work for Cook. Murphy finds them together and shoots Cook. He is on his way to the electric chair when he sudddenly wakes up and finds the referee still counting over him. Then he wins the fight.

The only comedy touches—pretty mild ones at that—are furnished by Raymond Walburn as a lawyer. Arthur Hohl, as Murphy's manager, gives a fine performance. Production Code Seal No. 356. Running time, 59½ minutes. Classification: "G."

## "Green Eyes"

*(Chesterfield)*

This is passable entertainment for neighborhood houses. Although the film is slavishly fashioned to the formula for mystery pictures, it proves itself a well-carpentered and a generally engrossing production.

Claude Gillingwater is murdered during a costume party at his home. Being a mean old fellow, it is no mystery that he should be done away with. Finding the guilty one is something else again. In the parade of suspects are Dorothy Revier, Shirley Grey, William Bakewell, Charles Starrett, Alden Chase, Aggie Herring and a few others. Why some of these should have wanted to kill Gillingwater is difficult to fathom.

The police prove dunderheads until Starrett, a writer of mystery fiction, does a little investigating on his own. Through his efforts Dorothy Revier and Alden Chase, who plays her husband, are uncovered as the guilty ones. Chase, Gillingwater's secretary, was motivated by the need of money to cover up his losses in the stock market with his wife acting as an accessory. Things are made still easier for the police when the two commit suicide. Richard Thorpe directed.

No code real. Running time, 68 minutes. Classification: "G."

## "Against the Law"

*(Columbia)*

In this one John Mack Brown is an ambulance driver who carries self-sacrifice and generosity to the point where he lends his life savings to an interne to get him out of a jam with a crowd of racketeers, despite the fact that the interne is engaged to the girl with whom Brown is in love.

When the interne runs out on a job at a fire, Brown performs an emergency operation. He is disciplined and sent to a receiving hospital for this act, but he still keeps silent. The interne is George Meeker and the girl Sally Blane.

Brown answers three calls in the picture to a gangsters' rendezvous. The last one is for the death of his friend, the interne. In this one, he props the interne in his own car and pushes him over a cliff to make it appear like a motor accident. He wins the girl at the finish.

The story has its moments, and leads up to a good climax when Brown traps the leader of the gang in his ambulance, but audiences given to the use of logic will probably wonder why the police are not more active in some of the shootings. The story makes Brown a bit too angelic to seem real. Miss Blane is always attractive. Lambert Hillyer has done a good directorial job with story material that is a bit creaky. Production Code Seal No. 291. Running time, 66 minutes. Classification: "G."

*(Additional reviews on page 6)*

# Cleveland Is Lukewarm on Film Marking

(Continued from page 1)

so that there are very few kicks even by the most ardent club enthusiasts.

Milton Bryer, while manager of the Windameer Theatre, definitely establishes certain days of the week as "type" programs. Family pictures were shown over the week-end; sophisticated pictures on definitely established days. The same held true of action pictures. Patrons of the Windameer knew in advance the type of entertainment they were buying on the specified days. While this was not a 100 per cent policy, due to block booking, it was usually observed.

David Chatkin, head of a circuit in this territory, reports that his Palace, Akron, definitely states in its advertisements whenever a picture is a family picture. He does not, however, indicate when it is an adult picture. Labeling it "adult," Chatkin says, is a "cheap method of exploiting the public for the benefit of the box office."

Nat Wolf, Warner zone manager in Ohio, had no opinion to express on the Warner Philadelphia plan as it might affect the Ohio territory.

## Circuits in Frisco Oppose Film Marks

(Continued from page 1)

that such a method was not necessary because theatrical advertisements, publicity and regular critics' reviews gave the necessary information and in a far more accurate and adequate fashion.

Among the principal organizations here using the symbol method ("A" for adults; "F" for families, etc.) are the Federation of Women's Clubs of which Mrs. Howard Dixon is the chairman of the motion picture division; and the Parent Teachers' Ass'n., in which Mrs. Robert Barr is head of the same department. Both organizations issue bulletins at regular intervals.

## Campi Expenditures Total to $157,019

(Continued from page 1)

sanctioned the setup. Disbursements for the month of October were $24,038.01, of which $9,494.79 was for the home office, $2,021.41 for Hollywood and $12,521.81 for local boards.

According to an official financial breakdown, producers and distributors have paid $100,500 and exhibitors $83,502. New York State income tax collected at source was $189, making the total receipts $184,191. Cash in the bank as of Oct. 31 was $27,171.11.

## Ask Campi Advice on Ban

Kansas City, Nov. 11.—Advice of Campi has been asked on the legality of the grievance board's vote banning premiums. This is believed to be the first city to ban giveaways. Action may be taken by the board tomorrow.

## Jersey Allied to Dine

Members of Allied of New Jersey will hold a beefsteak dinner at Henrietta Miller's in Irvington, N. J., on Thursday.

# Great Enough for the MUSI

## HENRY HULL

**Phenomenal Broadway stage star of "Grand Hotel" and "Tobacco Road" . . . Brought to the screen as the memorable "MAGWITCH"!**

## JANE WYATT

**Praised by N.Y. stage critics for her current remarkable performance in "Lost Horizons" . . . Adorable as ESTELLA!**

**CHARLES DICKENS'**

# GREAT EXPECTATIO

**A UNIVERSAL PICTURE** • Presented by **CARL LAEMMLE** • **A STANL**

**OPENS AT THE RADIO CITY**

## LL! *Great Enough for* **YOU!**

**PHILLIPS HOLMES**

•

**FLORENCE REED**
**ALAN HALE**
**VALERIE HOBSON**

# NS

RGERMAN PRODUCTION

SIC HALL IN NOVEMBER

# London Limit For Standees Due on Jan. 1

(Continued from page 1)

be added at the rate of one row for each three feet, six inches of gangway.

The actual number of persons permitted to stand must be agreed between the theatre and the L. C. C. and notices stating the figure prominently displayed.

Deputations from the Cinematograph Exhibitors' Ass'n. and other theatrical bodies failed to obtain any alteration in the new rule.

* * *

London newsreel theatres will number 10 at the beginning of 1935 and four or five others are planned.

British News Theatres, controlling existing establishments at Waterloo and Victoria Stations, plans further buildings at all London railway termini.

Further provincial newsreel theatres are set for Manchester and Glasgow.

Of moderate seating capacity and offering 50-minute programs at from 12 to 25 cents, the newsreel theatres, inaugurated by British Movietone News at the old Shaftesbury Pavilion, are popular.

# Studios Gain; 35 Features in Work

(Continued from page 1)

a total of 41 features and 19 shorts were reported.

Paramount heads the list with six features in work, four preparing and three editing; Warners have six, two and six; Universal, five, two and three; Fox, four, four and three; Columbia, four, two and four; M-G-M, three, four and nine; Radio, two, two and five; Century, one, zero and one; Roach, zero, zero and one, while the independents have four, three and six.

In the short subject division Roach has one before the cameras, three preparing and two editing; Radio has one, two and five; Columbia, zero, one and three; M-G-M, zero, four and four, while the independents report two, three and five.

# *Kuykendall Pleased By Sinclair Defeat*

(Continued from page 1)

observed on Saturday that exhibitors, as such, should interest themselves in politics only in defense of their business against unfair legislation and the incursions of "professional reformers."

"We know," he said, referring to Sinclair's overtures for exhibitor campaign assistance, "that no intelligent aid in industry affairs can be given by persons whose sudden proffer of help is just a bait to entice one industry element into a political controversy on their side."

## *Books Holiday Films*

Howard Cullman has booked Universal's "Imitation of Life" for Thanksgiving week at the Roxy and has signed for Radio's "Anne of Green Gables" for Christmas week.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Babes in Toyland"*

*(Roach-M-G-M)*

Hollywood, Nov. 11.—Hal Roach, with an expert showmanship eye, has produced a smashing box-office feature from Glenn McDonough's stage play interspersed with Victor Herbert's tuneful music. It is highly entertaining and imaginative, assembling all the thrilling characters from the "Mother Goose Rhymes."

There is Stanley Dum and Oliver Dee (Laurel and Hardy), and Little Bo Peep (Charlotte Henry), and newcomers Felix Knight as Tom Tom the Piper's Son and Barnaby (Henry Kleinbach), from the Hollywood version of "The Drunkard," and Widow Peep and Mother Goose, Santa Claus, Little Boy Blue, Jack and Jill, Little Red Riding Hood and all the others, not forgetting the Three Little Pigs.

Dramatically, with sustained interest and with well-built suspense timed with hearty laughter, it spins the fairy tale of the love of Tom Tom and Little Bo Peep, a figment ripened by time. There is Barnaby, the villain, who wants the gal or he will foreclose the mortgage. Separated by said villain the lovers are caught in his clutches but he is foiled by Dum and Dee.

It's gorgeous fun and those two marvelous dopes Laurel and Hardy are just that. Good, too, is Charlotte Henry with Felix Knight of pleasant voice and person.

High spot of hilarity is the trick marriage between Dum and Barnaby. The big thrill is the march of the wooden soldiers with the routing of the bogey men at the finale.

The production is all that can be desired with the cast good throughout. The photography of Francis Corby and Art Lloyd is fair.

Gus Mein's and Charles Roger's direction has originality paced for laughter and suspense. Frank Butler and Nick Grinde did a swell job of writing the screenplay.

Youngsters, no matter what age, will get a big boot out of this fantastic tomfoolery. In fact, it looks like a toss up as to who will take who, the children the parents or the parents the children.

"Babes in Toyland" seems set for a cleanup for the holidays or any other days. Production code seal, No. 401. Running time, 72 minutes. Classification: "G."

## *"The Silver Streak"*

*(Radio)*

Hollywood, Nov. 11.—This one is the first film dealing with the Burlington streamline train and provokes exploitation angles for exhibitors. However, its story values lower its entertainment values.

The yarn has chases, fights and other forms of outmoded melodrama presented in a manner reminiscent of the silent era. The main punch of the story features the race of the Zephyr to Boulder Dam carrying life-saving apparatus to paralysis victims. The romance is carried by Sally Blane, daughter of an old school railroad man, William Farnum, and Charles Starrett, youthful inventive genius who sees the culmination of his efforts in the record run of the train.

The high spot of the race to the dam is the pictorial nature of the country which makes believable the illusion that the observer is on the train with the passengers. Unnecessary footage features the fruitless endeavor of Irving Pichel to stop the train by fisticuffs and to escape arrest on a murder charge. Edgar Kennedy, as the engineer, offers the only outstanding cast portrayal.

Direction by Thomas Atkins fails to lift the film. Photography by J. Roy Hunt and photographic effects by Vernon Walker rate high. Production code seal, No. 397. Running time, 87 minutes. Classification: "G."

## *Warners Promise No Late Matinee Scale*

St. Louis, Nov. 11.—Warners will not follow the lead of F. & M.'s Ambassador and Missouri in extending matinee prices from 6 P. M. to 7:30 P. M. Members of the M. P. T. O. unit have been given assurances to this effect.

## *Bernerd Bringing Eight*

When Jeffrey Bernerd, general manager of Gaumont British, returns from England late next month he will bring with him eight new releases, the final half of the company's program for 1934-35.

## *Hornstein on His Own*

Joseph C. Hornstein, who has resigned as purchasing head of Warners and president of Continental Theatre Accessories, will reenter the independent theatre equipment field on his own. Herman Maier, head of Warners construction and maintenance department, will add Hornstein's former duties to his own.

# ◂ *Purely Personal* ▸

John Riesenfeld of the MacFadden women's group has been assigned to the New England territory in the place vacated by the transfer of William Carlisle to the home offices.

Bronislava Nijinska, who has been signed by Warners for a "A Midsummer Night's Dream," arrives from Europe Wednesday on the *Champlain*.

Charles Rosenzweig, general sales manager, and Jules Chapman, his assistant, are now in Boston on their tour of First Division exchanges.

Frank K. Speidell, head of the Industrial division of Audio Prod., leaves for his second trip to the coast some time this week.

Adolfo R. Aviles, picture commentator on Radio Splendid of Buenos Aires, is in town for several weeks before going to Hollywood.

Al Gross of the Paramount foreign department is working at the New York exchange getting the lowdown on exchange operations.

Sam and Mrs. Briskin, who are in town vacationing from the coast, sail for home Nov. 13 on the *Santa Rosa*.

Mrs. Henry Randel is recuperating nicely at the Women's Hospital from an abdominal operation.

Sol and Mrs. Lesser left for the coast yesterday. They plan to be back again in about four months.

Harry Edington and Barbara Kent arrive on the *Berengaria* Wednesday.

Charles L. O'Reilly is in Boston on business.

Thomas and Mrs. Meighan are en route to Pasadena for a vacation.

# New Mexican Film Rules Being Drawn

(Continued from page 1)

it to the National Legislature. The legislators are expected to act on the proposition before the end of the year.

It is learned that the measure incorporates features of laws in effect in various countries, including the United States. The department declares that its proposition will benefit the industry in Mexico.

Among things the plan provides, department officials reveal, is that it will provide for banning exhibition of pictures that are objectionable because of their exaggerations, treatment, etc. It is expected this phase of the measure will strengthen the present law which forbids showing of any picture that snubs, belittles or otherwise offends Mexico, Mexicans and their manners and customs or those of any friendly country. Producers in and out of Mexico will be duly advised as to just what this country deems objectionable.

Film, disc and other imports will be benefitted as the measure provides that the department will have sole supervision and that its approval will allow exhibition in all parts of Mexico. At present, importing is supervised by various government departments, a situation that is making importers both grey-haired and lean, owing to the amount of running around they have to do.

# JOSEPH BERNHARD

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**DAILY**

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# "One Night" Washington's 2nd Week Hit

WASHINGTON, Nov. 11.—"One Night of Love" was the outstanding attraction here in its second week at the Metropolitan where it again topped par by a wide margin. The $7,000 take was over the line by $2,900.

"The Last Gentleman," with a stage show at Loew's Fox garnered $21,000, only $500 over average.

"The Scarlet Empress" took a nosedive, despite fine newspaper reviews. The $15,700 was $1,900 below the profit line. Business was off generally.

Total first run business was $65,400. Average is $71,200.

Estimated takings, exclusive of tax, for the week ending Nov. 1:

**"THE SCARLET EMPRESS" (Para.)**
EARLE—(2,218), 25c-77c, 7 days. Stage: J. Harold Murray, Sara Mildred Strauss Dancers, Gomez & Winona, Charlie Hill & Lora Hoffman. **Gross:** $15,700. (Average, $17,600)

**"PURSUED" (Fox)**
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days. **Gross:** $2,300. (Average, $3,100)

**"THE LAST GENTLEMAN" (U.A.)**
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Bob Murphy, with Son Dick and Daughter Dorothy; Medley & Dupree; Shepherd, Carleton & Pritchard; Joe Fejer & Orchestra. **Gross:** $21,000. (Average, $20,500)

**"JUDGE PRIEST" (Fox)**
LOEW'S PALACE — (2,370). 35c-77c, 7 days, 2nd week. **Gross:** $9,400. (Average, $14,500)

**"ONE NIGHT OF LOVE" (Col.)**
METROPOLITAN — (1,591), 25c-40c, 7 days, 2nd week, return engagement. **Gross:** $7,000. (Average, $4,100)

**"THE GAY DIVORCEE" (Radio)**
RKO-KEITH'S—(1,836), 25c-55c, 7 days, 2nd week. **Gross:** $10,000. (Average, $11,400)

# "Cleopatra" Hits $8,500, Portland

PORTLAND, Nov. 11.—In spite of a continuous week's rain the revised lineup of first runs ran well over normal. "Cleopatra" and a stage show at the Paramount took $8,500, or $3,000 over normal.

"The Merry Widow" at the United Artists rang up $6,000, or $1,000 excess.

"The Fountain" at Hamrick's Orpheum with a stage show had a take of $4,500, or $1,500 over the usual.

Total first run business was $28,500. Average is $22,000.

Estimated takings for the week ending Nov. 3:

**"DUDE RANGER" (Fox)**
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

**"THERE'S ALWAYS TOMORROW" (Univ.)**
**"THE GRIDIRON FLASH" (Radio)**
ORIENTAL—(2,040), 25c, 7 days. **Gross:** $2,500. (Average, $2,000)

**"THE FOUNTAIN" (Radio)**
HAMRICK'S ORPHEUM—(1,700), 25c-35c-40c, 7 days. Stage show. **Gross:** $4,500. (Average, $3,000)

**"GAY DIVORCEE (Radio)**
MUSIC BOX—(1,000), 25c-35c, 7 days. **Gross:** $2,000. (Average, $2,000)

**"CLEOPATRA" (Para.)**
PARAMOUNT — (3,008), 25c-35c-40c, 7 days. Stage show. **Gross:** $8,500. (Average, $5,000)

**"MERRY WIDOW" (M-G-M)**
UNITED ARTIST—(945), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

## *Carolina Group to Meet*

CHARLOTTE, Nov. 11.—The Theatre Owners of North and South Carolina will hold its 22nd annual convention on Dec. 9-10 at the Charlotte.

# *"Divorcee" 2nd Week Wow In Cleveland; Gets $10,000*

CLEVELAND, Nov. 11.—"The Gay Divorcee" in its second week at Warners' Hippodrome continued to hold the spotlight. With a $10,000 gross, it broke the second week record of the house. "The Case of the Howling Dog," with $3,800, went $800 over the Allen Theatre average. "Cleopatra" held to the house average at Loew's State. A fair stage show was a handicap to "Lady By Choice" at the RKO Palace. There was a decided drop in both downtown and neighborhood house business. The weather was very stormy, with first snow of the season.

Total business was $41,800. Average is $41,000.

Estimated takings for the week ending Nov. 2:

**"THE CASE OF THE HOWLING DOG" (Warner's)**
ALLEN—(3,300), 20c-30c-40c, 7 days. **Gross:** $3,800. (Average, $3,000)

**"THE GAY DIVORCEE" (Radio) second week**
WARNERS' HIPPODROME—(3,800), 30c-35c-44c, 7 days, 2nd week. **Gross:** $10,000. (Average, $6,000)

**"LADY BY CHOICE" (Col.)**
RKO PALACE—(3,100), 30c-40c-60c, 7 days. Stage: "Words & Music," with Lester Cole. Herman Hyde, Sally Burill & Co. **Gross:** $14,500. (Average, $18,000)

**"CLEOPATRA" (Para.)**
LOEW'S STATE—(3,400), 30c-35c-44c, 7 days. **Gross:** $10,000. (Average, $10,000)

**"LEMON DROP KID" (Para.)**
LOEW'S STILLMA—(1,900). 20c-30c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

# Bottom Drops Out of Takes In Pittsburgh

PITTSBURGH, Nov. 11.—The bottom seemed to drop out of everything last week and there wasn't a house in town that came close to touching par. Only the Alvin, with "There's Always Tomorrow" and a stage show, made anything approaching a fair showing, getting $9,000, which was $1,000 below par, but still pretty presentable in the face of showings elsewhere. The Fulton took it on the chin with "Gift of Gab," yanking it after five days to a weak $3,000, while the Stanley hit rock bottom with "Six-Day Bike Rider," gathering only $4,500.

At the Penn, "Mrs. Wiggs of the Cabbage Patch," which had a stage show headed by Bill Robinson, was a disappointment at $14,000 and the Pitt likewise took to the skids with "Crimson Romance" and a unit, getting only $4,000.

Total grosses in six first runs were $38,700. Average is $57,000.

Estimated takings for the week ending Nov. 1:

**"THERE'S ALWAYS TOMORROW" (Univ.)**
ALVIN—(2,000), 25c-40c, 6 days. Stage: Johnny Permins, Fred Sanborn and others. **Gross:** $9,000. (Average, $10,000)

**"GIFT OF GAB" (Univ.)**
FULTON—(1,750), 15c-40c, 5 days. **Gross:** $3,000. (Average, for six days. $4,500)

**"MRS. WIGGS OF CABBAGE PATCH" (Para.)**
PENN—(3,300), 25c-75c, 6 days. Stage: Bill Robinson, Venita Gould. Bartel-Hurst revue, Honey Family, Mells, Kirk and Howard. **Gross:** $14,000. (Average, $22,000)

**"CRIMSON ROMANCE" (Monogram)**
PITT—(1,600), 15c-40c, 6 days. Stage: "Sidewalk Cafe" unit with Benny Ross and Maxine Stone. **Gross:** $4,000. (Average, $6,500)

**"SIX-DAY BIKE RIDER" (Warners)**
STANLEY—(3,600), 25c-50c, 6 days. **Gross:** $4,500. (Average, $9,000)

**"WAGON WHEELS" (Para.)**
**"I SELL ANYTHING" (Warners)**
WARNER—(2,000). 25c-40c, 6 days. **Gross:** $4,200. (Average. $5,000)

## *"Person" for Astaire*

HOLLYWOOD, Nov. 11.—The Samuel Hopkins Adams story, "In Person," has been chosen by Radio as the next vehicle for Fred Astaire. The dancer is now working on "Roberta" with Irene Dunne and Ginger Rogers.

# "Adventure," Cantor Lead Philadelphia

PHILADELPHIA, Nov. 11.—Eddie Cantor's personal appearance at the Earle, along with Rubinoff, sent the gross skying to $31,000. It was the smallest figure of his three personal appearances in the last three years, but everybody was satisfied. "One Exciting Adventure" was the film.

"One Night of Love" continued its spectacular second run career at the Karlton, taking in $7,000, double the usual gross for its second week. It was held for a third week. "The Gay Divorcee" took $13,500 at the Stanley and stayed a second week.

Total first run business was $94,300. Average is $82,060.

Estimated takings for the week ending Nov. 8:

**"TRANSATLANTIC MERRY-GO-ROUND" (U. A.)**
ALDINE—(1,200), 40c-55c-65c, 10 days. **Gross:** $9,500. (Average, 6 days, $7,000)

**"CHU CHIN CHOW" (Gaumont-British) (Second Run)**
ARCADIA—(600), 25c-40c-50c, 6 days. **Gross:** $1,800. (Average, $2,400)

**"DR. MONICA" (Warners)**
BOYD—(2,400), 40c-55c-65c, 6 days. **Gross:** $7,500. (Average, $12,000)

**"ONE EXCITING ADVENTURE" (Univ.)**
EARLE—(2,000), 40c-55c-65c, 6 days. Stage: Eddie Cantor and Rubinoff. **Gross:** $31,000. (Average, $12,000)

**"GAMBLING" (Fox)**
FOX—(3,000), 35c-55c-65c, 6 days. Stage: "All American Revue." **Gross:** $12,500. (Average, $12,000)

**"ONE NIGHT OF LOVE" (Col.) (Second Run)**
KARLTON—(1,000), 30c-40c-50c, 6 days, 2nd week. **Gross:** $7,000. (Average, $3,500)

**"LITTLE FRIEND" (Gaumont-British)**
LOCUST—(1,300), 40c-55c-65c, 9 days, 2nd week. **Gross:** $6,000. (Average, 6 days, $7,000)

**"GAY DIVORCEE" (Radio)**
STANLEY—(3,700), 40c-55c-65c, 6 days. **Gross:** $13,500. (Average, $12,000)

**"KANSAS CITY PRINCESS" (Warners)**
STANTON—(1,700). 30c-40c-55c, 6 days. **Gross:** $5,500. (Average, $6,000)

## *Order End of Utica Cuts*

ALBANY, Nov. 11.—A reduced admission complaint filed by the Utica Theatre, Utica, against Warners' Colonial, that city, has been upheld by the grievance board and a stop order issued.

# "Happiness," Show Gross $11,000, K. C.

KANSAS CITY, Nov. 11.—Return o combination vaudeville-film shows sen the RKO Mainstreet's take to $11,00 above par for combination bills b $2,000. The screen feature was "Happiness Ahead."

"Cleopatra" won the honors fo straight film draws, handing the Publi Newman $8,700 in eight days, $1,00 better than average for the perio

Total first run business was $38,30 Average is $37,200.

Estimated takings:

***Week Ending Nov. 1:***

**"HAPPINESS AHEAD" (F. N.)**
MAINSTREET—(3,100), 25c-35c-45c (plu tax), 7 days, plus Saturday late show (First week of combination policy). Stage The Rimacs, Bert Walton, Gypsy Nin Lewis & Moore, Arthur Petley & C **Gross:** $11,000. (Average, $9,000.)

**"TRANSATLANTIC MERRY-GO-ROUND" (U. A.)**
MIDLAND—(4,000), 25c-40c, 7 days, plu Saturday midnight show. **Gross:** $7,2 (Average. $10,000.)

**"CLEOPATRA" (Para.)**
NEWMAN—(1,800), 25c-40c, 8 days, plu Saturday midnight show. **Gross:** $8,7 (Average, 8 days, $7,700.)

**"GREAT EXPECTATIONS" (Univ.)**
TOWER—(2,200), 25c-35c, 7 days, plu Saturday midnight show. Stage: "Hallo we'en Party," with Radio Aces, Bob La Salle & Co., Lazier & Worth, Rochell Bros., Bankoff & Cannon, Lester Hardin **Gross:** $6,000. (Average, $7,000).)

***Week Ending Nov. 2:***

**"JUDGE PRIEST" (Fox)**
UPTOWN—(2,000), 25c-40c, 7 days, 2n week. **Gross:** $5,400. (Average, $3,500.)

# "Divorcee" Is Frisco Smash; Gets $19,500

SAN FRANCISCO, Nov. 11.—"The Ga Divorcee" was a $19,500 sensation a the Golden Gate last week. It wa held over and may get a third wee

Business elsewhere was just fai with a dual, "One More River" an "The Human Side," the only par attraction at $9,000 in the Orpheum.

Total first run business was $93,50 Average is $83,000.

Estimated takings:

***Week Ending Oct. 30:***

**"GAY DIVORCEE" (Radio)**
GOLDEN GATE—(2,800), 25c-36c-40c, days. Stage, band. **Gross:** $19,500. (Average, $13,000)

***Week Ending Oct. 31:***

**"CASE OF THE HOWLING DOG" (Warners)**
**"READY FOR LOVE" (Para.)**
FOX—(4,600), 15c-30c-40c, 7 days. **Gros** $10,000. (Average, $11,000)

**"MARIE GALANTE" (Fox)**
**"SIX-DAY BIKE RIDER" (Warners)**
PARAMOUNT—(2,670), 15c-25c-55c-65c, days. **Gross:** $10,000. (Average, $11,000)

**"PECK'S BAD BOY" (Fox)**
WARFIELD—(2,700), 25c-35c-55c-65c, days. **Gross:** $21,000. (Average, $23,000)

***Week Ending Nov. 1:***

**"ONE MORE RIVER" (Univ.)**
**"HUMAN SIDE" (Univ.)**
ORPHEUM — (3,000), 15c-30c-35c-40c, days. **Gross:** $9,000. (Average, $9,000)

**"BARRETTS OF WIMPOLE STREET (M-G-M)**
ST. FRANCIS — (1,400), 15c-35c-55c, days. **Gross:** $7,000. (Average, $8,000)

**"THE LAST GENTLEMAN" (U.A.)**
UNITED ARTISTS—(1,200). 15c-35c-55 7 days, 2nd week. **Gross:** $7,000. (Averag $8,000)

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## New Tax May Mean U. S. to Quit Berlin

### 0,000 Mark Levy Apt To Prove Last Straw

Withdrawal of American companies rom Germany is a strong probability nless a new tax of 20,000 marks approximately $8,000) on all features sent into that country is reuced or made non-effective.

Officially announced by the Reich's ilm Chamber in Berlin yesterday and nmediately flashed by wireless to Iotion Picture Daily, first inkling f this latest restrictive step on the art of Wilhelmstrasse was conveyed foreign sales managers in New 'ork by this paper.

Several foreign managers were tunned by the news and, at the outset, efused to credit the information. Vhile all of them declined to talk for ublication, their remarks, made in rivate and independently of each

(Continued on page 2)

### Argentine Planning To Tax Profits 5%

Buenos Aires, Nov. 12.—The naional government here is forming lans to collect a surtax of five per ent on all dividends or other profits emitted abroad by corporations oprating in the Argentine.

It will also collect five per cent on he interest on all local bonds.

Finance Minister Pinedo has sent a ill to Congress authorizing these neasures.

### Philadelphia Indie Starts Ad Letters

Philadelphia, Nov. 12. — The Grant in the West Philadelphia disrict, is the first independent neighborhood theatre to follow the Stanley-Warner system of film classification. It is using the "A" and "F" designaion in its directory ads in the Philadelphia newspapers.

It is believed that many of the other 60 neighborhoods who appear in he *Evening Ledger* directory, will folow suit.

### "Widow's" 4-Week Gross Is $55,600

Four weeks at the Astor on a two-a-day policy netted "The Merry Widow" a total of $55,600. For the first three weeks the tally was $47,919 and the last week's gross figured at

(Continued on page 2)

## Joyce Slashes Para. Lawyers To $370,000

### Calls for $350,000 Cut in Amounts Sought

Recommendations for the payment of allowances aggregating approximately $370,000 for services rendered in the Paramount Publix bankruptcy proceedings are contained in the report of Special Master John E. Joyce which will be filed in U. S. District Court here this morning.

Joyce's recommendations represent reductions totalling about $350,000 from the original applications for allowances filed by the Paramount trustees, their counsel, Root, Clark, Buckner & Ballantine, additional special counsel and accountants. The total of allowances asked was approximately $720,000.

The Root, Clark, Buckner & Ballantine application for an allowance of

(Continued on page 4)

### Poster Men Discuss Plans for New York

Eastern executive committee of the National Poster Protective, Ass'n., Inc. held a secret meeting last week at the New Yorker to discuss plans under way for branching out into other fields. About 12 attended.

While no action was taken, the committee men returned to their respective territories to give further study to the ideas in mind. It is understood that another meeting is slated either late this week or next which will be attended by representatives from all over the country. Strict secrecy is being kept on anticipated moves.

### Selznick Replies to Resignation Report

Hollywood, Nov. 12.—Reports that he would leave M-G-M upon completion of his contract with the studio to become associated with John Hay

(Continued on page 2)

### That Makes It 20

**Hollywood, Nov. 12.—One of the Hollywood writers approached a literary agent and asked him if he charged the usual 10 per cent commission for selling a story. The agent said: "Yes, I charge the usual 10 per cent, but in addition I charge 10 per cent for storage while your manuscript is in my office."**

## K. C. on Edge About Moves On Clearance

Kansas City, Nov. 12.—If Campi at tomorrow's session orders modification of Kansas City's clearance schedule, as appears likely, the action is expected to cause an upheaval among some exhibitors who have already contracted for new product.

The reason is practically everyone here was so confident the new plan would receive Campi's O. K. that many subsequents, who are directly affected, entered into contracts with the new schedule incorporated. Exhibitors believe that in event the clearance set-up is rejected or changed, this would void their contracts.

Because new season product is beginning to fall due at the subsequent runs and last year's pictures will have

(Continued on page 4)

### K. C. Giveaway Ban Ends; Plan New Poll

Kansas City, Nov. 12.—The grievance board today lifted the ban on premiums in effect since Oct. 27 in a six-county area, including Greater Kansas City, when it dismissed complaints brought by Fox Midwest against the Baltis, Roanoke and Central, local independent theatres, charging violation of the restriction.

The decision held the unaffiliated exhibitors' petition asking for the ban

(Continued on page 4)

## Cohen, Happy, Sees New Para. Setup in Fortnight

Hollywood, Nov. 12.—"I am happy to find that reorganization of Paramount has reached the final stages with actual plans to be announced within a fortnight," declared Emanuel Cohen upon his arrival from New York. In Albuquerque, he merely told Motion Picture Daily reorganization would bring about no change in

(Continued on page 4)

## Kent Sails On Fox Sale Of G-B Stock

### Move Seen Paving Way For BIP Deal

Sidney R. Kent, Fox president, sailed unexpectedly for London Friday night on the *Aquitania*. The trip is reliably understood to have a bearing on a sale of Fox Film holdings in Gaumont British, which is again being linked by London insiders in a deal with John Maxwell of British International.

Radio dispatches from England, outlined in the *Insiders' Outlook* column in Motion Picture Daily yesterday, pointed out Kent has placed a price of $3.75 a share on his company's stock in Industrial and Bradford Trust, Ltd., holding company of G-B, and that one of the stumbling blocks in a sale has developed over inability so far to reach a middle ground on the trading value of the block.

Kent's sudden departure for London is construed as indicating a deal for sale of Fox Film's 49 per cent interest in G-B is anything but remote.

## Cosmopolitan List Cut; Time Lacking

Cosmopolitan will not make its annual quota of six, which usually includes two starring Marion Davies, because of a lack of time in the current releasing season, said E. B. Hatrick, Hearst representative in Cosmopolitan, on his arrival in New York from the west yesterday.

Production plans are still indefinite, Hatrick continued, but he expects to iron out all the details in conferences in New York, where he will remain until Jan. 1 when the new Warner agreement becomes effective. Produc-

(Continued on page 4)

### NRA Holds Serials Not Short Subjects

Washington, Nov. 12.—Holding that instalments of serials are not short subjects within the meaning of the term as used in that paragraph of the code limiting the proportion of shorts a distributor may require an exhibitor to purchase in contracting for features, the NRA today ruled, in a code interpretation asked for by Campi, that exhibitors may not include serial instalments in computing the number of shorts they may be required to purchase.

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## *Schlaifer Cheerful Over N. E. Selling*

Optimistic over the reception given Gaumont British pictures by exhibitors, L. J. Schlaifer, sales manager for the company, has returned from New England where he closed several first run deals. Among contracts signed are Abraham Goodie's first run in Portland, Me., and Joseph Levinson's houses in Quincy, Brookline, Attleboro and Worcester, Mass.

Schlaifer plans to make another trip to an eastern exchange center shortly.

George Weeks, general sales manager, plans to leave Los Angeles in a few days. From there he goes to San Francisco, Portland, Seattle and a number of other key centers before hitting home ground. He'll return to New York around Dec. 1.

### Open New House Dec. 10

LONDON, Nov. 12.—Gaumont British will open the New Gaumont Palace, Chelsea, Dec. 10.

## *Bernerd Sails Shortly*

LONDON, Nov. 12.—(*By Cable*)—Jeffrey Bernerd, general manager of Gaumont British, plans to sail for New York on the *Olympic* Nov. 21.

## *Gould to Do Routines*

HOLLYWOOD, Nov. 12.—Dave Gould has been signed by Darryl F. Zanuck to do the dance routines for "Folies Bergere de Paris."

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"The President Vanishes"*

(*Wanger Prod.—Paramount*)

HOLLYWOOD, Nov. 12.—Walter Wanger's first independent venture, striking again in the direction of "Washington Merry-Go-Round" and "Gabriel Over the White House," courageously dares a highly controversial subject with drama and romance set around it.

Provocatively different, the production combines front page world events, personalizes international munition "gangsters," another shirt organization, gigantic forces striving for war and peace, secret service operations, Washington intrigue, aspirations of striking workers, Communists and Fascists, revealing selfish and unselfish motives all bouncing in staccato ticker tape fashion.

A ring composed of an oil baron, a steel king, a chain publisher, an ex-judge and a lobbyist, bent on profits and using the Gray Shirts for a strong arm, conspire to make the country enter a war, using a manufactured slogan, "Save Our Country's Honor." When the news breaks that the President is kidnapped, the gang is stymied as national attention is switched from the international conflict to the hunt for the Chief Executive.

### *What the Symbols Mean*

**Reviews classified with a "G" are regarded as suitable for general entertainment.**

**Those with an "A" are regarded as suitable for adult entertainment.**

The imposing cast includes Edward Arnold, Arthur Byron, Paul Kelly, Peggy Conklin, Andy Devine, Janet Beecher, Osgood Perkins, Sydney Blackmer, Edward Ellis, Irene Franklin, Charles Grapewin, Rosalind Russell and others.

William Wellman directed from the screen play by Cary Wilson and Cedric Worth. Barney McGill's good photography is aided by fine montage work. Hugo Riesenfeld's music augments it.

Being a blend of the melodramatic plus propaganda, the film has showmanship values of an exciting central theme and thought-provoking realities.

Bound to stir plenty of talk, the production bids fair to give itself a flying start at the box-office. Previewed without production code seal. Running time, 85 minutes. Classification: "G."

## *Selznick Replies to Resignation Report*

(*Continued from page 1*)

Whitney were met by David O. Selznick today with the statement that he had no idea what course he would follow when the agreement expired on Feb. 1. Although he would not commit himself on the report mentioning his name with that of Whitney, the two have been known to confer on every one of the latter's visits to the coast.

At present Selznick is finishing "David Copperfield," with "Vanessa," "Reckless," and "Piccadilly Jim" in work. Following these he is slated to produce "A Tale of Two Cities," "Hell Afloat," "The Brave Live On" and "Anna Karenina." It is problematical whether all can be completed by the time his contract expires, although he is working to that end.

## *Stays at Gen'l Service*

HOLLYWOOD, Nov. 12. — Walter Wanger Prod. has signed a new contract to remain at General Service studios for the balance of its program. The company has completed only "The President Vanishes" in its program of six films. Jay Paley flies east tomorrow with a print of this picture, for which he will arrange Paramount bookings.

## *Columbia to Confer On Capra's Latest*

Columbia is so excited over preview reactions to Frank Capra's "Broadway Bill" that all eastern branch managers have been summoned to New York for conferences Friday and Saturday. The gathering will be held at the St. Moritz. Abe Montague, general sales manager, will preside and sales, advertising and exploitation will be discussed.

Among those to attend will be: Montague, Joe McConville, Rube Jackter, Lou Weinberg, Lou Astor, J. W. MacFarland, Abe Schneider and Herschel Stuart of the home office; I. H. Rogovin, New Haven manager; T. F. O'Toole, Boston; C. N. Johnson, Albany; H. E. Weiner, Philadelphia; S. A. Galanty, Washington; A. H. Levy, Pittsburgh; Joe Miller, Buffalo; Nat Cohn and E. Schnitzer, New York; A. S. Moritz, Cincinnati; H. C. Bissell, Cleveland; C. H. Shalit, Detroit, and M. Solomon, Indianapolis.

Similar conferences will be held in the middle west and south.

## *Cohn Sails Tomorrow*

GENOA, Nov. 12.—Jack Cohn, vice-president of Columbia, sails on the *Conte de Savoia* Wednesday, arriving in New York Nov. 20.

## *Derr, Sullivan Here*

E. B. Derr and Charles Sullivan, partners in Derr-Sullivan Prod., are in New York from Hollywood.

# New Tax May Mean U. S. to Quit Berlin

(*Continued from page 1*)

other, hit it off in complete unanimity. Typical of the comment was:

"This looks like the last straw. This move appears to be a deliberate step to crowd us out of that market which is O.K. with us. We can't get our money out of Berlin anyway, so what's the difference?"

Universal some months ago disposed of its German business. Warners are virtually out of the market, having been in the process of liquidation since the early days of the Hitler regime.

One opinion maintained the German decree was influenced by the action of the Czech Government in nearby Prague. Fear was expressed that the Berlin decision may influence indentical action on the part of neighboring nations, such as Austria and Hungary.

### Berlin Representatives Disturbed

BERLIN, Nov. 12 (*By Wireless*).—The most drastic blow so far struck at American films in Germany is seen by resident representatives of American companies in today's decree of the Reich's Film Chamber in imposing a uniform import tax of 20,000 marks (approximately $8,000) on imported features. The previous tax ran between 4,000 and 5,000 marks, thereby marking up the new scale as an increase of about 400 per cent.

The new permit system merely guarantees entry into Germany of pictures made abroad, but in no wise restricts the activities of the German censor board which may reject any picture after entry.

## *"Widow's" 4-Week Gross Is $55,600*

(*Continued from page 1*)

$7,690. The picture opens at the Capitol Friday.

"365 Nights in Hollywood" at the Mayfair garnered $9,500. "The First World War" at the Rialto ends its week Wednesday and the gross will probably run around $21,000, which is double normal business.

In Brooklyn last week, takes were only fair. "Mrs. Wiggs of the Cabbage Patch" took in a weak $14,500; "Peck's Bad Boy" at the Roxy was good at $16,000; "Du Barry" off at $9,000 at the Strand. "Power" at the Fox this week is holding up unusually well, according to the management.

"Transatlantic Merry-Go-Round" at the Rivoli in 10 days tallied about $35,000.

## *Bishops to Meet*

WASHINGTON, Nov. 12.—One hundred and four bishops, representing all Catholic dioceses in the United States, are assembling here for a four-day conference beginning Tuesday. The conference will be held at the Catholic University.

## *Change in Loew Meeting*

Annual meeting of Loew's, Inc., has been changed from Dec. 11 to the second Tuesday in December, effective in 1935. Stockholders of record on Nov. 17 may vote.

# 100 GOOD REASONS TO GO TO COLLEGE!

**onde...brunette...and red heads! One hundred honeys who make up the world's most orgeous song, dance and cheering section in any college stadium! They're the babies who cheer d get cheered in Paramount's musical romance of fun and football in and out of college!**

# COLLEGE RHYTHM"

**OE PENNER · LANNY ROSS · JACK OAKIE · HELEN MACK**
**YDA ROBERTI · MARY BRIAN · GEORGE BARBIER** and the All-American Co-Eds
Paramount Picture directed by Norman Taurog with plenty of words and lots of music by Gordon & Revel

# K. C. on Edge About Moves On Clearance

(*Continued from page 1*)

been exhausted in six weeks or so, the trade is wondering what is going to happen. The understanding prevails the schedule will hold until the modifications ordered by Campi become effective.

W. D. Fulton, who heads a group of independents protesting the proposed schedule, has wired Campi objecting to the action of exchanges in making the new plan effective before approval by the higher body. His wire stated this action automatically denies the exhibitors' right of appeal, that subsequents are out of last year's product and an immediate decision is vitally imperative.

Fulton claims the exchanges' position is that since no clearance has been approved by Campi, they can sell under their own provisions until a schedule is definitely set, in which event any plan finally adopted will supersede terms written into pacts.

All companies are understood using the new clearance setup for Kansas City and the clearance territory. An exception is two pictures on M-G-M's 1934-35 list which had a first run at the Midland at 25 cents early this season.

### Little Chance Seen for Plan

That Campi will adopt the Kansas City schedule today at its special meeting is given little hope by a number of distributors who point to prices as a clearance guide as one of the principal objections. Exchange interests feel that protection is a matter of barter and trade and the code cannot take this away from distributors.

Exhibitors, however, feel that this objection is minor for three reasons:

1: How much is the exhibitor charged?

2: How much does he charge at the box-office?

3: How long will these prices be charged?

Theatre men hold that admissions as a yardstick for clearance is only one of the 12 principles evolved recently by the clearance and zoning committee for setting up schedules. That protests to one of the 12 points should hold up national zoning is held absurd by them.

## *K. C. Giveaway Ban Ends; Plan New Poll*

(*Continued from page 1*)

bore an insufficient number of signatures since six exhibitors who voted against premiums later requested their names be withdrawn—a request which the board declared it should have honored at the time. The board's ruling will necessitate a new poll.

Premium proponents were ready to take their fight to the Federal courts if the board upheld the ban.

## *Pollak, Stage Producer*

Joe Pollak, one of the founders of National Screen Service and long its president, is taking a flyer in stage production and already has "All Rights Reserved," current at the Ritz, on his roster. "Lola," a German play, is next.

# Joyce Slashes Para. Lawyers To $370,000

(*Continued from page 1*)

$350,000 was reduced to $225,000 and those of the trustees, Charles D. Hilles, Eugene W. Leake and Charles E. Richardson, aggregating $300,000, were reduced to an aggregate $97,000. In recommending the latter allowance Joyce ruled that the provisions of the bankruptcy law restricting the allowances of trustees to two per cent of the moneys paid out by them on behalf of the bankrupt estate should prevail in this instance.

Joyce had permitted a re-argument on this point late last month. Counsel for the trustees contended that the provision need not prevail as, in the meantime, Paramount had filed for reorganization under Section 77-B, the newly enacted bankruptcy legislation which stipulates that the court may fix fees for trustees which appear reasonable and proper. Counsel for Paramount creditor groups opposed this view. Joyce's ruling is reported to be the first to be handed down on this point since enactment of Section 77-B.

Joyce recommended an allowance of $3,500 for Rosenberg, Goldmark & Colin, counsel for Paramount Publix, as compared with the $7,500 asked. He recommended $10,000 to Barrow, Wade, Guthrie & Co., special accountants employed by the trustees, in place of the $21,870 asked, and $10,000 to Price, Waterhouse & Co. in place of the $15,228 asked by this accounting firm.

Virtually all other allowances and disbursements asked which were uniformly in smaller amounts, were recommended by Joyce as petitioned. The allowances are for services and disbursements rendered after the end of Paramount's equity receivership in April, 1933, up to June 16, 1934, when the company became a debtor corporation for reorganization under 77-B.

Joyce's recommendations will be considered by the district court after a hearing on Nov. 21. Further reductions in some of the allowances are considered likely at that time.

## *Beal Made a Director*

Hollywood, Nov. 12.—When Kurt Neumann, directing "Straight From the Heart" at Universal, was injured by a fall, the studio assigned his assistant, Scott Beal, to take Neumann's place until he could resume his duties. Executives, pleased with Beal's work and finding that Neumann would not be able to return for several weeks, definitely assigned Scott to finish the picture for which he will receive a director's salary and credit.

Ben F. Zeidman, producer, has signed Scott to a long term contract as a director. Beal won this year's Academy award as the best assistant director.

# *Cohen, Happy, Sees New Para. Setup in Fortnight*

(*Continued from page 1*)

the production setup and would keep Adolph Zukor as president of the company. He became more definite as he traveled west, however, and named the above date.

On the other hand, Cohen was somewhat perturbed by the local publication of sensational rumors linking his name with Cecil B. DeMille's in a plan to assume control of production.

"There have been so many silly rumors printed in the last few months that, if all were clipped together and read in continuity, we would all be doing somersaults trying to keep track of the actual course Paramount is following during its reorganization."

Commented DeMille:

"The published story of the deep-dyed, almost blood-curdling plot to get control of Paramount production is another ridiculous rumor. The same silly reports have made me head of production three times this year which is a job I do not want. Possibly these rumors cropped up when, on hearing other reports that there were some insidious attacks on the studio and on Cohen, I approached the Paramount trustees and bankers and gave them my opinions on Cohen. That's as far as I went."

In the meantime, the studio is "burning" over the local publication which ran the alleged Cohen-DeMille "coup."

The Paramount production staff staged a real surprise "welcome home" party for Cohen at his home last night and brought their own food.

### Zukor Stays in New York

Adolph Zukor has no immediate plans for returning to Hollywood, but will remain in New York.

# Cosmopolitan List Cut; Time Lacking

(*Continued from page 1*)

tion will start after the first of the year.

M-G-M is now releasing "Evelyn Prentice," the last Cosmopolitan to be made under its banner.

Hatrick also dispelled rumors that "Movie Queen" and "Marie Antoinette" might be Davies vehicles, saying that they were the property of M-G-M.

## *Warner Zone Heads Gather Here Today*

Zone managers of Warner Theatres will hold their quarterly meeting today at the home office. Joseph Bernhard, general manager of Warner theatres, will preside.

Among those who will attend the session are: I. J. Hoffman, J. Stewart MacDonald, Moe Silver, Clayton Bond, Ted Shlanger, Mort Blumenstock, Lester Krieger and Frank Phelps, all from the home office.

From the field: James Coston, Chicago; Nat Wolf, Cleveland; B. E. Hoffman, New Haven; Don Jacocks, Newark; Lou Lazar, Albany; Leonard Schlesinger, Philadelphia; Harry Kalmine, Pittsburgh; J. J. Payette, Washington; David E. Weshner, Milwaukee; Herbert Copeland, Atlantic City, and Howard Waugh, Memphis.

# ◂ *Purely Personal* ▸

Si Seadler and Oscar Doob ha a hectic time in Hollywood, bu it was all business. They spent mos of their time in the projection roo looking at new M-G-M product.

Ian Hunter, English stage an screen actor, is expected to arrive o the coast shortly to report to Warners.

Sam Briskin is on the way bac to Hollywood via the Canal. Th original sailing date was today, bu he sailed Saturday.

Howard S. Cullman leaves fo Washington tonight to attend conferences on unemployment insuranc legislation.

David Loew returns from Whit Sulphur Springs either tomorrow o Thursday.

## *Pittsburgh Ad War Brought to An End*

Pittsburgh, Nov. 12.—After seven-month war, during which bot Loew's and Warners have taken onl three inches of space on the regula display days, the two theatre circuit have made peace with the *Pittsburg Sun-Telegraph,* and they return t regular schedules this week. Nobod would say what concessions, if any were made.

Since last May, the *Sun-Telegrap* has received only directory space while the *Post-Gazette,* the morning daily, has had its allotment doubled with the *Press,* another afternoon, cut to half that of the *Post-Gazette.*

## *Flash Reviews*

*Wednesday's Child*— . . . adult fare . . . although there is nothing offensive in any of its situations nor in their handling. . . .

*The Man of Courage*—While this film tribute to Mussolini . . . seems heading for a boisterous reception from those of Italian blood, it is hardly likely it will stir the ordinary picture audience more than mildly.

*These films will be reviewed in full in a later issue of* Motion Picture Daily.

## *U. A. Claims Record*

United Artists claimed "Kid Millions" broke a record standing four years at the Rivoli when the Cantor picture played to 30,000 patrons Saturday and Sunday. "We Live Again" at the Music Hall drew 50,000 paid admissions in those two days, the company claimed. This is the second week for the Sten film.

## *Johnston Returns Soon*

W. Ray Johnston, president of Monogram, is due from Hollywood by plane either Thursday or Friday. He is conferring with Trem Carr, vice-president in charge of production, on new pictures and also laying out preliminary plans for the next annual convention in Hollywood in March.

## *Barsky on Way East*

Hollywood, Nov. 12.—Bud Barsky is on his way east enroute to London to look over possibilities to establish an independent producing organizatio there.

The Leading
Daily
Newspaper
of the
Motion
Picture
Industry

# MOTION PICTURE DAILY

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)L. 36. NO. 115 NEW YORK, WEDNESDAY, NOVEMBER 14, 1934 TEN CENTS

## ,udington Is ʼamed Head of .st Div. Prod.

### ompany to Start First Of Eight in January

Nicholas S. Ludington, who, with illiam Fiske, III, recently bought a avy interest in First Division Exanges, has been elected head of First vision Prod., new producing affiliate.

Other officers are: Vice-president d producer, Henry Hobart; viceesident and treasurer, John Curtis; ce-president, William Fiske, III; cretary, Frank Look.

Eight pictures are planned, accord- to the company announcement, th the first scheduled to start about first of the year.

Curtis, Look and Hobart will fly to coast soon to arrange for studio

(*Continued on page* 11)

## 'our Features, 12 Shorts Given Seals

Hollywood, Nov. 13.—Four features, shorts and three serial episodes reived certificates from the Producn Code Administration from the riod of Oct. 28 to Nov. 7.

Warners head the list with three atures and one short; Radio, one d one; Universal, two shorts and ree serial episodes; Columbia and

(*Continued on page* 11)

## *azarus, Back, Says West Is Picking Up*

Paul Lazarus, United Artists sales ecutive, arrived at the home office sterday after a seven weeks' tour of changes through the west and Cana.

Lazarus will remain here indefinitely d plans no other trips at the present ne. Conditions were very encouring throughout the whole country, said yesterday, and a continued imovement is to be looked for.

## *IPTO in Washington Reelects Brylawski*

Washington, Nov. 13.—A. Julian ylawski, nine times president of the . P. T. O. unit here, was reelected ain today along with the remainder last year's executives.

They are: Vice-President, Sidney Lust; secretary, Nat B. Browne; easurer, William B. Herbst; execuve committee, Charles H. Olive, J.

(*Continued on page* 11)

## *Expect Catholic Bishops Will Approve Continued Film Watch*

**Washington, Nov. 13.—Continual watch to see that films maintain the standards which they have reached as a result of the Legion of Decency drive is expected to be one of the recommendations of a report to be submitted to a conference of 70 Catholic bishops now under way here.**

**The report will come from a special committee appointed last year. It will be presented tomorrow.**

**While the conference is executive, it was indicated that the committee has watched the campaign against alleged indecent pictures and is impressed with the power of public sentiment in eliminating undesirable factors. It is anticipated that the report will stress this point and comment favorably upon the results achieved in last summer's campaign. It is not expected that continuance of the campaign will be recommended, but that, rather, the church organizations will continue to watch pictures to see that the industry's promises are fulfilled.**

## *Equity Decides to Allow Guild to Get Own Charter*

Screen Actors' Guild will become a chartered unit of the Associated Actors & Artistes of America, rather than an affiliate of Actors' Equity Ass'n., under plans furthered yesterday at an Equity council meeting attended by Kenneth Thomson, Guild secretary, and Laurence W. Beilenson, counsel of the Screen Writers' Guild.

The Equity council voted not to oppose the Guild's application to the A. A. A. A. for a charter covering the film field. The A. A. A. A. is the international actors' organization which exercises jurisdiction over the entire amusement field for the American Federation of Labor.

Issuance of a charter to the Guild would place it on a par in A. F. of L.

(*Continued on page* 4)

## ITOA Move to Join Allied Is Up Again

A move is on again to affiliate the I. T. O. A. with Allied. A committee, headed by Dr. Leon Greenfield, who operates the Gloria and Paras-Court in Brooklyn, has been named to study the matter. A report is expected at today's meeting.

Allied executives approached on the anticipated affiliation reported no knowledge of it. I. T. O. A. and Allied headquarters are adjacent to each other at the Lincoln.

The move to join Allied was sug-

(*Continued on page* 11)

## *Samuelson Fails to Discuss Law Plans*

Sidney Samuelson's promise to give members of Allied of New Jersey the lowdown on legislative plans of the national association didn't materialize yesterday at the regular meeting of the unit.

Aside from discussing the local film problem, percentages and preferred playing time, nothing of importance came up except for the announcement

(*Continued on page* 11)

## See Further Delay On Para. Bank Suit

Further postponement of the Paramount Publix trustees' action against the $13,200,000 creditor bank group is anticipated at the hearing scheduled for today before Federal Judge Alfred C. Coxe, due to the still incomplete status of the reorganization plan fostered by the principal Paramount creditor, debenture and stockholder groups.

Pressing of the trustees' action for a preliminary examination of officers of the creditor banks as to details of the $13,200,000 Film Productions

(*Continued on page* 11)

## *RKO-Skouras Dicker On Theatre Shifts*

Negotiations are under way between RKO and Skouras whereby the former will turn over to Skouras the Embassy, Port Chester, and Strand, Rockville Center, L. I.

Skouras had a deal on to take over the two houses, recently acquired by RKO in its local acquisition drive, at the time of the product settlement between Loew's and RKO. The deal at the time failed to materialize.

## Clearance Is Sent Back to Kansas City

### *Schaefer, Golden Going To Confer on Changes*

After spending an entire day dissecting the Kansas City clearance and zoning plan, Campi yesterday returned the plan to the local code board and exhibitors for modification. That this would be the case was exclusively reported in Motion Picture Daily on Nov. 9.

George J. Schaefer, chairman of the national clearance and zoning committee, and Edward Golden, alternate for W. Ray Johnston, independent Campi member, were appointed yesterday as a committee of two to visit Kansas City and try to straighten out the weak spots. They leave today and will hold sessions with the K. C. code board and local exhibitors on Friday and Saturday. Schaefer and Golden will report back to Code Authority at its meeting on Nov. 22.

Schaefer presided at yesterday's session and the fact that he elected himself as one of the two men to go to

(*Continued on page* 4)

## K. C. Hails Mission Of Schaefer, Golden

Kansas City, Nov. 13.—That the dispatching of George J. Schaefer and Edward Golden to this city by Campi is a good move which will probably result in ironing out differences between the Authority and the local clearance and zoning board was the consensus of opinion of members of the latter group today.

Information received here is understood to be to the effect Campi favors geographical zoning instead of clearances based on admissions, as championed here. It is believed the

(*Continued on page* 4)

## *Harry Shaw to Run Loew's Poli Group*

New Haven, Nov. 13.—Harry Shaw is taking over the supervisory reins of Poli in New England and Louis Sagal will have charge of union matters and leases under a revised setup of the circuit made by Loew's home office executives.

Shaw is Loew's man and Sagal represents Sylvester Z. Poli. Several other changes in the managerial lineups have been made and are now in effect.

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## Report Roxy Set on Mastbaum Operation

Philadelphia, Nov. 13.—S. L. (Roxy) Rothafel is set to operate the Mastbaum for Warners on a reported 90-day trial agreement. Under the reported deal, Rothafel will get $1,000 a week against a percentage of the profits. It is understood Roxy claims a new idea for stage shows which he will try at the house.

Also reported is that the ban on Sunday shows may be lifted shortly.

Efforts to check the Philadelphia report with Joseph Bernhard, in charge of Warner theatre operations, were unavailing yesterday. Bernhard was in a zone managers' meeting and could not be disturbed.

## Al W. Gillis Killed

Seattle, Nov. 13.—Al W. Gillis, agent and well-known manager here, was fatally injured by an autoist. He died a few hours after the accident without regaining consciousness. According to the driver's report to police, Gillis had evidently been struck by a passing car and was lying in the street when the second car hit him.

## Rapaport Loses Father

Jack Rapaport, Paramount manager in Cuba, is flying here from Havana to attend the funeral today of his father, who died suddenly Monday.

# Insiders' Outlook

THE merits of the who and what in the patent situation have yet to be determined. What worried some of your best known executives until it was determined a few days back was the refusal of the United States Supreme Court beyond which there is no legal redress to review the findings of the lower Federal court on the American Tri-Ergon claims. Infrequently has that august, black-robed body of eminent jurists reversed itself, yet it has done exactly that in this instance. . . .

▼

Another way of putting it would be to say that the door, once slammed shut and bolted, is now merely shut. Or, stretching a point, slightly ajar. Who owns the double printing and flywheel patents may remain to be seen, but at least, the issue is to be ventilated again. That sets Bill Fox back a peg or two. It also makes the majors breathe easier, hold fewer meetings at the Hays office, and by the same token, permits a more normal conduct of routine business. . . .

▼

Indicative of how the wind has shifted is the understanding, based on something beyond elevator gossip, that Erpi is no longer so avid about the flywheel substitute in its reproducing equipment. This is not to say, or to imply for that matter, that the subject is not rating and getting serious consideration, for it is. But, the dopesheet indicates no more substitutions are being installed beyond the several now being tried out in Northern Jersey theatres. . . .

▼

How Erpi feels in the matter is identical with the reactions of its licensed companies and that, in turn, means some big fellows like Metro, Paramount, Fox, U. A., Columbia, Universal and Warners. All reactions being relative, you'd be surprised to learn how comparatively light-hearted certain executives in these organizations have turned since November 5 when the Supreme Court, having said it wouldn't, decided it would. . . .

▼

Whether or not it actually is in Fox's mind to do what is laid at his door or whether the resisting majors construe it that way becomes a matter of conjecture. However, one of the most interesting of the paragraphs in the briefs prepared and submitted to the Supreme Court asking for the right of review which subsequently was extended seeks to make a differentiation between a machine and the product of that machine. . . .

▼

It rates attention. From the brief, then, its italics reprinted from the text:

> "Moreover, the respondents are seeking to extend the asserted monopoly of their patent which is for a *machine*, to cover and *control the unpatented product of the machine*, specifically asking, in the bills of complaint filed since the denial of the original petitions by this court, for an injunction against leasing, distributing, etc., *'film sound records* produced in infringement of, or in the course of infringement or contributory infringement of, the aforesaid Letters Patent' which is for the machine, not the records 'and any and all duplicates or sound records made therefrom' and ask that those already produced be delivered up 'to the court for destruction.' Such an injunction would result in destroying the valuable libraries of film which each producer has made, at large expense, in the past."

▼

Motion Picture Daily, date-

(*Continued on page 11*)

## Most on Big Board Take a Loss

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 37⅝ | 37½ | 37⅝ | — ⅜ | 1,300 |
| Consolidated Film Industries, pfd | 15⅞ | 15½ | 15⅝ | + ⅛ | 900 |
| Eastman Kodak | 110½ | 109 | 110 | — ½ | 1,000 |
| Fox Film "A" | 13⅝ | 13¼ | 13¼ | — ½ | 1,300 |
| Loew's, Inc. | 31⅞ | 31 | 31 | — ⅝ | 3,200 |
| M-G-M, pfd. | 4¼ | 4⅛ | 4¼ | — ⅛ | 1,700 |
| Pathe Exchange | 1⅜ | 1¼ | 1¼ | — ⅛ | 500 |
| Pathe Exchange "A" | 14 | 13½ | 13⅝ | — ⅜ | 500 |
| RKO | 1⅞ | 1¾ | 1¾ | — ⅛ | 2,100 |
| Warner Bros. | 4⅞ | 4⅝ | 4¾ | ..... | 3,100 |

## Curb Issues Remain Unchanged

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13⅜ | 13 | 13 | ..... | 1,000 |
| Trans Lux | 2 | 2 | 2 | ..... | 100 |

## Warner Bonds Drop Half Point

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 6½ | 6¼ | 6¼ | — ¼ | 12 |
| General Theatre Equipment 6s '40, ctf | 6½ | 6½ | 6½ | ..... | 1 |
| Keith B. F. 6s '46 | 63½ | 63½ | 63½ | + ¼ | 5 |
| Loew's 6s '41, ww deb rights | 104 | 103⅞ | 104 | + ⅛ | 15 |
| Paramount F. L. 6s '47 | 57½ | 57¼ | 57¼ | — ¼ | 7 |
| Paramount Publix 5½s '50 | 57¾ | 57¾ | 57¾ | + ¼ | 1 |
| Warner Bros. 6s '39, wd | 59⅞ | 58¾ | 59 | — ½ | 19 |

# ◂ Purely Personal ▸

NICHOLAS SINGAEVESKY who is on his way to report t the Warner studio; Felix Ferry Val Parnell, London theatrical manager, and Regina Opoczynska ar rive here today on the *Champlain*.

E. H. Goldstein, vice-president o Majestic, is in Cincinnati and plans t visit a few other franchise holders before returning to New York.

Fred Quimby returns from th coast in about four weeks. He's nov at the M-G-M studios conferring wit short subject producers.

Basil Woon's biography, "The Rea Sarah Bernhardt," has been purchase by Paramount and will be filmed a "The Divine Sarah."

Nicholas M. Schenck braved th snow flurry yesterday morning an walked from his home to work san chapeau.

Sam Cocalis returned yesterda from Boston where he spent a fe days visiting his daughter, Virginia, student at Wellesley.

Tom Murray left for Lake Placi last night to visit his boss, A. F Schwartz. He'll be gone a fe days.

Harry Edington and his wif Barbara Kent, didn't arrive on th *Berengaria* yesterday. They're still i England vacationing.

Lou Weiss, head of Exploitatio Pictures, was scheduled to arri from the coast yesterday, but has bee delayed until Friday.

Courtney Terrett, former Ne York newspaper man and now a coa scenario writer, is stopping at th Lombardy.

Rene Hubert, Fox wardrobe hea who has been abroad for some tin studying style trends, arrives today route to the coast.

George Arliss sails from Englar on the *Majestic*, Nov. 14, bound f here. He just finished "The Ir Duke" for Gaumont British.

Sidney Samuelson has boug Paramount product for the first tin in a number of years.

Heliodora Garcia, of Havana Teatro Nacional, has left here f home after a four weeks' visit.

Warren Hull, radio star, has bee signed by Educational to play opposi Sylvia Froos in a two-reel comedy.

William A. Johnston and Forre Halsey have sold their original, "Da Crossing," to Universal.

Walter Eberhardt is torn betwe Miami, Pinehurst and Bermuda that vacation of his.

Spyros Skouras will go to t coast sometime next month on F. C. reorganization.

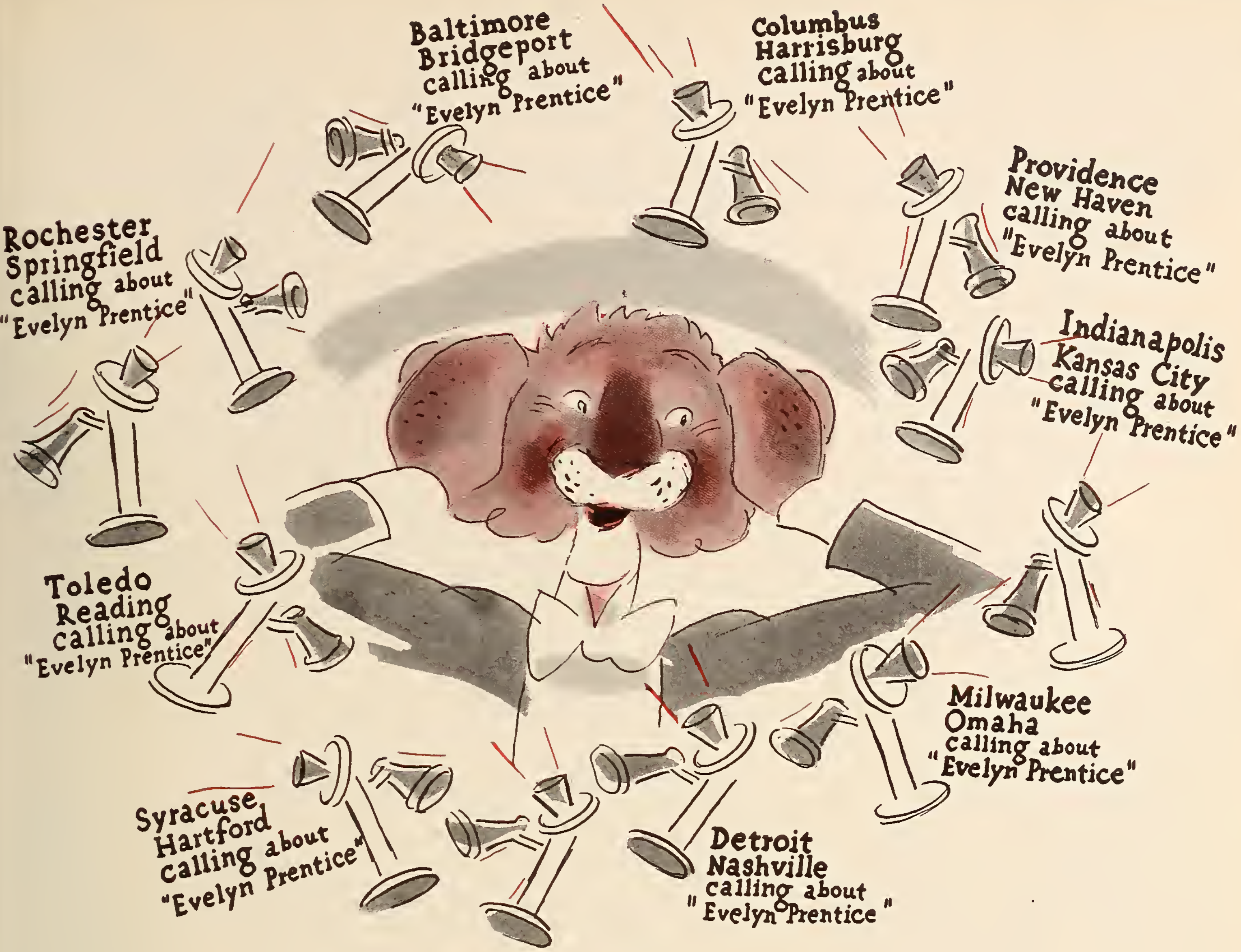
Queena Mario's yarn, "Murder the Opera House," has been boug by M-G-M.

Maurice Chevalier is on his w to the coast to play a dual role in 20 Century's "Folies Bergere de Pari

Eddie Cantor will sail Dec. 1 the *Rex* for a vacation in Europe.

Vincent Starrett's "Recipe f Murder" has been sold to Fox.

J. P. McEvoy has sold "One B Happy Family" to Paramount.


Baltimore
Bridgeport
calling about
"Evelyn Prentice"
Columbus
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Providence
New Haven
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calling about
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Syracuse
Hartford
calling about
"Evelyn Prentice"
Detroit
Nashville
calling about
"Evelyn Prentice"

# ANOTHER BELL RINGER FOR LEO!

it's BILL POWELL-MYRNA LOY in "EVELYN PRENTICE"

that's burning up the wires with news of a new M-G-M box-office smash from coast to coast! Held Over 2nd Week Capitol, N. Y. You're next!

Is your cash register on a diet? Get ready for FAT box-offices for Mr. and Mrs. "Thin Man", the public's adored couple!

*(An M-G-M Cosmopolitan Production with Una Merkel. Wm. K. Howard, Director. Produced by John W. Considine, Jr.)*

# Clearance Is Sent Back to Kansas City

(*Continued from page 1*)

Kansas City is an indication that Campi means business. A real effort is being made to get the plan in operation by Dec. 1, it is stated, but whether this will be the case depends largely on how local exhibitors react to modifications to be suggested by Code Authority's representatives. Campi is hoping that the Kansas City men can see the distributors' viewpoints and set up a precedent for the country.

# K. C. Hails Mission Of Schaefer, Golden

(*Continued from page 1*)

Schaefer-Golden mission is to explain Campi's position and determine why the local board is not reconciled to the Authority's views.

The board may call an open meeting of exhibitors and distributors to give the Campi emissaries the benefit of all opinions. Jay Means, I.T.O. head, who has expressed the suspicion that distributors are opposing the new zoning schedule because they want to institute bargaining for protection, said he was glad the Campi representatives were coming, as it will give them an opportunity to become familiar with local exhibitor problems, for which a solution is sought in the schedule submitted to Campi.

## *Defer Fox Met Plan*

An extension of 30 days in which to endeavor to complete a plan of reorganization for Fox Metropolitan Playhouses, Inc., was granted the bondholders' committee yesterday by Federal Judge Julian W. Mack. The extension was granted on the petition of counsel for the committee, who reported that, while some progress on the plan had been made, additional time was required for pending details.

## *To Aid IATSE at Studios*

Los Angeles, Nov. 13.—President George Browne of the I. A. T. S. E. today revealed the appointment of Steve Newman, member of Local 37, as international representative with rebuilding of the organization's power at the studios as his first duty. Newman will have complete supervision of all locals here until this work is done. Heretofore the various locals have operated independently of one another.

## *Harrison to Coast*

P. J. Harrison, editor of *Harrison's Reports*, leaves for Hollywood Tuesday on a combination business and pleasure trip.

He says the primary purpose is to discover, if he can, why better pictures don't come along more often.

## *To Show "The Battle"*

Leon Garganoff will be host at a showing of "The Battle" in the grand ballroom of the Waldorf-Astoria, Nov. 20.

# *Just a Stipulation, But It Stirs Up Legal Minds*

David M. Loew returned from White Sulphur Springs post haste yesterday to defend an overbuying action against the Loew circuit by the Electra, Brooklyn. With Eugene Picker, his assistant, and Louis Nizer in the role of attorney, Loew convinced Sam Rhonenheim, the complainant, that the Bayside Theatre had not overbought. An agreement was reached to withdraw the action. Then the fun started.

While the board was preparing to quit, Nizer insisted on adding a stipulation to the withdrawal, which was objected to by Melvin Albert, counsel for the complainant. Nizer wanted to add "without consideration." Albert didn't like the idea. Nizer insisted on it. Albert objected and then Nizer asked Rhonenheim if it weren't true that no consideration was to be given. Albert told Rhonenheim that if he answered he would resign as attorney. Rhonenheim said he wouldn't walk out on Albert.

It looked as though the case might go on for trial. Nizer wanted to try it. Rhonenheim took it upon himself to answer Nizer's question without advice of counsel and then Albert withdrew from the case. The board didn't know where it stood. Jack Bellman, chairman, suggested that the litigants go out and get together on the terms of withdrawal. In the meantime the board went into executive session and decided on a previous case. Nizer and Albert then came out with an agreed upon stipulation which included the terms both attorneys wanted.

In the overbuying case previous to the stipulation argument, the board dismissed without prejudice a complaint of the Plaza, Freeport, L. I., against the Grove and Freeport, Freeport, operated by A. H. Schwartz.

Before Loew was aware of the withdrawal of the Electra complaint, he objected to Leon Rosenblatt sitting in place of an affiliated exhibitor. Before Max Fellerman of RKO came over, Nizer told the board:

"Let's call John Flinn. He's the conduit of Code Authority."

That got some of the boys and they asked Nizer what he meant. He explained as follows: "Flinn is the pipe through which Code Authority information flows."

Flinn was uncertain about whether the unbalanced representation could be objected to and called upon Campi, which was in the throes of deliberation on Kansas City's clearance and zoning problems. Campi couldn't be bothered with it since it required much more time to discuss the matter than the members cared to give it yesterday.

## *Gaumont Gets K. C. Spot*

Kansas City, Nov. 13.—Gaumont British is assured the Fox Uptown as its first run outlet in Kansas City, as a result of a deal negotiated by George Weeks, general sales manager, with Fox Midwest. "Chu Chin Chow" is set to open at the Uptown shortly as the first G. B. release.

The local G. B. sales staff has been increased to three by the addition of Rube Melcher, formerly with Warners.

## *Weeks Appoints More*

George Weeks, general sales manager of Gaumont British now on a tour of key cities, has appointed J. L. Franconi sales manager for Dallas and Jack Groves salesman. In Buffalo Sam Levine has been made booker-salesman; in Pittsburgh George Wheeler has been given a similar post and in Oklahoma City H. Russell Gaus has been appointed salesman.

### Weeks Is On Coast

Los Angeles, Nov. 13.—George Weeks, general sales manager of Gaumont British, is busy working out the details of his sales setup here at the Fox exchange. He also intends to close a deal with F. W. C. for Gaumont British bookings before heading north to San Francisco, Portland and Seattle and east to Salt Lake City and Denver.

## *Lighten Balcon Duties*

London, Nov. 13. (*By Cable*)—Maurice Ostrer will take over the business management of the Gaumont British studios. The move is designed to relieve Michael Balcon from all other duties except those directly concerned with production. Balcon is in complete charge of studio activities.

## *"Flirtation" Book Out*

Distribution of 40-page press books on "Flirtation Walk" will be started today by Warners. Among the features are five national tieups, especially posed photographs for dealer displays, a newspaper serialization and a novelization complete in one installment. Accompanying the press book is a supplement of eight pages containing a wide assortment of ads.

## *Chicago Dines Reinhardt*

Chicago, Nov. 13.—Max Reinhardt, here to stage "A Midsummer Night's Dream" at the Auditorium, was honored by the Fourth Estate today at a luncheon at the Hotel Sherman. The impresario is due on the coast in a few weeks to work on the Warner picturization of the Shakespeare play.

## *Warner Club Has Dinner*

Charlotte, Nov. 13.—The local unit of the Warner Club met over the week-end at a banquet at Nunnally's, followed by a screening at the Broadway theatre. Approximately 65 members and guests were present.

## *Plans a Song Contest*

A radio contest to select a title song for his first musical for Warners, "Sweet Music," will be launched by Rudy Vallee on his Nov. 22 broadcast. Air fans will be given two tunes to chose from.

## *Plan Color for "Dream"*

Hollywood, Nov. 13.—Warners will film several sequences of "A Midsummer Night's Dream" in the new three-color Technicolor process. Production starts Dec. 1.

# Equity to Let Guild Obtain Own Charter

(*Continued from page 1*)

ranks with Equity. It would also mea that any stage player engaged for picture work would first have to becom a member of the Guild, and an Guild member doing stage work woul have to become an Equity member Likewise, in the event of strikes b either the Guild or Equity, member of either organization would not b available for replacing members o the striking organization.

The agreement to adopt this procedure, rather than the Guild affiliatio with Equity that was first proposed came as the result of "further an more careful study of the planne alliance which convinced officers o both organizations that the separat charter procedure would be best fo both," according to a joint statemen issued following yesterday's meetin by Frank Gillmore, Equity president and Thomson.

"The council, in agreeing to giv the Guild autonomy in the management of motion picture work," th statement said, "stressed particularl the necessity of presenting a unite front by actors in any negotiation with producers; the desire for a join conference board to handle commo problems, and an exchange of all facilities of information and service b tween the two actors' organization on behalf of their members."

## *Feist in Honolulu*

Honolulu, Nov. 13.—Felix Feis M-G-M's general sales manager, i vacationing here.

Hollywood, Nov. 13.—Felix Feis returns here from Hawaii on Nov. 22 will visit a number of exchanges an return east probably early January.

## *Sharick in New "U" Jo*

Andrew J. Sharick has been name manager of accessory sales by Universal. He has handled exploitation publicity and advertising both in th home office and in the field. Sharic will retain his other duties in the hom office, including editorship of *Progress*, Universal interexchange organ.

## *Music Hall Operetta*

"Onteora's Bride," an operati legend in four scenes, has been writte especially for the Music Hall by Desz D'Antalffy and will be produced b the theatre starting Nov. 15.

## *Salesmen Dine Jan. 1*

Annual dinner, dance and entertainment of the M. P. Salesmen, Inc., o New York, will be held New Year' Eve at the Astor.

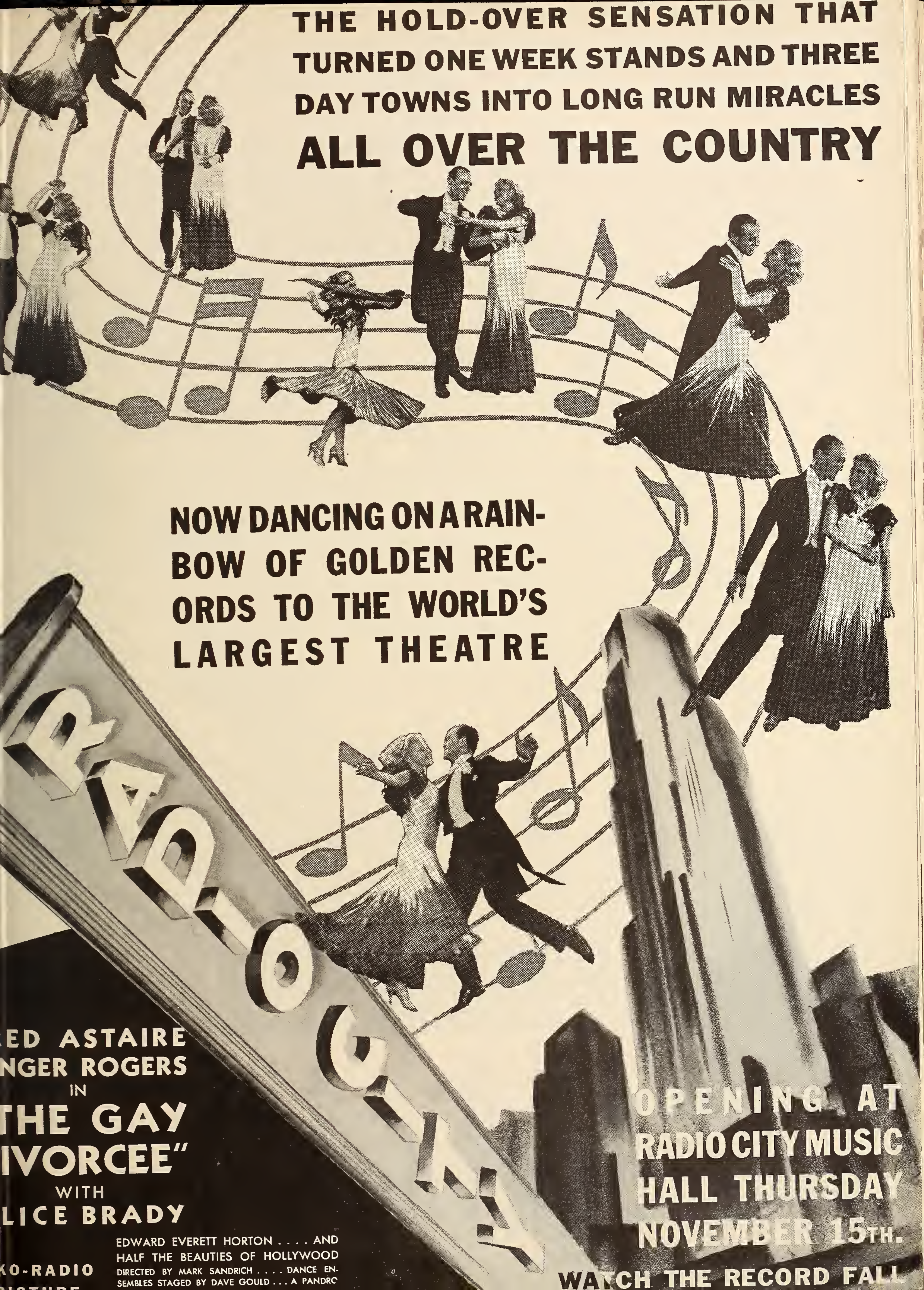
## *Kohn Seeking Rest*

Ralph A. Kohn is closing his offic in the Paramount Bldg. this week an will journey southward for a rest following a recent illness.

## *Nat Holt Arrives Toda*

Nat Holt, RKO division manage in Cleveland, arrives today for hom office booking conferences.

# THE HOLD-OVER SENSATION THAT TURNED ONE WEEK STANDS AND THREE DAY TOWNS INTO LONG RUN MIRACLES
# ALL OVER THE COUNTRY



**NOW DANCING ON A RAINBOW OF GOLDEN RECORDS TO THE WORLD'S LARGEST THEATRE**

ED ASTAIRE
NGER ROGERS
IN
THE GAY
IVORCEE"
WITH
LICE BRADY

EDWARD EVERETT HORTON . . . . AND HALF THE BEAUTIES OF HOLLYWOOD DIRECTED BY MARK SANDRICH . . . . DANCE ENSEMBLES STAGED BY DAVE GOULD . . . A PANDRC

KO-RADIO
ICTURE

**OPENING AT RADIO CITY MUSIC HALL THURSDAY NOVEMBER 15TH.**

**WATCH THE RECORD FALL**

# Samuel Goldwy

Among the new pictures the smash hit is 'Kid Millions,' which, aided by yesterday's holiday, Armistice Day, is galloping for a big $55,000 first week. This will be the biggest the Rivoli has done in three years. Goldwyn has another money-maker at the Music Hall, 'We Live Again,' which ought to handily top $80,000 on its holdover after an initial week's take of $97,000.

Radio City M
60-85-99-$1.10)
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First seven
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# ANNA STEN and FREDRIC

# EDDIE CANTOR in "KID M

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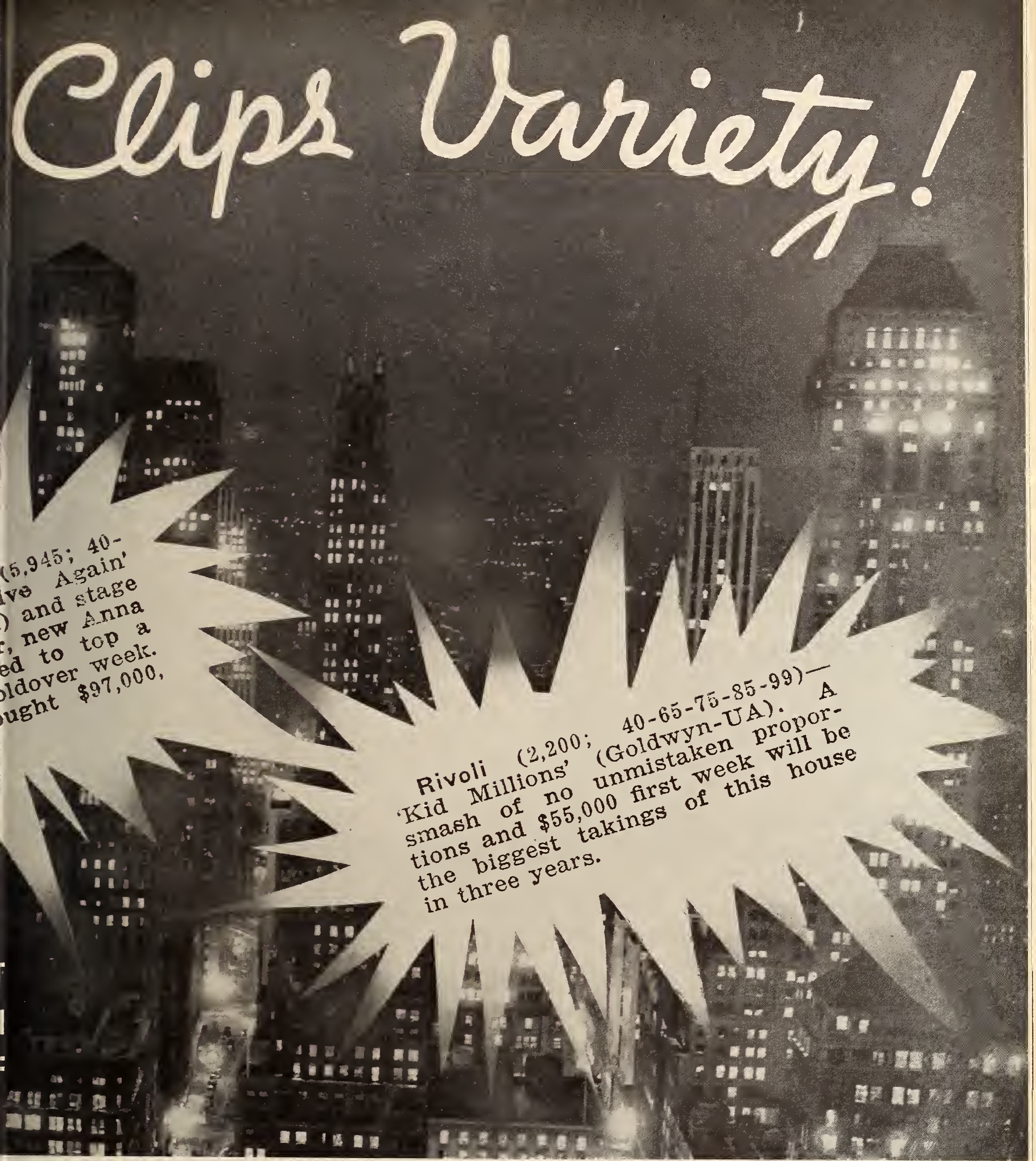

(5,945; 40-
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ought $97,000,

Rivoli (2,200; 40-65-75-85-99)—'Kid Millions' (Goldwyn-UA). A smash of no unmistaken proportions and $55,000 first week will be the biggest takings of this house in three years.

ARCH in "WE LIVE AGAIN"

LIONS" with ANN SOTHERN · ETHEL MERMAN

ISTS

# "Cristo" Top Grosser for Twin Cities

MINNEAPOLIS, Nov. 13.—The best straight film draw of the week was "The Count of Monte Cristo" at the Century. The take, $5,000, was over average by $1,000.

"Six Day Bike Rider," helped by Ilomay Bailey and Lee Sims, reached $6,500 at the Orpheum, also over the line by $1,000, and "The Pursuit of Happiness" was up by the same amount on a $6,500 take at the State, with "The Star Dust Revue" on the stage. "Chu Chin Chow" went to $3,500 at the 400-seat World.

"Madame DuBarry" and "365 Nights in Hollywood" were both strong in St. Paul, the former getting $6,000 and the latter $4,000.

Total first run business in Minneapolis was $25,000. Average is $21,000. Total first run business in St. Paul was $19,000. Average is $16,000.

Estimated takings:

### *Minneapolis:*

### *Week Ending Nov. 8:*

**"THE COUNT OF MONTE CRISTO" (U. A.)**
CENTURY—(1,000), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,000)

**"THE LEMON DROP KID" (Para.)**
LYRIC—(1,000), 20c-25c, 7 days. **Gross:** $1,800. (Average, $1,500)

### *Week Ending Nov. 9:*

**"SIX-DAY BIKE RIDER" (F. N.)**
ORPHEUM—(2,000), 25c-50c, 7 days. Lee Sims and Ilomay Bailey heading five acts. **Gross:** $6,500. (Average, $5,500)

**"THE PURSUIT OF HAPPINESS" (Para.)**
STATE—(2,300), 25c-40c, 7 days. "The Star Dust Revue." **Gross:** $6,500. (Average, $5,500)

**"NO GREATER GLORY" (Col.)**
TIME—(300), 25c-35c, 7 days. **Gross:** $2,500. (Average, $2,500)

**"CHU CHIN CHOW" (Gaumont British)**
WORLD—(400), 25c-75c, 7 days. **Gross:** $3,500. (Average, $2,500)

### *St. Paul:*

### *Week Ending Nov. 8:*

**"MADAME DuBARRY" (Warners)**
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

**"365 NIGHTS IN HOLLYWOOD" (Fox)**
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500)

**"MILLION DOLLAR RANSOM" (Univ.)**
ORPHEUM—(2,000), 25c-40c, 3 days. "Bowery Follies." **Gross:** $3,500. (Average, for week, $4,000)

**"GIFT OF GAB" (Univ.)**
ORPHEUM—(2,000), 25c-40c, 4 days. **Gross:** $2,000. (Average for week, $4,000)

**"WAGON WHEELS" (Para.)**
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

**"GREAT EXPECTATIONS" (Univ.)**
WORLD—(300), 25c-75c, 7 days. **Gross:** $2,500. (Average, $2,000)

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## *Stenographer Named To Ontario Censors*

TORONTO, Nov. 13.—In rebuilding the Ontario Board of Censors, the new Liberal government performed an interesting flip. After firing E. J. Byrne, a veteran member of the board, the Ontario cabinet, headed by Premier Hepburn, appointed as his successor Miss Maude Canning who had previously been dismissed from the position of senior stenographer of the board. No one was more surprised than Miss Canning.

Miss Canning completes the new board of three which will perform the work previously handled by six censors.

# "Priest" Hits Heavy $8,500 In Pittsburgh

PITTSBURGH, Nov. 13.—There was a lively pickup in business all over town last week, the first encouraging sign of the new season. Average was reached in almost every case, and in one spot, the Fulton, "Judge Priest" nearly doubled par, getting around $8,500 and staying over for a second week.

At the Stanley, a good stage show bolstered "The Richest Girl in the World" and the net result was a nice $19,000. "The Merry Widow," at the Penn, likewise hit average with $12,000, but the impressiveness of this figure can only be gathered from the fact that this house hasn't touched average with a straight picture for some time now.

The Pitt, lowering both its top and its overhead, has been doing well with vaudeville and pictures, last week's eight-act bill and "That's Gratitude" resulting in $4,500, while the Alvin was shooting ahead to a nice $12,000 with "Love Time" and a stage show. Only the Warner, with "The Lemon Drop Kid" and "The Fireband" failed to touch par, but it was only $300 under, at $4,700.

Total first grosses were $60,700. Average is $54,500.

Estimated takings for the week ending Nov. 8:

**"LOVE TIME" (Fox)**
ALVIN—(2,000), 25c-40c, 6 days. Stage: Johnny Perkins, Jackie Heller, Sylvia and Clements, Petch and Deauville, Ford, Marshall and Jones. **Gross:** $12,000. (Average, $10,000.)

**"JUDGE PRIEST" (Fox)**
FULTON—(1,750), 15c-40c, 7 days. **Gross:** $8,500. (Average, for 6 days, $4,500.)

**"THE MERRY WIDOW" (M-G-M)**
PENN—(3,300), 25c-50c, 6 days. **Gross:** $12,000. (Average, $12,000.)

**"THAT'S GRATITUDE" (Col.)**
PITT—(1,600), 15c-30c, 6 days. Stage Rita Royce revue; Wynne and Dolly; Milo, Three Speed Demons; Ray Shannon; Pansy, the Horse, and Rogers and Oliver. **Gross:** $4,500. (Average, $4,000.)

**"RICHEST GIRL IN THE WORLD" (Radio)**
STANLEY — (3,600), 25c-60c, 6 days. Stage: Guy Kibbee, Don Bestor's band. Keller Sisters and Lynch, Three Queens. **Gross:** $19,000. (Average, $19,000.)

**"THE LEMON DROP KID" (Para.)**
**"THE FIREBIRD" (Warners)**
WARNER—(2,000), 25c-40c, 6 days. **Gross:** $4,700. Average, $5,000.)

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## *Pitt Is to Stay Open*

PITTSBURGH, Nov. 13.—Instead of closing the Pitt, as its operator, George Shafer, intended, he will continue to operate indefinitely, playing vaudeville with pictures, however, instead of unit shows.

In addition, Shafer has cut admissions from 40 to 30 cents, which observers believe may mark the beginning of a price war in downtown Pittsburgh, seen as a direct answer to the stiff competition of the Alvin, which has been playing stage shows and first run pictures at 40 cents top.

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## *To Rush "Two Cities"*

HOLLYWOOD, Nov. 13.—Immediately upon completion of "David Copperfield" M-G-M will get "Tale of Two Cities" ready. Hugh Walpole and Lenore Coffee have been assigned to write the adaptation.

## *Bigger Than Garbo*

**Kansas City, Nov. 13.—"Will Rogers has succeeded Greta Garbo as the name to conjure with in the movies as far as the Middle West is concerned," comments John C. Moffitt, film critic of the *Kansas City Star*, anent the successful run of "Judge Priest" at the local Fox Uptown. Moffitt calls the Fox picture "the outstanding hit of the local season."**

# "Happiness," with Show, Buffalo Top

BUFFALO, Nov. 13.—Ben Lyon and Bebe Daniels proved their strong personal drawing power, aiding "Happiness Ahead" to up the Buffalo's normal, $14,300, to $18,200.

"The Gay Divorcee" finished stronger than it began and went into a second week after topping average by $1,100 at $9,100. Weather was mostly mild and fair.

Total take was $46,200. Average is $42,800.

Estimated takings for the week ending Nov. 9:

**"HAPPINESS AHEAD" (F. N.)**
BUFFALO—(3,500), 30c-55c, 7 days. Stage: Ben Lyon and Bebe Daniels; Radio Rubes; Nell Kelly; Rosemary Deering. **Gross:** $18,200. (Average, $14,300)

**"CHARLIE CHAN IN LONDON" (Fox)**
**"STRAIGHT IS THE WAY" (M-G-M)**
CENTURY—(3,000), 25c, 7 days. **Gross:** $6,300. (Average, $6,000)

**"KANSAS CITY PRINCESS" (Warners)**
**"THE CASE OF THE HOWLING DOG" (Warners)**
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $6,000. (Average, $8,000)

**"THE GAY DIVORCEE" (Radio)**
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $9,100. (Average, $8,000)

**"THERE'S ALWAYS TOMORROW" (Univ.)**
**"MILLION DOLLAR RANSOM" (Univ.)**
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $6,600. (Average. $6,500)

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# "Norton" Oklahoma Top; Gets $3,000

OKLAHOMA CITY, Nov. 13.—"Elinor Norton" and a stage show took the only important money here last week by running up to $3,000 at the Liberty in four days. This was over average by $1,000.

"Barretts of Wimpole Street," the next best draw, took $5,800 in seven days at the Warner, up by $800. "Girl of the Limberlost" was slightly over par with a take of $2,700 at the Capitol.

Total first run business was $16,700. Average is $13,500.

Estimated takings for the week ending Nov. 10:

**"BARRETTS OF WIMPOLE STREET" (M-G-M)**
WARNER—(1,900), 10c-20c-36c-41c-56c, 7 days. **Gross:** $5,800. (Average, $5,000)

**"CLEOPATRA" (Para.)**
MIDWEST — (1,500), 10c-26c-36c-56c, 7 days. **Gross:** $4,000. (Average, $4,000)

**"GIRL OF THE LIMBERLOST" (Mono.)**
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $2,700. (Average, $2,500)

**"ELINOR NORTON" (Fox)**
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. Stage: Ernie Young revue. **Gross:** $3,000. (Average, $2,000)

**"THERE'S ALWAYS TOMORROW" (Univ.)**
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $1,200. (Average week, $2,000)

# "Wiggs" Gets $42,000 with Show on Loop

CHICAGO, Nov. 13.—"Mrs. Wiggs of the Cabbage Patch" was the big noise here last week. It piled up $42,000, above par by $7,400, at the Chicago. Borrah Minnevitch and his band helped on the stage.

"The Gay Divorcee" continued to be something of a sensation in its third week at the Palace, getting $23,000, up by $1,000 on the normal take. "Cleopatra" held up to $11,000 in its second week at the Roosevelt and "Barretts of Wimpole Street" took $10,000 in its fourth week at the United Artists.

Total first run business was $133,500. Average is $131,600.

Estimated takings:

### *Week Ending Nov 6:*

**"CLEOPATRA" (Para.)**
ROOSEVELT—(1,591), 25c-35c-50c, 2nd week, 7 days. **Gross:** $11,000. (Average, $11,000)

### *Week Ending Nov. 8:*

**"MRS WIGGS OF THE CABBAGE PATCH" (Para.)**
CHICAGO—(4,000), 25c-35c-68c, 7 days. Stage: Borrah Minevitch, Lillian Roth, Les Ghezzis, Moore & Revel. **Gross:** $42,000. (Average, $34,600)

**"ONE NIGHT OF LOVE" (Col.)**
GARRICK—(900), 25c-35c-40c, 7 days. **Gross:** $5,500. (Average, $5,000.)

**"CHARLIE CHAN IN LONDON" (Fox)**
ORIENTAL—(3,940), 25c-40c, 7 days. Stage: Pat Kennedy, Joe & Jane MacKenna, Una Vilon, Ted Cook band. **Gross:** $18,000. (Average, $15,000)

**"THE GAY DIVORCEE" (Radio)**
PALACE—(2,509), 25c-35c-50c, 3rd week, 7 days. Stage: Irene Beasley, Billy House, Bert Walton, Adair and Richards. **Gross:** $23,000. (Average, $22,000)

### *Week Ending Nov. 9:*

**"BARRETTS OF WIMPOLE STREET" (M-G-M)**
UNITED ARTISTS—(1,700), 30c-40c-60c, 4th week, 7 days. **Gross:** $10,000. (Average, $17,000)

**"MARIE GALANTE" (Fox)**
APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $9,000. (Average, $12,000)

### *Week Ending Nov. 10:*

**"WAKE UP AND DREAM" (Univ.)**
STATE-LA K E—(2,776, 20c-25c-35c, 7 days. Stage: Gypsy Nina; Harry Howard & Co.; Harris and Shore; other acts. **Gross:** $15,000. (Average, $15,000)

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# "Widow" in Omaha Gets Mild $8,900

OMAHA, Nov. 13.—"The Merry Widow" went to $8,900 at the Paramount last week. This is over par by $900, but doesn't compare with the showing made recently by "Dames."

"Lady by Choice" and "I'll Fix It" hit $4,500, up by $1,000, at the Brandeis. Another dual, "Peck's Bad Boy" and "Big Hearted Herbert," was good for $8,800, over the line by $1,300.

Total first run business was $26,050. Average is $22,500.

Estimated takings:

### *Week Ending Nov. 7:*

**"THE WORLD MOVES ON" (Fox)**
**"365 NIGHTS IN HOLLYWOOD" (Fox)**
WORLD—([illegible],200), 25c-40c, 7 days. **Gross:** $3,900. (Average, $3,500)

**"THE MERRY WIDOW" (M-G-M)**
PARAMOUNT—(2,800), 25c-40c, 7 days. **Gross:** $8,900. (Average, $8,000)

### *Week Ending Nov. 8:*

**"LADY BY CHOICE" (Col.)**
**"I'LL FIX IT" (Col.)**
BRANDEIS—(1,500), 25c-40c, 7 days. **Gross:** $4,500. (Average, $3,500)

**"PECK'S BAD BOY" (Fox)**
**"BIG HEARTED HERBERT" (Warners)**
ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $8,800. (Average, $7,500)

# SMASHES RIALTO RECORDS

# HELD OVER FOR 2nd WEEK!

## Continuous S. R. O. as Broadway reads critics' unprecedented praise

*New York Times:*

"Mark 'The First World War' down as a memorable and infinitely important document which should be distributed in every civilized nation. If any motion picture is assured of enduring life, this is the one."

*N. Y. Daily News:*

"★★★½★! An amazing series of pictures. Stallings' work in editing and explaining makes them the most thrilling of their kind."

*N. Y. Daily Mirror:*

"The greatest of war films. Don't miss it. War is pictured with all its pitiless horror, pictured with stirring detail."

*N. Y. Evening Post:*

"Not only a splendid example of dramatic narrative; it is an historical document which deserves immortality. The episodes depict with singular power the bitterness and devastation of the struggle."

*N. Y. Herald-Tribune:*

"The most exciting, vitally dramatic and inescapably powerful war chronicle that the camera eye has yet recorded. The whole thing is little short of overwhelming in its power.

# THE FIRST WORLD WAR

EDITED BY LAURENCE STALLINGS

*Produced by Truman Talley*
(In association with Simon & Schuster)

*N. Y. American:*

"Impressive as a miracle, the Great War is waged again, and not a million history books can change the facts that confront us in this breathing, bloody massing of actual events. Laurence Stallings and Truman Talley merit decoration with a new order."

*N. Y. Eve. Journal:*

"There is much more to this picture than a harrowing camera record of carnage. It is a searing reminder, a pictorial history of a world in which history repeats itself. The picture will leave you emotionally limp. Seeing it is a terrific experience."

*N. Y. Sun:*

"Not a picture to be casually seen and lightly forgotten. This is reality. No one who reads the newspapers, who wonders what is coming next should miss 'The First World War'."

*N. Y. World-Telegram:*

"Without hesitation, I offer you 'The First World War' as the most important and powerful plea for peace the cinema has yet produced. It is a stark, grim, biting plea.

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FILMS FROM
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FOX

## Smash Showmanship Campaign Thrills Broadway

## Ia. Group Sets Fund For Booking Fight

DES MOINES, Ia., Nov. 13.—Formation of a $50,000 "war chest" to fight block booking in this territory was revealed today at a meeting of Allied Theatre Owners, Inc., at the Hotel Kirkwood here. The 175 independent exhibitors in attendance effected a reorganization of unaffiliated exhibitors to work out their difficulties in the subsequent run situation and in the buying of pictures.

E. C. Ellsworth, Iowa Falls, was named president to succeed C. L. Niles, Anamosa. H. A. Larson, Oakland, Neb., was elected vice-president. A secretary will be chosen at a meeting of the new board at Iowa Falls Nov. 22. New directors are: Charles Peterson, Hampton; A. J. Swanton, Emmetsburg; Wayne Dutton, Manchester; E. C. Potter, Newhampton. Harry Hiersteiner, Des Moines, heads the Allied group working on plans for better service to exhibitors.

The board decided upon definite action to get a "square deal" from producers on releases.

Resolutions were adopted favoring cleaner films. Ellsworth was named director of the organization's campaign to this end.

## Mary Pickford Tops Ampa Talent Lineup

Mary Pickford will head the list of guests at the Ampa luncheon tomorrow and Charles C. Pettijohn will be guest chairman.

Others on the program are: Sir Gerald Campbell, British consul general; Clarence Brown, M-G-M director; Jack Pearl, Frank Buck, Jimmy Savo, Gregory Ratoff, Wee Willie Robine, Nick Lucas, Uncle Don, Major Edward Bowes, Benita Hume, Harry Hershfield, Paul Yawitz, Lillian Carmen, Buddy Walker, Elaine Jordon, Mack & Stanton, an act provided by Arthur Fisher and Roy Ford and his orchestra.

## Testimony Finished In Detroit Action

DETROIT, Nov. 13.—The taking of testimony in the case of Jacob Schreiber vs. Cohen Bros. and Co-Operative Booking was concluded today before Master of Chancery William Sayres in U. S. District Court here. The case now goes before Federal Judge Edward Moinet. It will be 30 days before a decision will be given out, it is believed. The litigation has been before the court the past 10 weeks.

Schreiber is suing the booking combine and the Cohens charging conspiracy to prevent him from buying product from Detroit exchanges for his Colonial Theatre.

## Mix Signed for Serial

HOLLYWOOD, Nov. 13.—Tom Mix today was signed by Mascot to star in a 15-episode serial, tentatively called "Texas Ranger," which is slated to go into production around Dec. 1. In the cast will also be Mix's horse, Tony, 15 other trained horses and the cowboy troupe which has been traveling with his circus, which closes around Thanksgiving Day. The deal was opened between Mix and Nat Levine, head of Mascot, in Laredo, Tex., two weeks ago.

# Looking 'Em Over

## "Wednesday's Child"

*(Radio)*

"Wednesday's Child" depicts the effects on a young boy of a home disrupted by the divorce of his parents. It is adult fare because of the somewhat clinical nature of its subject, although there is nothing offensive in any of its situations nor in their handling.

Karen Morley, as the mother, finds herself gradually estranged from her kindly but unromantic husband, Edward Arnold. Frankie Thomas, as their son, suffers the first anguish as a result of the situation when he, with playmates, accidentally witnesses an embrace between the mother and the man with whom she has fallen in love. The estrangement of the parents is climaxed during a quarrel, witnessed by the boy, in which Arnold strikes Miss Morley. The mother is granted the divorce when the boy, placed on the witness stand, corroborates the mother's testimony despite the fact that his sympathies remain with his father.

### What the Symbols Mean

**Reviews classified with a "G" are regarded as suitable for general entertainment.**

**Those with an "A" are regarded as suitable for adult entertainment.**

After the divorce, the child spends an unhappy nine months with the mother, now married again, anxiously awaiting the three months out of the year which the court has directed he is to spend with his father. At the reunion he learns that his father also plans to marry again. Emotional strain and disappointment cause the boy a physical collapse. On his recovery he is sent to a military school where, during a visit, the father accidentally learns of the child's emotional turmoil and abandons his plans for re-marriage in order to establish a home that will provide the stability for the boy's life that he has learned is necessary.

The work of Frankie Thomas, as the son, is outstanding. Arnold also gives an understanding performance as the father. Other roles are capably filled. John Robertson's direction and Harold Wenstrom's photography are pleasing.

Production Code Seal No. 271. Running time, 68½ minutes. Classification: "A."

## "The Man of Courage"

*(Samuel Cummins-Jacques A. Koerpel)*

While this film tribute to Mussolini, a product of the Luce studios in Rome, seems heading for a boisterous reception from those of Italian blood, it is hardly likely it will stir the ordinary picture audience more than mildly.

The film, shown in Italy under the title "Camicia Nera" ("Black Shirt"), tells a one-sided story of Fascism. With Il Duce as the author and an Italian studio as the producer, nothing else could be expected. The production as a whole, however, is shot through with such enthusiasm that even an American audience can be reasonably certain of showing some response to the fast succession of scenes detailing the birth and material achievements of Fascism.

The film's primary handicap is that it wastes too much time in preparing for the entrance of Mussolini on the European scene. The first half of it, almost wholly studio-made, relates the events that made the advent of Mussolini and his Black Shirts inevitable. It is not until this part of the film is done with that "The Man of Courage" becomes really exciting and dramatic. The last half, revealing Italy's progress under the guiding hand of Mussolini and showing the Premier in all his oratorical glory, is by far the best part.

The fictional roles are taken by a cast of players whose names are of no importance here. Forzano directed. Where dubbing has not been resorted to, English titles have been employed to make it easy for American audiences to understand the film. No code seal. Running time, 95 minutes. Classification: "G."

## "I'll Fix It"

*(Columbia)*

This is a well-knit, fast-moving story with both kid and adult appeal built around a political fixer (Jack Holt), whose affections are centered on a young brother in grammar school. His fixing hits a snag when he tries to get Mona Barrie, a school teacher, to pass the young brother, Jimmy Butler, so he can play baseball.

Intrigued by her defiance, he tries new tactics—flowers, presents, automobile rides—and begins to fall in love without realizing it. The situation reaches a climax when Miss Barrie discovers the boy cheat-

(Continued on page 11)

# Short Subjects

## "How to Break 90 at Croquet"

*(Radio)*

Croquet, as it should and should no be played, is here demonstrated b Robert Benchley, humorist, in his inimitable style. It was difficult t catch all of Benchley's monologue because the laughs in the projectio room where this was seen were lou and long. This short should convulse any audience. Code seal, No 325. Running time, 15 mins. Classification: "G."

### What Symbols Mean

**The "G" symbol indicates general entertainment.**

**The "A" symbol indicates adult entertainment.**

## "The Dognapper"

*(Disney-U. A.)*

This latest Mickey Mouse creatio from the pen of Walt Disney hit new high spot of hilarity if the laugh that poured out from the audienc present when this was seen may b taken as a criterion.

Mickey and Donald Duck, motor cycle policemen, solve the dog-nappin of a little pekinese and arrest the culprit with the aid of a buzzsaw in a abandoned saw mill. The buzzsaw having become dislodged from its axle runs wild and chases Mickey and al the other characters about for severa minutes, creating gales of laughter i the audience. Production code seal No. 391. Running time, 8 mins Classification: "G."

## "The Great Experiment"

*(Columbia)*

A Scrappy Cartoon and swell entertainment. Scrappy finds himself i the clutches of a crazed inventor o a "perpetual youth serum." After being subjected to an injection of th fluid, he finds himself living in 199 His adventures are rib-tickling. Reviewed without production code seal Running time, 5 mins. Classification: "G."

## "Zion-Canyon of Color"

*(FitzPatrick-M-G-M)*

A FitzPatrick Traveltalk with exceptional shots of nature done in Technicolor. Zion Canyon in Utah is th subject, with all its various colors highways and its tourist inn. It shoul interest. No code seal. Running time 6 mins. Classification: "G."

## Monogram Sales 81% Over '33—Johnston

HOLLYWOOD, Nov. 13.—Monogram sales on the new season's product ar running 81 per cent ahead of last year W. Ray Johnston, president of th company, who leaves the coast Thursday, said today.

"From present indication," he asserted, "we will add 1500 new theatres to our customers' list this season. One thousand and eighty-fiv new accounts have already been adde for this season's program."

Johnston declared that 16 of th company's 28 releases scheduled fo the new season have been completed

# Insiders' Outlook

(Continued from page 2)

ined London, September 23, on 'Evensong"

Offers vocal fireworks, reminiscent in material and quality of "One Night of Love" . . . unusual setting of a story tragic in theme and climax . . . stressing sentimental and comedy values. . . . Starts like a fairy story . . . develops into a study of disillusionment. . . . The ending is not of the kind fans like best . . . however, if . . . happy . . . would have been . . . less effective. . . .

G. B. screened this picture yesterday at the Westminster. To London's comment might be added this:

Evelyn Laye is excellent . . . beautiful to look at . . . competent in light and heavier sequences alike . . . and in fine voice as well. . . . Fritz Kortner as the impresario impresses . . . and registers heavily. . . . The picture has a nostalgic flavor . . . a charm of unmistakable stamp . . . and does credit to its producing company and to its director, Victor Saville. . . .

▼

Merian C. Cooper, talking in Hollywood and making the press association wires, predicts all pictures five years from date will be produced in color; also, that it is quite probable half of them will blush in natural hue three years from this fall of 1934. Explanation: Cooper is being backed by "Jock" Whitney on a series of color features. Whitney owns large blocks of stock in Technicolor. . . . Barney Balaban confers often and assiduously with Sam Dembow these days. . . . Now it's Edward J. Flynn, secretary of state of New York, who is supposed to take over Will Hays' job. Is that the best Hearst's *New York Evening Journal* can do? The same story, same paper, would have Flynn considering a post as legal head of RKO. That wouldn't be so remote, for Flynn and Mike Meehan, dominant factor in K-A-O, are extremely good friends. . . .

▼

Charlie Chaplin, up at Arrowhead and away from production travail, saw an eagle one night recently. That influenced him to grab a pencil, write a poem with one hand and telephone Rob Wagner, editor of *Script* with the other. While Charlie may do little about the state of monetary contentment which might be the exhibitor's if he made pictures more often and more regularly, some theatre operators may find partial solace in the range of Chaplin's artistic flight. Here goes:

Beneath an oak
  Beside a lake
Through shimmering lace
  I see a moon.
And silver notes
  Of mirrored stars
Trill upon a resonant pool.

The distant rhythmic mountain ranges
  Symphonize an unknown theme,
Man's destination—
  Why and Where
  Eternal Truth
The Real; the Dream.

Across the sky
  An eagle high
Conducts the silent symphony.

KANN

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# Looking 'Em Over

(Continued from page 10)

ing. He denies it. Holt, angered, has her fired. The resulting public protest leads to an investigation of school site purchases and contracts. At the crucial moment she refuses to testify against him and makes it appear as though he had purchased a school site tract to give to the city as a playground. He does.

The boy confesses he has cheated and all is forgiven.

It is much more effective than it sounds, and some good hefty laughs are contributed by Winnie Lightner as Miss Barrie's roommate and by Edward Brophy as Holt's stooge. Roy William Neill's direction is sure-handed and with hardly a trace of hokum.

Good family entertainment.

Production code seal No. 260. Running time, 67 minutes. Classification: "G."

*"Big Hearted Herbert," Monday night's opener at the Mayfair, was reviewed by wire from Hollywood Aug.* 13.

*"The Firebird," tonight's opener at the Strand, was covered from the coast Oct.* 6.

*"The Gay Divorcee," tomorrow's opener at the Music Hall, was reviewed by wire from Hollywood Oct.* 3.

*"Evensong," Friday's opener at the Roxy, was reviewed from London Sept.* 24.

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## ITOA Move to Join Allied Is Up Again

(Continued from page 1)

gested by a number of I. T. O. A. members at the last meeting which was not attended by Harry Brandt, president, then ill with the grippe. Yesterday, Brandt admitted hearing something about the plan and said:

"There is no national exhibitor organization and that holds for both the M. P. T. O. A. and Allied. After having intimate contact with both groups, I can frankly say this."

## Samuelson Fails to Discuss Law Plans

(Continued from page 1)

that a two-day eastern regional session of directors will be held in Baltimore starting Monday. Walter B. Littlefield is slated to wield the gavel and about a handful of New Jersey men are expected to attend.

## Para. May Hold Royal

KANSAS CITY, Nov. 13.—Paramount may renew the lease on the Royal, downtown house, when it expires in the next few days. If a new lease is taken, the circuit will probably reopen the theatre, closed since last spring, but plans are indefinite. The expiring lease was for 10 years, it is understood.

The Royal, seating 800, is one of two remaining Paramount theatres in this territory.

## See Further Delay On Para. Bank Suit

(Continued from page 1)

credit transaction of 1932, on which the suit is based, has been attempted by counsel for the trustees but consistently overcome to date by counsel for the bank group. The latter has pointed out that an agreement has been reached between the banks and the reorganization principals which settles the banks' claim against Paramount airising out of the 1932 transaction. The agreement, however, is to be a part of the Paramount reorganization plan and, hence, cannot be made effective until the plan itself has been completed. Earliest forecasts place completion of the reorganization plan about Dec. 1.

## Bans Theatre Near School in Brooklyn

License Commissioner Paul Moss has refused to permit construction of a Trans Lux theatre on a site adjoining Erasmus Hall High School, Brooklyn.

This is the first decision of its kind in the city. The original complaint was lodged by the principal who claimed that a theatre so near would tend to distract the students.

Commissioner Moss said he expects the decision would be appealed and that the final court decision would have far-reaching importance.

The application to construct the theatre was approved in 1926.

## Klein to Attend Meet

HOLLYWOOD, Nov. 13.—Julian Klein, former newspaperman and now an aide to Carl Laemmle at Universal will be a delegate to the Press Congress of the World at Melbourne March 27-30. He was named by Dean Frank L. Martin of the University of Missouri School of Journalism.

## Buck Planning New Trip

HOLLYWOOD, Nov. 13.—Frank Buck is making preparations for another African expedition. The picture will be released through Paramount.

## Four Features, 12 Shorts Given Seals

(Continued from page 1)

M-G-M, three shorts each, and Fox, one short.

Titles of the pictures clearing are:

### Celebrity

*(Shorts)*

"The Valiant Tailor."

### Columbia

*(Shorts)*

"Among the Cocoons," "Perfectly Mismated" and "Goofy Gondola."

### Fox

*(Shorts)*

"Two Lame Ducks."

### M-G-M

*(Shorts)*

"Buried Loot," "Zion Canyon" and "Ireland, the Emerald Isle."

### Radio

*(Features)*

"Kara, the Sea Girl."

*(Shorts)*

"Horseheir."

### Universal

*(Shorts)*

"Henry's Social Splash" and "Spring In the Park."

*(Serials)*

"Tailspin Tommy." Nos. 8, 9 and 11.

### Warners

*(Features)*

"Murder in the Clouds," "Maybe It's Love" and "Concealment."

*(Shorts)*

"Buddy's Adventures."

## Ludington Is Head Of First Div. Prod.

(Continued from page 1)

facilities. In the meantime stories, casts and directors are to be lined up.

Headquarters are to be maintained in Hollywood and the New York offices are to be enlarged by taking additional space on the 23rd floor of the RKO Building in Rockefeller Center with the new offices connected with those of First Division Exchanges.

## MPTO in Washington Reelects Brylawski

(Continued from page 1)

William Cleveland, Nathan Stiefel, John J. Payette and Louis Bernheimer.

Lust was also named organization representative to national meetings.

The question of labeling films for adult and family appeal was taken up, but was tabled without action.

## Jules Levy on Coast

LOS ANGELES, Nov. 13.—Jules Levy, vice-president and general sales manager of RKO Distributing Corp., has arrived here on his tour of exchanges. He will be in town 10 days for conferences with J. P. McDonough, B. B. Kahane and other studio executives. He will also hold a series of talks with Harry Cohen, western district manager, and N. P. Jacobs, branch manager.

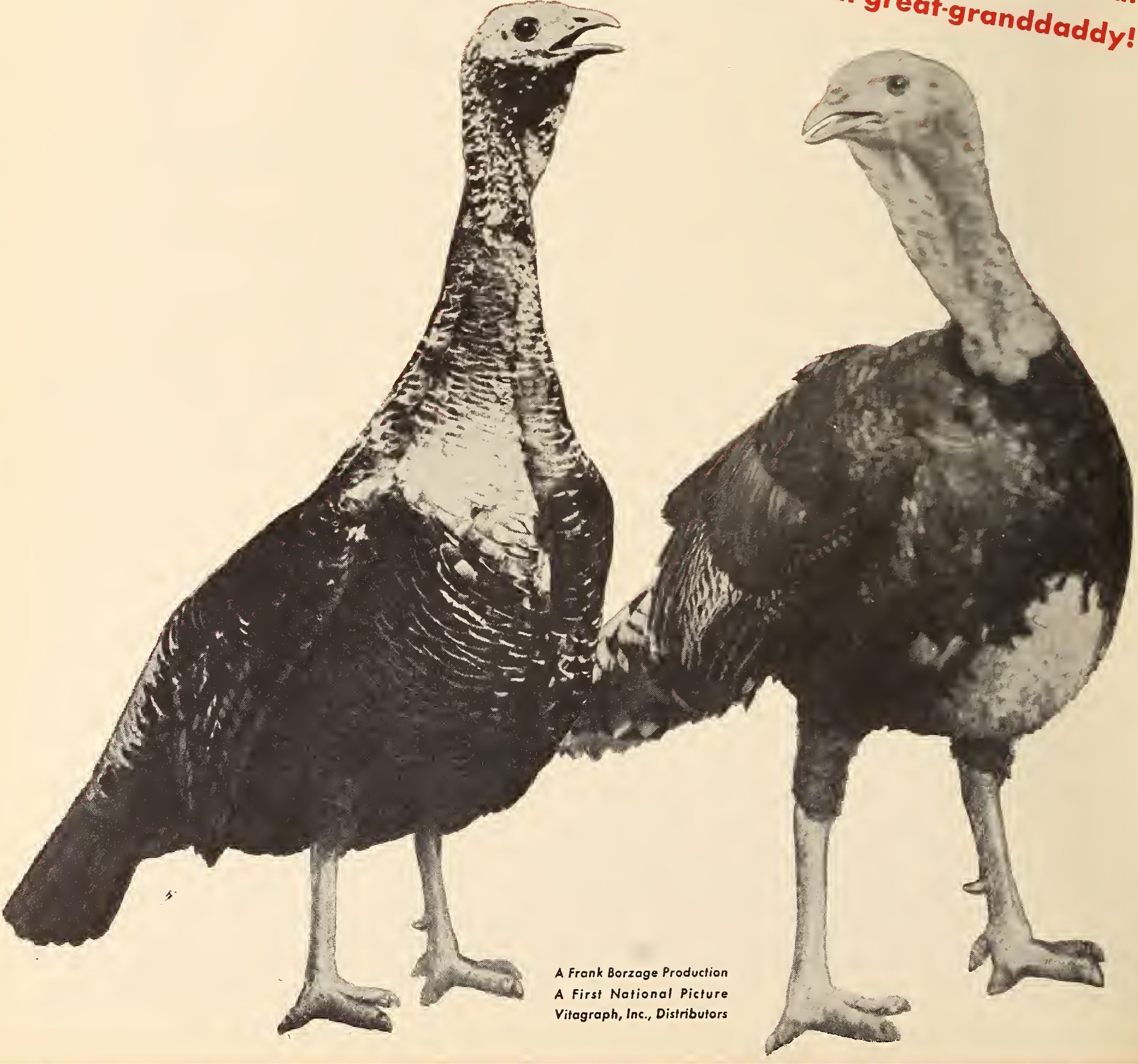
BOSTON, Nov. 13.—E. L. McEvoy, eastern district manager of RKO Distributing Corp., is here for conferences with Ross Cropper of the local exchange.

## "White Parade" Is Held

"White Parade" is being held over at the Paramount and will be succeeded by "Limehouse Blues." "College Rhythm" goes in Nov. 24 for two weeks, following which it is expected vaudeville will be back again.

I don't want to spoil your holiday, Gwendolyn — but I'm afraid we've been double-crossed. Everybody knows we're supposed to be the big show on Thanksgiving Day. And now Warners have gone and dated in "Flirtation Walk" as an opposition attraction. It just isn't quite cricket, if you ask me.

I must say I think you're taki the wrong attitude, old girl. Perso ally I consider it a real pleasure share the billing with Dick Powel Ruby Keeler, Pat O'Brien, and th West Point Cadet Corps. In fact think we picked just the right year to muscle in on this Thanksgiving racket. With a show like that breaking the same day it looks like we're going to be in on the biggest celebration since one of those Pilgrim Papas took a pot shot at my dear old great-great-great-granddaddy!



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OL. 36. NO. 116 NEW YORK, THURSDAY, NOVEMBER 15, 1934 TEN CENTS

## Details Set For "Time's" Dramatic Reel

### First Division to Act As the Distributor

Practically all of the details have een settled for production and disibution of a new "dramatized" newseel to be issued in two-reel form very other week with the backing of *ime* magazine and distributed through irst Division Exchanges. Formal anouncement of the completion of the eal probably will be made this week.

The bi-monthly release will be for e 1934-35 season, and the intention to make it a weekly release next ear with two weekly issues later.

It is understood that the deal beween *Time* and First Division was orked out through suggestions of the urtis-Fiske-Ludington group which

(*Continued on page* 12)

## Indies Here Object To Late Conventions

Local independents are squawking ver delays in releasing new product, hich they claim is due to late conentions of distributors.

Exhibitors declare that major companies should hold annual sales talks May or June so that circuit deals an be closed earlier in the year. Inependent deals follow the circuits and he same procedure is applicable to laydates.

Because of the tardiness in sales onvention, exhibitors hold that in

(*Continued on page* 2)

## Comerford Looms in New Administration

SCRANTON, Nov. 14.—M. E. Comerord is likely to figure prominently as dispenser of state patronage in ackawanna County when George Earle becomes governor in Pennsylania next January.

"Mr. Comerford, if he so desires," *The Scranton Republican* reports, "can have a whole lot to say on who gets the jobs in Lackawanna County."

## Warner, Sears and Smith Go to Coast

Albert L. Warner, accompanied by Gradwell Sears and A. W. Smith, Jr., leaves for the coast today for production conferences with Jack L. Warner and other production heads.

Arrangements will be made for the release of the six features which the

(*Continued on page* 2)

## Kansas City's Premium Move Starts Appeal

### McCarthy Seeking Campi Ruling on Shift

KANSAS CITY, Nov. 14.—Insisting that the local premium ban is in effect regardless of the grievance board's action in lifting it, L. J. McCarthy, Fox Midwest district manager, late this week will file a brief with Campi appealing the board's dismissal of three premium complaints.

At the same time, Fox Midwest is proceeding with a fourth complaint, against the State Theatre, alleging violation of the premium ban. This will be heard Nov. 21.

Members of the grievance board which imposed the ban last July are disturbed over the action of the new

(*Continued on page* 12)

## Authority Envoys Hold No Set Views

Although they attended Campi discussions on the Kansas City clearance and zoning schedule, George J. Schaefer and Edward Golden left last night for Kansas City with "an open mind" to discuss the plan with the local board and exhibitors. The code men were accompanied by Tyree Dillard, Jr., of Campi's legal staff, who

(*Continued on page* 12)

## ITOA Men Critical Of Code's Effects

Members of the I.T.O.A. yesterday discussed the code and its effects on independent exhibitors. Several men

(*Continued on page* 12)

### Need 60% Vote

**Hollywood, Nov. 14.—A 60 per cent vote of its membership is required by the Screen Actors' Guild before the organization can determine to affiliate with the Associated Actors and Artistes of America, as voted in New York on Tuesday. No date for a meeting has been set.**

**In the meantime, the studios express unconcern until they learn definitely what the guild's moves are.**

## Richards and Para. Agree on Circuit

Agreements on E. V. Richards' participating interest in the reorganized Saenger Theatres Co. were reached yesterday, clearing the way for a quick reorganization of the circuit.

Counsel for Paramount Publix trustees are now engaged in revising the Saenger reorganization plan to include terms of the agreement. This

(*Continued on page* 12)

## Para. Trustee Bank Suit Delayed Again

Hearing of the Paramount Publix trustees' preliminary motion in the suit against the $13,200,000 creditor bank group, scheduled for yesterday before Federal Judge Alfred C. Coxe, was postponed to Nov. 21.

A settlement of the banks' claims against Paramount Publix has been

(*Continued on page* 12)

## Kutisker to Manage Bolognino's Houses

Morris Kutisker, who operates the Inwood, Forest Hills, and Community, Queens Village, L. I., has joined Trio-Consolidated in charge of Laurence

(*Continued on page* 2)

## Ramsaye Finds N. Y. Press Aiding Soviet Propaganda

Soviet propaganda in the United States is being aided and abetted by New York press acclaim of "Three Songs About Lenin," latest Russian picture to reach these shores and now running at the Cameo, Terry Ramsaye, editor of *Motion Picture Herald,* will declare in the current issue of his paper, out today.

He points out that the American screen "already burdened quite with its own sins and faced with endless problems of political regulation, taxation and general bedevilment by axe-grinders of all sorts, now unwittingly adds entanglement in the web of propaganda woven in Moscow in the cause of chaos and the Third Internationale."

Ramsaye centers his attack on the picture and two of its staunch critical supporters, Andre Sennwald of the

(*Continued on page* 9)

## Tri-Ergon in New Move for Para. Action

### Seeks Judge Coxe's Help In Suing Trustees

American Tri-Ergon moved yesterday to obtain authorization to sue the Paramount Publix trustees in the U. S. District Court here following the refusal last week of Judge Marcus B. Campbell in Brooklyn Federal Court to permit that procedure there.

Tri-Ergon's petition for leave to make the Paramount trustees, Charles D. Hilles, Eugene W. Leake and Charles E. Richardson, defendants in actions for injunctions and accountings in the patent infringement litigation was brought before Federal Judge William Bondy here yesterday and referred by him to Federal Judge Alfred C. Coxe, who has jurisdiction

(*Continued on page* 9)

## Price Fixing Issue Up in Texas Court

DALLAS, Nov. 14.—Suits to end price fixing by contract have been filed by R. Z. Glass, neighborhood exhibitor, against the Hoblitzelle-Paramount circuit in 14th District Court here. An injunction is sought. Judge W. N. Taylor has set Dec. 1 for a hearing.

Glass says he is suing for the benefit of himself and all other Texas exhibitors similarly situated.

Pat Rossell, Glass' attorney, says

(*Continued on page* 12)

## Roxy Completes Deal To Manage Mastbaum

PHILADELPHIA, Nov. 14.—S. L. (Roxy) Rothafel has closed his deal with Warners to take over personal management of the Mastbaum on Christmas day. The deal is between the Roxy Philadelphia Corp. and the Warner circuit.

PHILADELPHIA, Nov. 14. — Local papers tomorrow will release the story on Roxy's deal with Warners to operate the Mastbaum. Details of the deal are being arranged in New York.

## Bernerd Will Make Headquarters Here

By BRUCE ALLAN

LONDON, Nov. 14 (*By Cable*)—When Jeffrey Bernerd sails again for New York on Nov. 21, he will leave

(*Continued on page* 9)

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## Kutisker to Manage Bolognino's Houses

(*Continued from page* 1)

Bolognino's 18 houses. Kutisker will retain his two Long Island houses.

First important job he is handling is the Kingsbridge which is being renovated and a new Neon sign marquee installed. Steve Perutz, formerly of Paramount, Fox West Coast and last at the RKO, Richmond Hill, is new manager at the Kingsbridge. Admissions have been reduced for all performances except Sunday evening.

After making a tour of all houses under his supervision, Kutisker will call a managers' meeting.

## Trio Closes with M-G-M

Trio-Consolidated has closed with M-G-M for the entire lineup in about 70 Greater New York theatres. Trio-Consolidated includes 18 of Laurence Bolognino's houses and the balance Springer & Cocalis.

## IEPA to Hold Party

PHILADELPHIA, Nov. 14.—Members of the I. E. P. A. will hold a Thanksgiving dinner and dance at the Bellevue-Stratford, Sunday, Nov. 25.

## Loew Unit in Missouri

ST. LOUIS, Nov. 14.—Loew's Dayton Theatre Co. has been admitted to do business in Missouri.

## South Is Improving, Says Howard Waugh

"Conditions are pretty good in the South," Howard Waugh, Warner zone manager in Memphis, stated yesterday prior to his departure for home after attending home office meetings. "The South is always the first to pick up because of the cotton and tobacco fields," he added.

Waugh is in charge of 14 theatres in Kentucky and Tennessee. He said there is no move by exhibitors in his towns to letter pictures, but the *Commercial Appeal* has been classifying them for the last four years.

## Warner, Sears and Smith Go to Coast

(*Continued from page* 1)

company has already completed or will have by this week. These pictures are: "Bordertown," "Sweet Adeline," "Sweet Music," "Devil Dogs of the Air," "Gold Diggers of 1935" and "The Right to Live."

Conferences will also be held with Cosmopolitan heads on the first Marion Davies vehicle to be made under the new Warner-Cosmopolitan affiliation which goes into effect Jan. 1.

## Warners' Managers Close Two-Day Meet

Winding up a two-day meeting of zone managers, Joseph Bernhard and home office executives held individual meetings with the district men for discussions of local problems.

All zone heads left for their territories yesterday. During the first day's session, general policies were discussed.

## Blumenthal on Fox Met.

Harold Blumenthal is now advisor to N. David Thompson, Irving Trust representative at Fox Metropolitan Playhouses. Irving Trust is receiver for the circuit. Blumenthal is doing the work formerly handled by Simon Fabian, who resigned several months ago when he took over the Fox, Brooklyn.

## Canadians to Hold Dance

TORONTO, Nov. 14.—The annual ball of the distributors and exhibitors at the Royal York Hotel will be held Friday under the auspices of a committee headed by Oscar R. Hanson.

## Ohio ITO Contacting All New Legislators

COLUMBUS, Nov. 14.—Anticipating the possibility of the pending sales tax not being definitely settled during the special session of the General Assembly which Governor White is expected to call next week, the Ohio I. T. O. is beginning to contact the 89 out of 135 new representatives, and 18 out of 32 new senators who will be inducted into the Ohio legislature Jan. 1. Congratulatory letters have been written the new incumbents by the exhibitor unit, and the organization is urging its members personally to congratulate the incoming solons, and otherwise cultivate their acquaintance.

Although the special legislative session is scheduled for Nov. 19, no official announcement has yet been made that this will be called.

## Sales Tax Urged by Wisconsin Chamber

MILWAUKEE, Nov. 14.—The Wisconsin State Chamber of Commerce, in a report to the interim committee on taxation of the Wisconsin legislature, recommends a retail sales tax of three per cent as a substitute for the state income tax. There is every indication that a sales tax bill will be introduced into the 1935 Wisconsin legislature, but whether or not it will survive passage remains to be seen.

## Indies Here Object To Late Conventions

(*Continued from page* 1)

September, October and November, the three best months of the year, they are forced to play re-issues and lose a lot of business which goes to the circuits. The contention is that independents cannot get product during these months because they have not completed new product deals and thus have to resort to re-issues. Circuits, meanwhile, have closed their deals and are playing new releases which follow into the smaller houses several months later.

## Brown Leaves Tomorrow

Clarence Brown, who recently signed a new three-year M-G-M directorial contract, leaves for the coast tomorrow. His original plans were to leave yesterday by plane since his contract becomes effective today.

## Consolidated Pfd. Up Half on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 37⅜ | 37 | 37 | — ⅝ | 200 |
| Consolidated Film Industries | 3½ | 3 | 3½ | ..... | 500 |
| Consolidated Film Industries, pfd | 16⅛ | 15¾ | 16⅛ | + ½ | 1.800 |
| Eastman Kodak | 110½ | 110 | 110½ | + ½ | 1,000 |
| Fox Film "A" | 13½ | 13 | 13⅜ | + ⅛ | 1,400 |
| Loew's, Inc. | 31 | 30 | 30⅞ | — ⅛ | 3,400 |
| Paramount Publix | 4⅛ | 4 | 4 | — | 1,700 |
| Pathe Exchange | 1⅜ | 1¼ | 1⅜ | + ⅛ | 300 |
| RKO | 14¾ | 13⅝ | 14¾ | +1⅛ | 3,400 |
| Warner Bros. | 4⅝ | 4½ | 4½ | — ¼ | 3,600 |

## Technicolor Loses Eighth on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 12⅞ | 12¾ | 12⅞ | — ⅛ | 500 |
| Trans Lux | 2 | 2 | 2 | ..... | 100 |

## Warner Bonds Drop Half Point

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 6½ | 6¼ | 6¼ | ..... | 3 |
| General Theatre Equipment 6s '40, ctf | 6½ | 6½ | 6½ | ..... | 1 |
| Keith B. F. 6s '46 | 63⅛ | 63⅛ | 63⅛ | — ⅜ | 2 |
| Loew's 6s '41, ww deb rights | 104 | 104 | 104 | ..... | 3 |
| Paramount Broadway 5½s '51 | 40½ | 40½ | 40½ | + ¼ | 1 |
| Paramount F. L. 6s '47 | 57 | 56¾ | 57 | ..... | 1 |
| Paramount Publix 5½s '50 | 57½ | 57 | 57½ | — ¼ | 5 |
| Pathe 7s '37, ww | 99 | 99 | 99 | ..... | 1 |
| Warner Bros. 6s '39, wd | 58½ | 58½ | 58½ | — ½ | 1 |

## ◂ Purely Personal ▸

SAM WEINER of the Warner home office is the proud father of a seven and a half pound boy. Mother and son are doing well at St. Claire's hospital.

AL ALT, producer of Altmont Pictures, has left for the coast after conferences here with Dave Mountan of Spectrum Pictures.

TOM HOWARD starts work on his new series for Educational today. He plans to spend his time between pictures in Florida.

ARTHUR BRISBANE today will present to MARY PICKFORD a scroll extending to her honorary membership in the AMPA.

DAVID E. WESHNER, Warner zone manager in Milwaukee, left yesterday to return to his post after home office conferences.

JESSE L. LASKY, JR., and GLADYS UNGER have sold their play, "Private Beach," now running in Los Angeles, to Fox.

HERB WILLIAMS, now appearing in "The Farmer Takes a Wife," starts work on a Vitaphone short tomorrow.

GEORGE KELLY'S stage play, "The Torch Bearers," has been purchased by Fox. B. G. DESYLVA will produce.

RALPH CLARK, Warner Australian-New Zealand head, is in town until after the first of the year.

ANNIE FELLOWS JOHNSTON'S "The Little Colonel" has been acquired by Fox for SHIRLEY TEMPLE.

CORINNE GRIFFITH, making her first trip here in several years, is at the Lombardy.

RICARDO CORTEZ flew in from the coast yesterday.

## Annual Mass Saturday

The annual requiem mass in memory of the deceased members of the Catholic Actors' Guild will be sung Saturday at 10 A. M. in the Actors' Chapel of St. Malachy's Church. Rev. E. F. Leonard, chaplain of the Guild, will celebrate the mass.

## Roxy Booked to Jan. 15

If the Roxy books any Fox pictures they will have to be dated after Jan. 15. The house is booked solid until that date. However, the Rialto may split with the Mayfair on Fox films not slated for the Music Hall.

## Bernstein Expands

LONDON, Nov. 14. (*By Cable*)—Sydney Bernstein, well known British exhibitor, has purchased the Hippodrome, famous vaudeville house in Manchester, and will rebuild it as a 3,000-seater.

## Story Department Moves

The Fox story department, under the direction of Thomas B. Costain, who was recently appointed, has moved its headquarters from the home office to the RCA Building in Radio City.

## Columbia to Open Two

Columbia will have two Broadway openings Thanksgiving Week. "The Captain Hates the Sea" will start at the Rialto, while "Broadway Bill" is due to open at the Music Hall.

# THE PICTURE OF THE WEEK

For its courage, its timely theme, its vivid drama of today's youth, the palm for outstanding quality among this week's releases goes to Warner Bros.' "fine achievement"—

**"GENTLEMEN ARE BORN"**

with Franchot Tone, Jean Muir, Margaret Lindsay, Ann Dvorak, Ross Alexander, Nick Foran. Directed by Alfred E. Green. A First National picture released November 17th.

# This is the new GARBO DANCE!

*Joyfully posed by Manager Hall Baetz of Fox Wilshire Theatre in Los Angeles!*

He played "THE PAINTED VEIL" in advance preview at his neighborhood theatre. He's got good news for you:

"Exhibitors are in for a real thrill. Garbo's in the kind of modern role that made her America's idol. Gorgeous, seductive, exciting. What a picture for the palpitating fans who yearn for a big heart thrill. 'The Painted Veil' is a sure hit!"

(*signed*) HALL BAETZ

**Go into your dance boys! It's M-G-M music on the cash register!**

**"A new Garbo on the screen in 'THE PAINTED VEIL'. More human, more sensitive, more depth."**

—EDWIN SCHALLERT *in* LOS ANGELES TIMES

## GARBO *in* "THE PAINTED VEIL"

*with* HERBERT MARSHALL, GEORGE BRENT, Warner Oland, Jean Hersholt, Katharine Alexander
*Directed by* Richard Boleslawski · Based on the novel by W. Somerset Maugham
*Produced by* Hunt Stromberg · A Metro-Goldwyn-Mayer Picture

WORLD
PREMIERE
*(Pre-Release)
RADIO CITY
MUSIC HALL
THANKSGIVING
DAY
*General Release—December 27th

WARNER
**BAXTER**

In FRANK CAPRA'

*Broad*

COLUMBIA PICTURES

by Robert Riskin
Based on the Story by Mark Hellinger

IN a year which has been outstanding for noteworthy pictures, the nation's finest theatre has selected this COLUMBIA picture for its most important playdate . . .

•

MYRNA

LOY

PRODUCTION

*way Bill*

vith WALTER CONNOLLY—HELEN VINSON

A COLUMBIA PICTURE

# "Galante" and Show $33,000 Boston Smash

BOSTON, Nov. 14.—Cold weather and election night shows helped boost grosses. The big noise of the week was "Marie Galante" and a vaudeville bill headed by the Foy family at the Metropolitan. The $33,000 gross was over the line by $5,000.

"The Merry Widow" garnered $19,000, up by $3,000, at Loew's State. "Menace" was $2,000 up on a $10,000 total at the Fenway, and "Gridiron Flash" topped par by the same amount on an $18,000 gross at the Boston.

Total first run business was $108,000. Average is $94,000.

Estimated takings for the week ending Nov. 8:

**"GRIDIRON FLASH" (Radio)**
BOSTON—(2,900), 25c-50c, 7 days. "Gay Nineties Revue, Ranny Weeks and orchestra. **Gross:** $18,000. (Average, $16,000)
**"I SELL ANYTHING" (F. N.)**
**"MENACE" (Para.)**
FENWAY—(1,800), 30c-50c, 7 days. **Gross:** $10,000. (Average, $9,000)
**"THE RICHEST GIRL IN THE WORLD" (Radio)**
KEITH'S—(3,500), 25c-65c, 7 days. Josephine Elberry, singer. **Gross:** $18,000. (Average, $16,000)
**"MERRY WIDOW" (M-G-M)**
LOEW'S STATE—(3,700), 35c-50c, 7 days. **Gross:** $19,000. (Average, $16,000)
**"MARIE GALANTE" (Fox)**
METROPOLITAN—(4,350), 30c-65c, 7 days. Foy family and Elida Ballet. **Gross:** $33,000 (Average, $28,000)
**"I SELL ANYTHING" (F. N.)**
**"MENACE" (Para.)**
PARAMOUNT—(1,800), 30c-50c, 7 days. **Gross:** $10,000. (Average, $9,000)

# "Chow," Show Pull Providence Takes

PROVIDENCE, Nov. 14.—A combo bill of "Chu Chin Chow" on the screen and a revue, "Broadway vs. Hollywood," lifted the weekly take at the RKO Albee up to $9,800. The film was yanked after four days and "Gridiron Flash" was substituted. The usual take at this house is around $7,000.

Fay's, another house with a vaudefilm policy, came under the wire with a heavy $8,000, which is $1,000 over average. The Strand was $500 over normal $6,500, with "Ready for Love" and "Menace." The Majestic had an average week with "Marie Galante" and "Peck's Bad Boy." "The Merry Widow" failed to click at Loew's, catching only $9,000.

Total first run business was $42,100. Average is $40,500.

Estimated takings for the week ending Nov. 8:

**"CHU CHIN CHOW" (Gaumont British)**
RKO ALBEE—(2,300), 15c-40c, 7 days. Stage: "Broadway vs. Hollywood," revue. "Chow" supplanted by "Gridiron Flash" after four days. **Gross:** $9,800. (Average, $7,000)
**"READY FOR LOVE" (Para.)**
**"MENACE" (Para.)**
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $7,000. (Average, $6,500)
**"PECK'S BAD BOY" (Fox)**
**"MARIE GALANTE" (Fox)**
MAJESTIC—(2,400), 15c-40c, 7 days **Gross:** $7,000. (Average, $7,000)
**"DRAGON MURDER CASE" (Warners)**
FAY'S—(3,800), 15c-40c, 7 days. Stage: Harry Lang and revue. **Gross:** $8,000. (Average, $7,000)
**"THE MERRY WIDOW" (M-G-M)**
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $9,000. (Average, $12,000)
**"WAKE UP AND DREAM" (Radio)**
**"THE MOONSTONE" (Monogram)**
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,300. (Average, $1,000)

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Bachelor of Arts"*

*(Fox)*

HOLLYWOOD, Nov. 14.—Typical college picture with little novelty or new ideas to lift it from the ordinary classification. There are, however, a number of box-office names which will mean a lot to the neighborhood and small town theatre. Among them are Tom Brown, Anita Louise, George Meeker, Arline Judge, Henry B. Walthall, Stepin Fetchit and Mae Marsh. A little exploitation will help a lot.

Brown, scion of a wealthy manufacturer, enters college with all the prospects of finishing with several degrees. His room mate, Frank Albertson, starts Brown off on the wrong track and he has a hard job keeping to his studies. Even Miss Louise, with whom Brown falls in love, fails to make Brown attend to business.

### *What the Symbols Mean*

**Reviews classified with a "G" are regarded as suitable for general entertainment.**

**Those with an "A" are regarded as suitable for adult entertainment.**

Walthall and Mae Marsh do the trick. Walthall is an English professor, and Miss Marsh his ailing wife. Brown becomes attached to the couple and he even goes out of the way to secure money to send them to Arizona for Miss Marsh's health.

Brown's romance with Miss Louise straightens itself out with the help of Meeker, himself in love with the heroine, but hopelessly outclassed by his younger rival.

Production Code Seal No. 336. Running time, 74 minutes. Classification: "G."

# *Looking 'Em Over*

## *"Rocky Rhodes"*

*(Universal)*

Here is a western that is above the average. It has a plausible theme, fast action, good character portrayals and, above all, a story that holds audeince interest because its action and suspense are continuous.

The yarn has Buck Jones working in the Chicago stockyards with his pal, Walter Miller, a former gangster with ambitions to be a cowboy, until he is called home where his father is on the verge of losing the family ranch to scheming Stanley Fields. Jones assists Shirley Grey in keeping her homestead, which is adjacent to his, and, while aiding her, discovers that his father has been murdered and a friend of his, who had been accused of causing his father's death, killed while escaping from jail. Fields, to rid himself of the menace of Jones' presence, frames him on a charge of robbing the bank and Jones is forced to flee only to return and clear himself and his dead friend. The finish is a fight in Miss Grey's ranch, under which Fields had planted dynamite and the death of the villain. The fade-out finds Jones and Miss Grey in each other's arms.

The picture should please wherever played, particularly because of the comedy performance of Miller and the convincing characterization by Jones. Al Roboch's direction leaves nothing to be desired and the photography of Ted McCord is good. Production code seal, No. 182 Running time, 60 minutes. Classification: "G."

## *"Frontier Days"*

*(Spectrum)*

Many of the story elements here are much like other westerns—a mysterious stranger rides in from nowhere, is suspected of murder and cattle rustling, but turns out in the end to be an officer running down the stage coach robbers and cattle stealers.

The ingredients, however, are mixed better than in some of the formulas, and there are some fine scenic backgrounds made at the foot of the magnificent Sierras near Lone Pine, Cal.

Bill Cody is the stranger who saves the ranch of Ada Ince's father, Franklyn Farnum, and eventually wins the girl after Wheeler Oakman,

*(Continued on page 9)*

# "Love" Beats "Widow" for Seattle Lead

SEATTLE, Nov. 14.—"One Night of Love" and "The Merry Widow" hit town at the same time, and the former demonstrated superior drawing powers. It went over par by $3,000 for a $7,000 take at the Liberty. "Widow," on the other hand, was only $1,500 over the line on an $8,500 take at the larger Fifth Avenue.

"The Gay Divorcee," at the Blue Mouse in its second week of an extended run from the Music Hall, held up in spite of the terrific competition. The take was $4,100.

Total first run business was $38,150. Average is $36,500.

Estimated takings for the week ending Nov. 10.

**"THE GAY DIVORCEE" (Radio)**
BLUE MOUSE—(950), 25c-40c-55c, 7 days, 2nd week of extended run from Music Hall. **Gross:** $4,100. (Average, $4,000)
**"THE MERRY WIDOW" (M-G-M)**
FIFTH AVENUE—(2,450), 25c-40c-55c, 7 days. **Gross:** $6,500. (Average, $7,000)
**"ONE NIGHT OF LOVE" (Col.)**
LIBERTY—(1,800), 15c-25c-35c, 7 days. **Gross:** $7,000. (Average, $4,000)
**"GIRL OF THE LIMBERLOST" (Monogram)**
MUSIC BOX—(950), 25c-35c-50c, 7 days, extended run from Orpheum. **Gross:** $3,100. (Average, $3,500)
**"WE LIVE AGAIN" (U. A.)**
MUSIC HALL—(2,275), 25c-40c-55c, 7 days. **Gross:** $5,350. (Average, $6,500)
**"BIG HEARTED HERBERT" (F. N.)**
ORPHEUM—(2,350), 25c-35c, 7 days. Vaudeville headed by Phil Rich. **Gross:** $5,000. (Average, $5,500)
**"CARAVAN" (Fox)**
PARAMOUNT—(3,050), 25c-35c, 7 days. Stage: Featuring Long Tack Sam. **Gross:** $5,100. (Average, $6,000)

# *Warners Putting on Big Phila. Campaign*

PHILADELPHIA, Nov. 14.—Greatest direct campaign in the history of Warner operation here is now being carried on for family and adult classification of films and its reduced admission prices.

Institutional advertising in the dailies and an extensive billboard campaign have marked a deviation from the straight policy of advertising current product. The company seems determined to sell its policies as well as its product by direct appeal to the consumer.

# *Cincy Reviews Have Marking for Adults*

CINCINNATI, Nov. 14.—While no action has been taken by exhibitors or newspapers to indicate suitability of films for adult or juvenile patronage, this distinction is shown, partially, at least, in first run film reviews by the Cincinnati Better Films Council. The reviews, released through the local dailies, specify pictures suitable for adults, leaving the inference that the others may be attended by juveniles.

# *Kress, Gore Buy House*

LAKE CITY, FLA., Nov. 14.—Milton H. Kress, former Publix manager, has purchased L. V. Goodbread's interest in the New Grand. His partner is Butler Gore, owner of a number of houses.

# Says Press in N. Y. Aids Red Propaganda

(Continued from page 1)

ew York Times and Richard Watts, r., of the *New York Herald-Tribune*, ut scores the editors of "two of merica's greatest and most construcvely conservative newspapers," with eing asleep on the job on the night ne Sennwald and Watts comment assed the copy desk and thus achieved ublication in the columns of their reective newspapers the following orning.

Asserting that "Three Songs About enin" is another effort of the Soviet "make a forum of the American creen," the editor of the *Herald* reinds that the American screen for ne four decades of its building, "held self especially in the entertainment ervice of the whole people and free f all or any manner of special pleadg."

### Likened to "Soap Box Speech"

Furthermore, Ramsaye finds himself total disagreement with published ewspaper comment which held the icture about Lenin to be representave of a new technique. "This picure," he asserts at one point, "in its rimitive emotional content and inept essages of state has the precise qualy of a soap box speech in Union quare. In cinematographic quality, it oes not compare favorably with overight assemblage of topical film made the newsreel editing offices in New ork."

If Sennwald's review in the *Times* correct in describing the picture as lazing "a trail into the infinity," amsaye wonders how it came about hat the *Times* failed to run the coment on the first page. "The *Times* a fancier of discoveries," he states arcastically, "and it would seem that he sizable progress into the territory f anybody's infinity would rate as ews fairly high even alongside 'Little merica' and the frosty chirps of ommander Byrd."

### Criticizes Watts' Article

Castigating Watts' comment in the *erald-Tribune*, Ramsaye also refers o an article by the former in the ovember issue of *New Theatre*, organ of the League of Workers' Theatres. In that article Watts charges hat the "most frank and vicious antiadical propaganda I have found in he films for several years was in a ox picture called 'I Believed in You'." amsaye disposes of that allegation vith this:

"Just fancy Mr. Watts spending several years' looking for 'frank and icious anti-radical propaganda' and inally coming up with the perfect pecimen like that!

"But Mr. Watts," continues Ramaye, "is sure that he sees 'shifting tyles' in the treatment of the Soviet Jnion and that the producers of Holywood are making desperate but inffectual efforts to keep pace with what they see as popular sentiment in he matter.'

"Mr. Watts is so generous as to bserve to the readers of the *New Theatre* that he feels that, while the California producers are 'heartily if sometimes furtively on the side of the established order,' it is because of instinct rather than of 'intellectual malice.'"

While the *Herald's* editor finds himself emphatically at odds with Sennwald and Watts and, therefore, their newspapers, he remarks Eileen Creelman, critic of the *New York Sun*, was able to sit through "Three Songs About Lenin" without "incurring spasms."

He concludes with a dig at the Soviet theory of government and plays with the thought that perhaps Sennwald and Watts will be decorated by Moscow for their services.

## Court Holds Cincy Case

COLUMBUS, Nov. 14.—U. S. District Judge Benson W. Hough has under advisement an action brought by the Provident Savings Bank & Trust Co. of Cincinnati to set aside the appointment of Ben L. Heidingsfeld as receiver of the Shubert and Cox theatres at Cincinnati. Fraud is charged.

# *Looking 'Em Over*

(Continued from page 8)

banker and head of a band of crooks, has ridden over a cliff into a lake. Chico, Cody's horse, does some spectacular stunts.

Young Bill Cody, Jr., pulls some good comedy stunts that ought to increase the juvenile appeal of the film. The photography is splendid. Direction was by Bob Hill.

Previewed without production code seal. Running time, 61 minutes. Classification: "G."

## *"Fugitive Road"*

(*Chesterfield*)

Invincible has produced in "Fugitive Road" entertainment that is interesting chiefly for its atmospheric treatment. The characters are true to type and the backgrounds add to the realism of the story.

The setting is an Austrian military post on the Austro-Italian frontier. The commandant is Erich Von Stroheim, who has felt the lack of feminine companionship in the eight months he has been there. The arrival of Wera Engels, a Russian girl on her way to America, is welcomed. He pretends her passport is false in order to detain her. The girl allows him to make love in the hope he will relent and permit her to proceed.

During her detainment Miss Engels meets Leslie Fenton, an American gangster being held as a fugitive from justice. Fenton shatters Von Stroheim's love plans by forcing the commandant at pistol point to have a marriage arranged between Miss Engels and himself. His purpose is to extend to the girl the protection of his American citizenship. When Fenton finds Miss Engels has fallen for him he is considerably disturbed. But before the final fadeout the two are mutually in love. In the end Von Stroheim turns noble and fixes things so the couple can go on.

The scenes between Miss Engels and Von Stroheim carry too much of a suggestion of attempted seduction to rate this as family entertainment.

Hank Mann, George Humbert and Ferdinand Schumann-Heink are also in the cast. Frank Strayer directed.

No code seal. Running time, 66 minutes. Classification: "A."

## *"The Blue Danube"*

(*Mundus Pictures*)

A slight but pleasing production, charming in its musical content and photographic accomplishment. The simplicity of its story is enhanced by restrained performances by the principles, Joseph Schildkraut, Dorothy Bouchier, Brigitte Helm and Desmond Jeans, and the discriminating direction of Herbert Wilcox. It serves as a proper setting for the music of Alfred Rode and his Royal Tzigane Orchestra, which is really the feature of the production and its reason for being. Members of the orchestra are described as Tzigane gypsies, formerly of the Austrian and Hungarian forest lands.

The story is that of Sandor and Yutka, gypsy lovers, played by Schildkraut and Miss Bouchier, who are estranged when Sandor keeps a tryst with Miss Helm, a countess in whose home the gypsy orchestra has played. Yutka, the gypsy girl, aware of her lover's faithlessness, deserts the gypsy tribe. Sandor goes in search of her and, in time, finds her married to a wealthy man. He re-wins her and they plan to return together to the tribe. On the night of their planned departure Yutka witnesses an accidental meeting between Sandor and Miss Helm and, believing them still to be in love, returns to her home with her husband. Sandor goes back to the tribe alone.

"The Blue Danube" should please music lovers and class audiences. Production code seal, No. 080. Running time, 48 minutes. Classification: "G."

*"Redhead," which opens at the Criterion this morning, was reviewed on Sept.* 18.

# Tri-Ergon in New Move for Para. Action

(Continued from page 1)

over Paramount's reorganization proceedings.

Judge Coxe two weeks ago granted leave to Tri-Ergon to continue its patent infringement litigations against Paramount Publix by lifting the Federal injunction which restrains creditors from continuing or bringng new suits against a debtor corporation. Successful prosecution by Tri-Ergon of litigation against Paramount Publix, however, would not have the effect of binding the Paramount trustees, whose jurisdiction extends over active Paramount subsidiaries.

In the event Judge Coxe authorizes Tri-Ergon to proceed against the trustees it is considered unlikely that any action along these lines would be taken prior to the pending Supreme Court review of the validity of the Tri-Ergon patents. The patents company merely would be placed in a position where it could institute immediate actions against the trustees in the event of a Supreme Court decision favorable to it.

Tri-Ergon sought to include the trustees in its litigation in the preparation of a mandate for Judge Campbell's signature in Brooklyn about 10 days ago. Charles Neave, representing Paramount, objected to this phase of the mandate and was later upheld by Judge Campbell who ruled that the broad jurisdictional powers over Paramount held by Judge Coxe properly gave to the latter the right to rule on this point. Judge Coxe is expected to render a decision within the next few days.

## *Bernerd Will Make Headquarters Here*

(Continued from page 1)

British shores for a year. Instead of visiting the States, he will go into reverse and visit London under the arrangement which transplants his activities to America on behalf of Gaumont British.

The company continues to express its satisfaction over the progress reported to date on American activities. Its executives already have seen "The Iron Duke" and admit readily it's a picture. The Music Hall in New York will get it first run, it is declared here.

## *MPTO to Open Rooms*

PHILADELPHIA, Nov. 14.—The M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware will dedicate its new headquarters, on the second floor of the northeast corner of 13th and Vine Sts. on Nov. 23. The new offices will provide space for board meetings and small gatherings. The large open meetings will probably still be held at one of the local hotels.

The dedicatory luncheon will be at the Hotel Adelphia.

## *Sunday Vaude Stopped*

ALBANY, Nov. 14.—Sunday vaudeville has been stopped at Harmanus Bleecker Hall after a warning from the police that it is against the law.

# NAMES! NAMES! BI

# "MORE POWER" TO

**FANNIE HURST**

Her pen has dipped again into the tears and laughter of life! She has written an even greater story than her powerful "Back Street"!

**CLAUDETTE COLBERT**

Alluring, talented—a tremendous women's star with a huge masculine following!

**BABY JANE**

**ALAN HALE**

**NED SPARKS**

# IMITATI

*Proud*

CARL

AS ONE OF THE

# NAMES THAT MEAN YOUR BOX OFFICE!

**WARREN WILLIAM**

A strong draw from any marquee—and a great star in his own right!

**JOHN M. STAHL**

The man who directed "Back Street"—and now he scores another and greater triumph!

**ROCHELLE HUDSON**

**HENRY ARMETTA**

# ON OF LIFE

*resented by*

AEMMLE

ORLD'S FINEST!

# Kansas City's Premium Move Starts Appeal

(Continued from page 1)

personnel which ruled the declaration under which the ban was made effective carried less than the required 75 per cent vote of unaffiliated exhibitors. The first board accepted the declaration as containing more than the required number of signatures. The reason for the difference of opinion is ascribed to the fact that each board had an entirely different personnel.

Members of the original grievance board declare the body which heard the cases exceeded its authority in reversing the first decision, that it thus set itself up as an appeal board and that only Campi could reverse the original action.

They also impeach the procedure in conducting the hearing, charging the cases were not heard completely and the respondent exhibitors were not given an opportunity to say whether or not they were guilty. An attorney representing a group of exhibitors using premiums and premium distributors did all the talking for the respondents.

# Authority Envoys Hold No Set Views

(Continued from page 1)

will advise on the legality of recommendations made.

First session of a two-day meeting in Kansas City will be held tomorrow. Both code board members are sanguine that they will return with something that they can present to Campi on Nov. 22 as the first clearance and zoning plan that should be adopted. It is regarded as certain that if the code men and Kansas City exhibitors and distributors agree on principles of the plan it will be passed upon favorably by Code Authority.

Principal obstacle to the schedule is the setting of clearances based on admissions. According to code men, factors other than admissions must be taken into consideration. There is the cost of the film, the type of house, seating capacity, distance between runs and policies which are regarded as vital issues, it is said.

### To Be Open to Suggestions

However, the Campi men are leaving with a cooperative spirit, they say, and will be open to suggestions as well as ready to give them when they meet Kansas City's code board. Schaefer, Golden and Dillard, Jr., will return Monday and will present their findings to Code Authority the following Thursday.

As soon as Campi disposes of the Kansas City clearance and zoning, appeal hearings on the following schedules will be set: Atlanta, Jacksonville, Birmingham, Cleveland, New Haven (revised), Hartford, Bridgeport, Memphis, New Orleans and Dallas.

It is expected that Code Authority will adopt the Kansas City plan following the return of Schaefer and Golden, who tomorrow start two-day conferences with the local exhibitor groups. When this schedule is settled, the basic ideas to be followed will be outlined in the new schedules to be heard on appeal.

Already appealed are the Los Angeles, Cincinnati, Columbus, Dayton, Buffalo, Indianapolis, San Francisco, San Jose, Detroit, Portland, Seattle and Provo, Utah, schedules.

### Campi Group Eagerly Awaited

Kansas City, Mo., Nov. 14.—The industry here today was awaiting eagerly the arrival of George J. Schaefer, Edward Golden and Tyree Dillard, Jr. On John C. Flinn's instructions the local code secretary has mapped out a program including a meeting with the clearance board at 10 A. M. Friday at the local Variety Club in the Muehlebach Hotel, followed by a mass meeting of all exhibitors of this city and Kansas City, Kan., at 2:30 in the afternoon.

# *Bolognino Loses to Loew on Clearance*

Laurence Bolognino has lost his complaint against Loew's Victory, which he claimed had excessive clearance over the Fleetwood and Forum. Bolognino now plans to take the case to Washington since, it is held, Campi did not decide unanimously in favor of Loew's.

This is the case which has been on Campi's docket several times. A decision was handed down some months ago whereby it was declared that Loew's was to have protection over only one house. Loew's asked for a retrial, but during the interim efforts were made to settle the matter.

This didn't materialize and the case was heard again with independent members of Code Authority fighting for Trio-Consolidated and Loew's finally coming out the victor. As a result, the clearance situation stays as it was before the complaint was filed.

# *ITOA Men Critical Of Code's Effects*

(Continued from page 1)

attending the session urged an organized movement of independent exhibitors all over the country to attack the code and the setups of local boards. It was stated that the distributors' balance of power at Campi is ruining the independent and some action must be taken.

The question of affiliating with Allied came up for discussion. Leon Rosenblatt was informed yesterday he was chairman of the committee to study the proposed affiliation, but since it was news to him he could not report on the matter. There are four other members on the committee, one of whom is Dr. Leon Greenfield of the Boro Hall, Paras-Court and Gloria in Brooklyn.

# *Strauss of NRA in Omaha for Confabs*

Omaha, Nov. 14.—Robert K. Strauss, of the NRA is here today to meet with 12 members and the secretary of the local code boards. The meeting has for its purpose "to obtain a much more efficient and economic form of industrial self-government by the code authorities," H. T. Williamson, acting Nebraska NRA director, informed Miss Regina Molseed, local secretary. Omaha is one of 16 cities in which similar meetings are being held.

# Richards and Para. Agree on Circuit

(Continued from page 1)

may require a week or 10 days, despite the fact that the plan is complete in all respects except those pertaining to Richards' participation, it was stated yesterday. The revised plan will then be filed here for Federal court approval.

It is understood that the agreement involves concessions on the part of both Richards and Paramount, but effects a reduction of Richards' stock ownership in the new company. The original Saenger reorganization plan provided that Richards was to acquire all of the Class A stock of the new company for $25,000, and Paramount all of the Class B. This and other provisions of the original plan, it is understood, are modified in several important respects as a result of the new agreement.

Karl Hoblitzelle, Paramount operating partner in Interstate Circuit, Texas, represented Richards in the negotiations with the trustees. Richards, who has remained here during the negotiations without participating in them directly, returns to New Orleans this week-end.

# *Para. Trustee Bank Suit Delayed Again*

(Continued from page 1)

reached with Paramount reorganization factors but cannot be made effective until the Paramount reorganization plan is completed. Trustees, in the meantime, retain their cause of action against the banks as a result of the claims which, the trustees allege, are based on an invalid credit transaction of 1932.

# *Chicago Voting on Ban on Giveaways*

Chicago, Nov. 14.—Whether or not premiums and gifts shall come under the code ban will be voted upon by exhibitors in the local and metropolitan area. Ballots on the question are being placed in the mail.

# *Three Appeals Are Heard*

Three code cases were heard by a Campi appeal committee yesterday consisting of Gradwell Sears, Ed Kuykendall and William Yoost. The cases were: George Fischer, Vogue, Kenosha, Wis., against Hugo Vogel and Sam Levinson, Butterfly, same city, on giveaways; Atanasoff Brothers, World, Milwaukee, against Warners, U. A., M-G-M, Radio, Fox and Gem, on overbuying; Jensen Amusement Co., Ritz, Lindsay, Okla., against Harry G. and Mrs. Waldron, Blue Moon, Oklahoma City, on lease interference.

# *Philip C. Moore Dead*

Scranton, Nov. 14.—Philip C. Moore, manager of the Riviera Theatre, a Comerford house, died at his home here after a brief illness. Moore had been in the employ of Comerford interests for a number of years. His widow and four children survive.

# *Sparks Builds in Tampa*

Tampa, Nov. 14.—Sparks is building a new neighborhood house at Nebraska and Forest Aves., the Tampa Heights section.

# Details Set For "Time's" Dramatic Reel

(Continued from page 1)

recently bought a half interest in First Division Exchanges and a few days ago incorporated a producing unit to start eight features on the coast.

Test reels have been tried out in eastern cities and towns. It is said that $175,000 has been spent in experiments. The first issue is to come out Dec. 20.

"The March of Time," the magazine's radio broadcast, will furnish the basic idea of the reel. The idea is to take library shots and staged material to build up an understanding of the current scenes and to follow up with a dramatic ending, thereby making the background of the news more understandable and giving it dramatic value.

### To Use Movietone Library

The library of Fox Movietonews will be used for the build-up shots. Roy E. Larsen, one of the originators of the idea, who is vice-president in charge of promotion for Time, Inc., will head the newsreel organization. Associated with him will be John S. Martin, managing editor of *Time*, and Louis de Rochemont, formerly with Fox Movietone. He will be managing editor of the reel. Daniel Longwell will be in charge of promotion and Richard de Rochemont, brother of Louis, will have charge of the European organization. He edited foreign versions of Fox Movietone for four years.

Facilities of Fox Movietone, except its camera crews, will be available to *Time* under an arrangement with Truman Talley, producer of Fox Movietonews.

Dwight Cooke, Tom Orchard and Woodruff Wallner, *Time* editorialists, will work on the reel. Other members of the staff will be Joseph Trimarice, librarian of Fox Movietone, and Charles Morrison, Louise Logue, Morris Reizman and John Dullaghan.

Sales will be limited at first with the country divided into about 3,000 areas. One exhibitor in each will get the reel. The idea is to give him full benefit of the promotion and to build up a sales demand. Exhibitors finding it unsatisfactory will be permitted to cancel their contracts, it is said.

# Price Fixing Issue Up in Texas Court

(Continued from page 1)

dictation of admission scales by distributors is hurting independents. Hoblitzelle is said to demand that subsequents following his first runs at 40 cents shall charge 25 cents.

R. J. O'Donnell and his attorney, John R. Moroney, say papers have not been served upon them as yet.

# *Madeleine Carroll Signed*

Hollywood, Nov. 14.—Darryl F. Zanuck has signed Madeleine Carroll for the feminine lead opposite Clark Gable in "The Call of the Wild." Miss Carroll is in London at present but will leave for America shortly.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 117 NEW YORK, FRIDAY, NOVEMBER 16, 1934 TEN CENTS

# Asserts Never Sought a Man For Hays' Job

### *Directors Deny Rumors, Including Flynn's*

Taking official cognizance for the first time of constantly recurring rumors that moves were afoot to replace Will H. Hays, as head of the M. P. P. D. A., the presidents or ranking executives of seven of his member companies yesterday denied that Hays' post had ever been offered to anyone else.

The statement took the form of a telegram to the managing editor of the *Los Angeles Times* hitting at the report published in that newspaper and widely throughout the nation that Hays was to be succeeded by Edward J. Flynn, prominent in Democratic

(*Continued on page* 6)

## Cite Film Ads as Model for Cleanup

The industry's Advertising Advisory Council, headed by J. J. McCarthy, has accomplished the first successful, large-scale regulation of its advertising from within by any large industry, *Printers' Ink* says in an article headed "Movie Advertising Is Clean," appearing in the current issue.

The Advisory Council's "reforma-

(*Continued on page* 6)

## *Kutisker Is Winner In Clearance Case*

Morris Kutisker won his clearance case against A. H. Schwartz yesterday when the main New York clearance and zoning board affirmed a recommendation of the advisory committee. With Louis Nizer as his attorney, Kutisker last week complained that Schwartz's Floral Park, Floral Park, L. I., was taking clearance over the Community, Queens Village, for the first time. The protection clause was in a Paramount contract.

The decision sets a precedent for other contracts Schwartz may negotiate.

## *Transfer Five Ohio Spots to Para. Unit*

Cincinnati, Nov. 15.—Official transfer was completed yesterday to South Ohio Theatres, Inc., new Paramount subsidiary, of the Paramount,

(*Continued on page* 16)

### *In the Black*

New Haven, Nov. 15.—Today marks one year since Loew's took over operation of the Poli circuit. Practically all houses are showing a profit under the new management.

## Pennsylvania 1933 Grosses $30,891,000

Washington, Nov. 15.—Total receipts of $30,891,000 were reported today for 1933 by 745 Pennsylvania theatres by the U. S. Census Bureau. Payrolls aggregated $5,872,000, it was said.

Admittedly incomplete figures for cities, particularly Allentown, Altoona and Johnstown, where they do not compare favorably with other cities of like size, were reported by the bureau as follows:

Philadelphia, 143 houses with receipts of $10,578,000 and payrolls of $2,082,000; Pittsburgh, 46 houses with receipts of $3,652,000 and payrolls of $681,000; Scranton, 16 houses with receipts of $1,262,000 and payrolls of $277,000; Wilkes-Barre, 12 houses with receipts of $889,000 and payrolls

(*Continued on page* 4)

## *Objections Made to Allied Owners Plan*

Unexpected objections to the reorganization plan for Allied Theatre Owners, Inc., were presented yesterday at hearing before Special Master Oscar Lewis, who is hearing the plan for the U. S. District Court in Brooklyn. The hearing was adjourned to Nov. 23.

Jacob Shulman, an attorney, who said he represented bondholders with

(*Continued on page* 16)

# ERPI TO FIGURE IN A.T. & T. Probe

### *Communication Board Is To Study All Angles Of Activities*

Washington, Nov. 15.—Erpi and film affiliates of A. T. & T. are to come under the general probe of the telephone company and its affiliates to be conducted by the Federal Communications Commission.

Actual operations of the telephone company will be the first scrutinized, it is expected, as the commission regards this as the major subject of interest. The groundwork for the investigation will be laid during the remainder of the year and public hearings will get under way some time after Jan. 1.

Before it gets through, it was indicated today, the commission will have dragged into the light every sort of activity in which the company engages and in which it is interested through

(*Continued on page* 4)

## K.C. Theatre Men Are Cool To Ad Marking

Kansas City, Nov. 15.—The plan to advertise films segregated as "adult" or "family" fare, as adopted by the Warner circuit at Philadelphia, finds little favor among exhibitors and managers here.

Fox Midwest Theatres, as reported, is acquainting patrons and other interested persons with its designations of product according to "adult" and "family" suitability. C. A. Schultz, president of the Commonwealth circuit, believes this is a splendid idea. and before long intends to adopt it for his theatres in Kansas City and in outstate Missouri, Kansas and Iowa.

Others, however, differ. Neighborhood exhibitors say the parents know Friday night is "family night" and do

(*Continued on page* 4)

## Richards Remains As Saenger's Head

E. V. Richards' status as president and general manager of the reorganized Saenger circuit, provided for in the original Saenger reorganization plan, is not disturbed by the agreement concluded on Wednesday under which Richards' stock participation in the new company was revised in Paramount's favor, it was learned yesterday.

The Paramount Publix trustees gave their approval to the Richards agreement at a meeting yesterday and this

(*Continued on page* 16)

## *November Opening Grosses Show Drop from September*

November got off to a bad start for national theatre grosses. The total of $1,288,992 for 22 key cities was a new low for the six-week period starting the last week in September. The decline has been steady since that time, in spite of the fact that the number of theatres operating in the keys mentioned has increased from 132 to 135.

November's first-week losses are due to a falling off of business in 14 of the 22 cities from which reports are received by Motion Picture Daily. The drops came from Boston, Buffalo,

(*Continued on page* 4)

## Production Code Is Reporting on Plays

A service through which producers' story departments are advised promptly of the conformity of stage plays to the production code has been placed in operation here by the eastern office of the Production Code Administration, it was learned yesterday.

Representatives of the eastern office under Vincent G. Hart, assistant to Joseph I. Breen, attend all opening

(*Continued on page* 6)

## *Bernerd Set Back By Kent's Arrival*

By **BRUCE ALLAN**

London, Nov. 15 (*By Cable*).—Jeffrey Bernerd has postponed his departure for New York on Nov. 21. The reason is attributed to the arrival here on Friday of S. R. Kent in connection with what is persistently reported as the impending sale of Fox Film's 49 per cent interest in Gaumont-British to interests popularly believed to be headed by John Maxwell of B.I.P.

## *Laemmle, Sr., Picks Production Cabinet*

Hollywood, Nov. 15.—In a move to relieve himself of excess duties occasioned by the absence of Carl Laemmle,

(*Continued on page* 6)

MOTION PICTURE
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## U. A. Executives on Railroads and Ships

United Artists executives are keeping the Pullmans and steamers busy these days. Arthur Kelly, now in Tokyo, plans to go to South Africa, but may change his mind and leave directly for home. When he returns William Phillips, treasurer, will go off on a short vacation.

Al Lichtman has gone to Miami for two weeks and Harry D. Buckley left yesterday for Chicago and will return tomorrow. Hal Horne will be in Hollywood for a few weeks. Harry Gold and Paul Lazarus recently returned from extended trips in the field.

### Schenck En Route Here

LONDON, Nov. 15 (*By Cable*).—Joseph M. Schenck, president of United Artists, sailed from Plymouth yesterday on the *Majestic* and is scheduled to arrive in New York Nov. 20. Schenck has been in England for several weeks conferring with officials of London Films.

## Klarsfeld Sails Nov. 24

Henri Klarsfeld, general manager for Paramount in France, Switzerland, Belgium, Egypt and north Africa, sails for Paris on the *Paris* Nov. 24.

## Thomas Continues Trip

CHICAGO, Nov. 15.—Harry H. Thomas leaves today for Kansas City and Dallas. He will continue on to Charlotte, Atlanta and New Orleans.

# Insiders' Outlook

FUNNY are the ways of government. Or, this government at any rate. It was a few months back when the Treasury Department, by strange and devious analysis, ruled Paris gowns may be allowed in, sans duty of any description, and from them copies struck off for ultimate sale, also without duty. The one restrictive note in the whole scheme stipulated the original must be shipped away from these very friendly shores at the end of six months. Somebody, somehow, wondered if the decision might not be applied to foreign pictures and discovered it might. And so it does. . . .

▼

You, therefore, have before you for consideration or convulsions, as you like, a situation wherein Washington permits, in fact, welcomes imported pictures by brushing aside the customary tariff barrier. You also have before you, if you are up on your facts as they concern the difficulties of American pictures abroad, a fine kettle of affairs that boiled over in Berlin earlier in the week. There, Herr Hitler's satellites, displaying their usual brand of astute statesmanship, have seen to it that any film disembarked at Bremerhaven or Hamburg must first pay an import tax approximating $8,000, American. . . .

▼

That's for the privilege of allowing the print to be dropped off the ship's side. Whatever erratic German censorship may determine thereafter has nothing at all to do with the case. The American exporter will pay his $8,000 one day and the next day perhaps find the German censor, full of wiener schnitzel, bock beer and a new hypo of Nazi philosophy, has decreed nix. And there you have what might be described as a striking exchange of international courtesy and goodwill. . . .

▼

Not only to Germany is this sort of comedy of errors confined. The American industry has had a load of similar worry and annoyance from its friendly international neighbor centering in and around Prague while the list of those cities and lands where this country's product has been thrown about leaves few holes in the gallery of nations. It is to wonder and plenty, too, why the "New Dealers" along the Potomac, recognizing the political influence demonstrated in the past and presumably available in the future, have attempted little or nothing to make the sweet travels of American celluloid around the world less tiring. While you are wondering about that, poise the question if the industry, by and of its own actions, has penetrated all of the devious channels of approach to this same end. . . .

▼

Several of the well-informed at RKO describe the reports linking Edward J. Flynn, Democratic power in these parts, with their company in this wise: "Never heard of it. Forget it." . . . By that they mean something beyond a mere membership on the directorship of the board of K-A-O. He has that now. . . The Hearst-Warner hookup is developing amusing slants as the days slip by. International News Service considered it a piece of good reporting to check the Flynn-in-Hays'-job yarn on the coast. Hays was not turned to for a statement, but Jack Warner was. I. N. S. seized upon Jack's vice-presidency of the Producers' Ass'n. as the reason. . . .

▼

But wearied by irresponsible newspaper practice of throwing Hays out of office at regular intervals and putting in Al Smith, Jim Farley, Flynn or what have you, seven important executives, representatives of as many companies, did some telephoning Wednesday and finished their palavers yesterday with the first official M.P.P.D.A. statement hitting left and right at rumors of Hays' replacement. The kick line in that statement, which emerged in the form of a wire to the *Los Angeles Times* denying the Flynn, or latest, report was this: "Nor is there one word of truth in the statement that the position occupied by Mr. Hays has *ever* been offered to anyone else." Hays asked for no such evidence of approbation and knew nothing about the statement itself until it was drawn, approved by the signatories and released to the press. . . .

▼

The flurry between Sidney Kent and Walter Reade over the inability of the Music Hall to spot in "The White Parade," its subsequent sale to the Paramount and the destruction of the Mayfair contract with Fox has angles. Reade had agreed to pay Fox $60,000 for pictures rejected or unused by the Music Hall. Now he stands a pretty good chance of getting them cheaper by individual buy. . . . Is Charlie Rogers still producing pictures? He's been away from the cameras for months. . . .

▼

Ed Kuykendall won't cheer. Neither will Sidney Samuelson over Harry Brandt's crack. He said: "There is no national exhibitor organization and that holds for both the M. P. T. O. A. and Allied. After having intimate contact with both groups, I can frankly say this." Agree or not as you will, but you've got to admit Brandt is what he says he is, which is frank. . . . Blood is still in the eyes of those poster exchange fellows. . . . Interest in the personnel of the board of reorganized Paramount is mounting and mounting. . . .

KANN

## Eastman Pfd. Drops 8½ on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 37⅝ | 37 | 37⅝ | + ⅝ | 500 |
| Consolidated Film Industries | 3½ | 3½ | 3½ | ..... | 300 |
| Consolidated Film Industries, pfd | 16½ | 16⅛ | 16⅛ | ..... | 1,700 |
| Eastman Kodak | 110¾ | 109⅝ | 109⅝ | — ⅞ | 2,000 |
| Eastman Kodak, pfd | 135 | 135 | 135 | —8½ | 5,000 |
| Fox Film "A" | 13¾ | 13⅜ | 13⅜ | ..... | 1,700 |
| Loew's, Inc. | 31¾ | 30⅞ | 31⅝ | + ¾ | 11,400 |
| Loew's, Inc., pfd | 98⅝ | 98⅝ | 98⅝ | + ⅛ | 100 |
| Paramount Publix | 4⅜ | 4 | 4 | ..... | 6,200 |
| Pathe Exchange | 1⅜ | 1⅜ | 1⅜ | ..... | 2,800 |
| Pathe Exchange "A" | 15⅞ | 14⅞ | 15⅞ | + ⅝ | 3,500 |
| Warner Bros. | 4¾ | 4⅝ | 4¾ | + ¼ | 2,300 |

## Paramount Publix Bonds Gain One

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 7 | 6¼ | 6¾ | + ½ | 9 |
| General Theatre Equipment 6s '40, ctf. | 7 | 6¾ | 7 | + ½ | 3 |
| Keith B. F. 6s '46 | 63¾ | 6)¾ | 63¾ | + ⅝ | 5 |
| Loew's 6s '41, ww deb rights | 104 | 103¾ | 103¾ | — ¼ | 7 |
| Paramount Broadway 5½s '51 | 42 | 41⅜ | 41⅜ | + ⅞ | 10 |
| Paramount F. L. 6s '47 | 58¾ | 57½ | 57½ | + ½ | 19 |
| Paramount Publix 5½s '50 | 59 | 57½ | 58½ | +1 | 23 |
| Warner Bros. 6s '39, wd | 59¼ | 58½ | 59 | + ½ | 23 |

## North Dakota Tax Void

FARGO, N. D., Nov. 15.—The Federal District Court here held that the North Dakota gross earnings tax is unconstitutional in a case brought by Fruit Growers Express Co., a Delaware corporation.

The tax statute imposed a six per cent gross earnings levy on concerns owned outside but operating within the state.

## D. E. Griffiths Sailing

LONDON, Nov. 15.—D. E. Griffiths, managing director of First National here, sails for America within the next week or 10 days for conferences with company executives in New York.

## Borzage on Davies Film

HOLLYWOOD, Nov. 15.—Frank Borzage has been assigned to direct Marion Davies in her first picture for Warners. Announcement of the picture itself is expected shortly.

## Ayres-Rogers Marry

HOLLYWOOD, Nov. 15.—Ginger Rogers and Lew Ayres were married last night at the Little Church of the Flowers. Janet Gaynor and Mary Brian attended the bride.

# EXHIBITOR THOUSANDS JOIN PARADE OF PRAISE AT NATIONWIDE TRADE SHOWING

Picture-wise
showmen hail
"White Parade"
as Jesse L. Lasky's
outstanding
box office hit

"TREMENDOUS"! "Great!" "Knock-out!" "Sensational!" exclaimed exhibitors privileged to see "The White Parade" at private screenings arranged by FOX in key cities of the U. S. last week. Did you ever see a theatre operator sobbing? Well, we did! Stifling tears. Letting loose loud gusts of laughter. Held motionless by suspense. Right now, they're planning extra weeks . . . extended time . . . and counting on extra profits. *And so will you*...when you see Jesse L. Lasky's *greatest box office production!*

**NEW YORK PARAMOUNT HOLDS IT FOR 2nd WEEK**

as milling thousands join critics in ever-swelling Parade of Praise!

FOX

# THE WHITE PARADE

**A JESSE L. LASKY Production**

The greatest hit of this great showman's career!

*with*

**LORETTA YOUNG**

**JOHN BOLES**

Directed by Irving Cummings. Screen play by Sonya Levien and Ernest Pascal. From the novel by Rian James. Adaptation by Rian James and Jesse Lasky, Jr.

# K.C. Theatre Men Are Cool To Ad Marking

(*Continued from page 1*)

not expect programs specifically for children at other times. One objection is exhibitors would not agree on designations, and confusion would result. It is also pointed out that class distinctions, religious affiliations and other factors would have to be taken into consideration, and therefore no standard designation would apply to all cities and neighborhoods.

Representative comment follows:

Ed Dubinsky, head of Dubinsky Bros. Theatres: "The plan would react adversely at the box-office. It would be seized upon as another excuse for people to stay away from theatres, and there are enough excuses already."

John McManus, manager, Loew's Midland (downtown first run): "The designations would be futile as well as bad business. Home influence should be deciding for star, and theatre man should stay out of it. Parents have a pretty good idea of what entertainment is fit for children, having it made clear to them by the theatre. The bad influence of films on children has been grossly exaggerated. Millions saw pictures a generation or two ago which today would be condemned for children, yet they have grown up to be respectable, law-abiding citizens."

### Unnecessary, Declares Means

Jay Means, Oak Park Theatre (suburban), and president, I. T. O.: "It would be difficult for the exhibitor to differentiate between 'adult' and 'family' types. In my opinion, the designations are not necessary. Film standards are getting better. Let the producers give us decent pictures and we won't have to classify them."

George S. Baker, manager, Publix Newman (downtown first run): "Without exercising more than snap judgment, I am undecided whether the plan would be feasible. I do not believe, however, that designating a picture as 'family' would have a harmful effect on the box-office. My experience has been that parents appreciate a line of caution in advertising that children would not be interested in heavy stories or something they cannot grasp."

S. Bernard Joffee, manager, Tower (downtown first run): "The plan would add fuel to the fire of reformers and censorship advocates. It would point the way to making a system of segregation compulsory. Selection should rest with the home, and the home should teach older children to appreciate and discriminate for themselves."

Mrs. A. Baier, Lindbergh Theatre (suburban): "If they want to take the trouble, most parents can find out for themselves whether pictures are suitable. The designation system would alter the existing situation very little, as many parents send their children to a family type picture, while the parents go to some other theatre. However, differentiating pictures in advertising might attract more adults to pictures advertised as 'adult.'"

W. D. Fulton, operator of four neighborhood theatres: "There are many drawbacks to the system. Exhibitors would differ as to the designations, and since their advertising would appear in the same paper, the method would cause confusion. In the final analysis, responsibility for selection rests with the home. There are enough appraisals available, in newspapers, magazines and other media, for any one interested to find out whether a picture is suitable. By the time the releases reach the neighborhoods, parents are pretty well informed."

# *November Opening Grosses Show Drop from September*

(*Continued from page 1*)

Chicago, Cleveland, Denver, Detroit, Indiananolis, Kansas City, Los Angeles, Minneapolis, New York, Pittsburgh, St. Paul and Washington. Offsetting these were slight gains in Montreal, Oklahoma City, Omaha, Philadelphia, Portland, Providence, San Francisco and Seattle.

Comparative grosses for the latest available periods:

| Week Ending | Theatres | Grosses |
|---|---|---|
| Sept. 27-28 | 132 | $1,419,815 |
| Oct. 4-5 | 132 | 1,412,844 |
| Oct. 11-12 | 132 | 1,344,137 |
| Oct. 18-19 | 131 | 1,385,533 |
| Oct. 25-26 | 133 | 1,386,935 |
| Nov. 1-2 | 135 | 1,288,992 |

Comparative weekly totals:

| | *Week Ending Nov. 1-2* | | *Week Ending Oct. 25-26* | |
|---|---|---|---|---|
| | Theatres | Gross | Theatres | Gross |
| Boston | 6 | $107,500 | 6 | $108.000 |
| Buffalo | 5 | 41,000 | 5 | 47,900 |
| Chicago | 8 | 146,500 | 8 | 150,000 |
| Cleveland | 8 | 42,300 | 5 | 58,000 |
| Denver | 5 | 20,000 | 6 | 26,500 |
| Detroit | 7 | 61,800 | 7 | 77,100 |
| Indianapolis | 5 | 23,500 | 5 | 26,000 |
| Kansas City | 5 | 38,300 | 5 | 40,300 |
| Los Angeles | 7 | 62,250 | 7 | 88,805 |
| Minneapolis | 6 | 23,000 | 6 | 24,700 |
| Montreal | 4 | 40,500 | 4 | 39,500 |
| New York | 11 | 241,392 | 11 | 254,430 |
| Oklahoma City | 5 | 24,900 | 4 | 12,600 |
| Omaha | 4 | 27,000 | 4 | 26,400 |
| Philadelphia | 9 | 70,200 | 9 | 68,850 |
| Pittsburgh | 6 | 38,700 | 6 | 52,150 |
| Portland | 6 | 28,500 | 5 | 26,500 |
| Providence | 6 | 43,400 | 6 | 39,450 |
| San Francisco | 7 | 83,500 | 7 | 77,500 |
| St. Paul | 5 | 19,000 | 5 | 19,100 |
| Seattle | 7 | 40,350 | 6 | 27,850 |
| Washington | 6 | 65,400 | 6 | 94,600 |
| | 135 | $1,288,992 | 133 | $1,386,935 |

## *Women Get 6-Point Program for Films*

CLEVELAND, Nov. 15.—A six-point program for women to follow in the interest of good pictures was brought before delegates of the W.C.T.U. national convention by Mrs. Marguerite Harmon Bro of Chicago. She appealed for Federal supervision and censorship of the industry. The points: Patronize good pictures; boycott cheap ones; educate the public about pictures; lend support against block booking; help children select films; urge Federal supervision of pictures.

## *Films Cleaner, Says Md. Censor Official*

BALTIMORE, Nov. 15.—Marie W. Presstman, secretary of the Maryland State Board of Censors, asserts there has been a big improvement in the tone of pictures released since the church campaign started.

"The pictures have been unusually clean," Miss Presstman says, "but besides this feature, they have been tremendously improved from an artistic standpoint.

"During the last month we have made but few cuts, although several pictures have been rejected entirely. The rejections, however, were made where the entire tone was bad, and if mutilated there would have been no continuity."

## *Lasky, Boles on Stage*

HOLLYWOOD, Nov. 15.—Fox inaugurated a new policy today by sending John Boles and Jane Darwell to San Francisco for personal appearances in conjunction with the opening of "The White Parade" at the Warfield tomorrow. Jesse L. Lasky escorted the duo and also will appear on the stage.

Lincoln Quarberg of the Fox publicity staff checked out Wednesday to handle advance publicity.

## *Bowling League Results*

Paramount is still leading the M. P. Bowling League and is followed by Consolidated, Fox, RKO and United Artists in the order named.

Paramount won three games from Warners Wednesday night to increase its lead, Consolidated defeated Columbia three games to none and United Artists lost to RKO, two games to one.

# Pennsylvania 1933 Grosses $30,891,000

(*Continued from page 1*)

of $224,000; Reading, four houses with receipts of $625,000 and payrolls of $85,000.

Erie, 14 theatres with receipts of $478,000 and payrolls of $89,000; Lancaster, five theatres with receipts of $398,000 and payrolls of $85,000; Chester, six houses with receipts of $362,000 and payrolls of $50,000; York, four theatres with receipts of $361,000 and payrolls of $56,000; Altoona, six theatres with receipts of $342,000 and payrolls of $77,000; McKeesport, six houses with receipts of $307,000 and payrolls of $56,000.

Johnstown, nine theatres with receipts of $266,000 and payrolls of $60,000; Harrisburg, four theatres with receipts of $223,000 and payrolls of $33,000; Allentown, three houses with receipts of $58,000 and payrolls of $12,000.

# Erpi Will Figure In A.T. & T. Probe

(*Continued from page 1*)

stock ownership, contract, license agreement or otherwise.

It is anticipated the investigation will cost well over $100,000, and will develop thousands of pages of testimony and hundreds of briefs and exhibits.

In all probability, if the commission's inquiry indicates a need for reform in any direction, Congress will be asked to enact appropriate legislation.

## *New Musical Ideas Stirring—Taurog*

New ideas in producing and staging musicals are making that type of picture the most competitive production venture in Hollywood, according to Norman Taurog, Paramount director, in New York on vacation.

"The number of musicals which have been released, or are planned," Taurog said, "makes box-office success possible only for those with new story or production ideas. The public isn't tired of musicals, but neither is it paying to see 'just any musical.'"

Taurog returns to the coast Nov. 29 to begin work on "Target" for Paramount, a picture with an Annapolis background. His last assignment was "College Rhythm."

## *Polish Actress Held*

Regina Opoczynski, Polish actress recently signed by Fox, was detained by immigration inspectors at Ellis Island on her arrival here. She was released, however, and allowed to proceed to Hollywood when representatives of Fox posted a bond guaranteeing her departure at the end of her contract term.

## *Warner Club Sets Dance*

The second annual reception and dance of the Brooklyn unit of the Warner Club will be held Thanksgiving Eve on one of the sound stages of the Vitaphone plant in Brooklyn.

Atlanta
Denver
St. Louis
Seattle
Chicago
Portland
Detroit
St. Paul
Boston
Washington
Wilmington
Cleveland -
and you're
next

# "THE MERRY WIDOW" WALTZES INTO EXTENDED RUNS!

She's the darling of America's Box-Offices! Gayly, brilliantly, she vamps your house records! It's fun to be vamped! And the list of extended runs is just beginning!

**AURICE CHEVALIER, JEANETTE MacDONALD in "THE MERRY WIDO**
An ERNST LUBITSCH Production *with* EDWARD EVERETT HORTON
UNA MERKEL • GEORGE BARBIER • MINNA GOMBELL
*een Play by* Ernest Vajda and Samson Raphaelson · *Based on Book and Lyrics by* Victor Leon *and* Leo Stein *and Music by* Franz Le

# Asserts Never Sought a Man For Hays' Job

(*Continued from page* 1)

circles and secretary of state for New York.

R. H. Cochrane, vice-president of Universal; Adolph Zukor, president of Paramount Pictures; Nicholas M. Schenck, president of M-G-M; Harry M. Warner, president of Warner Bros.; Earle W. Hammons, president of Educational; Ned E. Depinet, president of RKO Dist. Corp.; and W. C. Michel, vice-president of Fox Film, appended their signatures to the statement, text of which follows:

> "There is no truth in the story published in your paper this morning to the effect that Mr. Will H. Hays is to be succeeded as the president of this association by Mr. Flynn, secretary of State of New York. Nor is there one word of truth in the statement that the position occupied by Mr. Hays has ever been offered to anyone else. Every member of our board of directors is and always has been delighted with the work Mr. Hays has done because we know from first hand information that his work has been thoroughly constructive and a power for good not only on our behalf but on behalf of the public which supports us."

# Cite Film Ads as Model for Cleanup

(*Continued from page* 1)

tion" of industry advertising material is recommended by the writer as a model to "other industries contemplating such a move."

The publication cites a 35 per cent increase in theatre attendance since the council's inception a year ago, suggesting that some part of the increase was due to the advertising improvements which have been brought about. Success of the movement is credited in the article to the broad policies adopted for the council by McCarthy, the authority vested in him by the M. P. P. D. A.; the cooperation received from company advertising executives and the incorporation in the NRA code for the industry of the advertising code of ethics. The latter adds an instrument of enforcement, seldom invoked but potentially useful, according to the article.

# Production Code Is Reporting on Plays

(*Continued from page* 1)

night performances here and file immediate reports on the acceptability or the extent of changes required in the play material for production code compliance. The reports are sent to the proper representatives of all producer members and to Breen in Hollywood. No effort is made to advise on the plays from box-office angles or to influence purchases of stage material in any way. To date, 43 stage productions have been caught and reported on here.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Maybe It's Love"*

(*Warners*)

HOLLYWOOD, Nov. 15.—Of pleasing quality, dealing with young love, this hits good average entertainment, being a mixture of romance, marriage, home life, spats and family interference interspersed with laughter.

While William McGann's first directorial effort is most commendable and the playing of the principals rises above the screen play, which alternates between knowing where it's going and faltering, the picture nevertheless has warmth, with the audience rooting for the likable people.

Gloria Stuart, a private secretary in love with Ross Alexander, a clerk, is beset by her family trying to impart the facts of life and the boss' son, Phillip Reed, making innocent advances, with Ross jealous. At Reed's instigation, Joseph Cawthorn, the boss, decides to send Ross to Cuba, but on the sailing night Ross and Gloria marry. Fired, Ross struggles with Gloria between love and the budget and her family and Reed, but all ends well.

### *What the Symbols Mean*

**Reviews classified with a "G" are regarded as suitable for general entertainment.**

**Those with an "A" are regarded as suitable for adult entertainment.**

Cawthorn turns in a highly joyous portrait for big laughs. Others in the good cast include Frank McHugh, Ruth Donnelly, Henry Travers and Helen Lowell.

The film is based on an original by Maxwell Anderson. The production and the photography are all right.

As commercial entertainment for the family trade it is an acceptable show.

Code seal No. 381. Running time, 68 minutes. Classification: "G."

## *"Fugitive Lady"*

(*Columbia*)

HOLLYWOOD, Nov. 15.—Good entertainment for average audiences.

Florence Rice, falsely convicted of theft, is wrongly identified as Rita LeRoy, estranged wife of wealthy Neil Hamilton, following a train wreck on the way to San Quentin in which Miss LeRoy is killed. Miss Rice tells Hamilton her story. They fall in love and attempt to live a lie, deceiving Hamilton's mother and his friends, who have never met the first Mrs. Hamilton.

On the eve of their departure for Europe a gang of thieves who betrayed the girl attempt to rob Hamilton's safe. Rather than involve Hamilton and his family in a scandal, Miss Rice consents to leave with the gang, making it appear she had planned the entire move. Hamilton's snooping aunt, Clara Blandick, saves the day by acting after overhearing the thieves' conversation.

Al Rogell's direction is finely timed for suspense. Hamilton and Miss Blandick are outstanding in a capable cast, including Miss Rice, Matt McHugh, Donald Cook, Miss LeRoy and Nella Walker, who plays Hamilton's mother.

The scenes of the wreck are realistic. Al Seigler's photography is good.

Code seal No. 330. Running time, 65 minutes. Classification: "G."

## *Allied's Directors and Md. MPTO to Gather*

BALTIMORE, Nov. 15.—Eastern regional directors of Allied from New England, New York, New Jersey and Maryland will meet at the Hotel Emerson Monday. Expected are Sidney E. Samuelson, Abram F. Myers, Walter Littlefield and Herman A. Blum.

A general meeting has been called by the M. P. T. O. of Maryland, Inc., affiliated with Allied, for the same time at the same place at which Frank A. Horning will preside. Independent theatre owners as well as members have been invited. A luncheon will be given for both groups and invitations to attend have been sent to Mayor Howard W. Jackson, of Baltimore, and State's Attorney Herbert O'Conor.

## *Para. Signs Colbert For 6 in Two Years*

HOLLYWOOD, Nov. 15.—Emanuel Cohen, production head of Paramount, today signed Claudette Colbert to a two-year contract calling for a total of six pictures which will net the star some $450,000 in that period. Except for two pictures on previous commitments with other companies, Paramount will have exclusive right to her services.

## *Find Manager Bound*

CINCINNATI, Nov. 15.—Herbert McGinnis, manager of the Park Hall, suburban, was discovered bound and gagged in his office when an employe reported for work at 7 o'clock yesterday morning.

# *Purely Personal*

MORT BLUMENSTOCK, advertising director of Warner theatres, leaves today for Cleveland, Pittsburgh, Washington and Philadelphia to confer with zone managers and first run exhibitors on "Flirtation Walk." He'll be gone a week.

MERLE OBERON, accompanied by NATACHA PALEY, arrives here next week on the *Paris* en route to Hollywood to work in "Folies Bergere de Paris" for 20th Century.

ROBERT C. BRUCE has returned from Lexington, Ky., where he filmed a fox hunt of the Iroquois Hunt Club for the "Countryside Melodies" series of Audio Prod.

HAROLD BLUMENTHAL says he's not SIMON FABIAN'S successor, but only taking inventory on Fox Metropolitan Playhouses.

HARRY EDINGTON and his wife, BARBARA KENT, arrived from Europe yesterday on the *Washington*.

DAN HALPIN, assistant sales manager of Sonotone, is back from a trip through the midwest.

JOHN HAMRICK of Seattle is in town.

## *Laemmle, Sr., Picks Production Cabinet*

(*Continued from page* 1)

Jr., who is now on vacation, Carl Laemmle, Sr., has appointed a production cabinet. Its members are Frank Mastroly, executive studio manager; Stanley Bergerman, associate producer, and other producers on the lot.

Laemmle, Sr., will govern policy and supervise the cabinet's activities until his son returns early in 1935.,

### May Delay His Sailing

Carl Laemmle, Jr., now in New York prior to his departure on a European vacation, may set back his sailing until the *Rex* leaves, the end of the month. The original date was Nov. 23.

## *Details Federation Fund*

Statements issued by Albert L. Warner, chairman of the theatrical and film division of the drive for support of the Federation of Jewish Philanthropic Societies, say that 93 cents of every dollar raised by the federation go for relief. The federation is holding an emergency drive to raise $2,071,000 to take care of a deficit in the 1934 budget. The amusement industries' share of the total is $100,000.

## *Flash Reviews*

*One in a Million*—There is considerable entertainment in this Invincible production. . . .

*In Old Santa Fe*—Average Ken Maynard western. . . .

*These films will be reviewed in full in a later issue of* MOTION PICTURE DAILY.

## *G. B. List to McVickers*

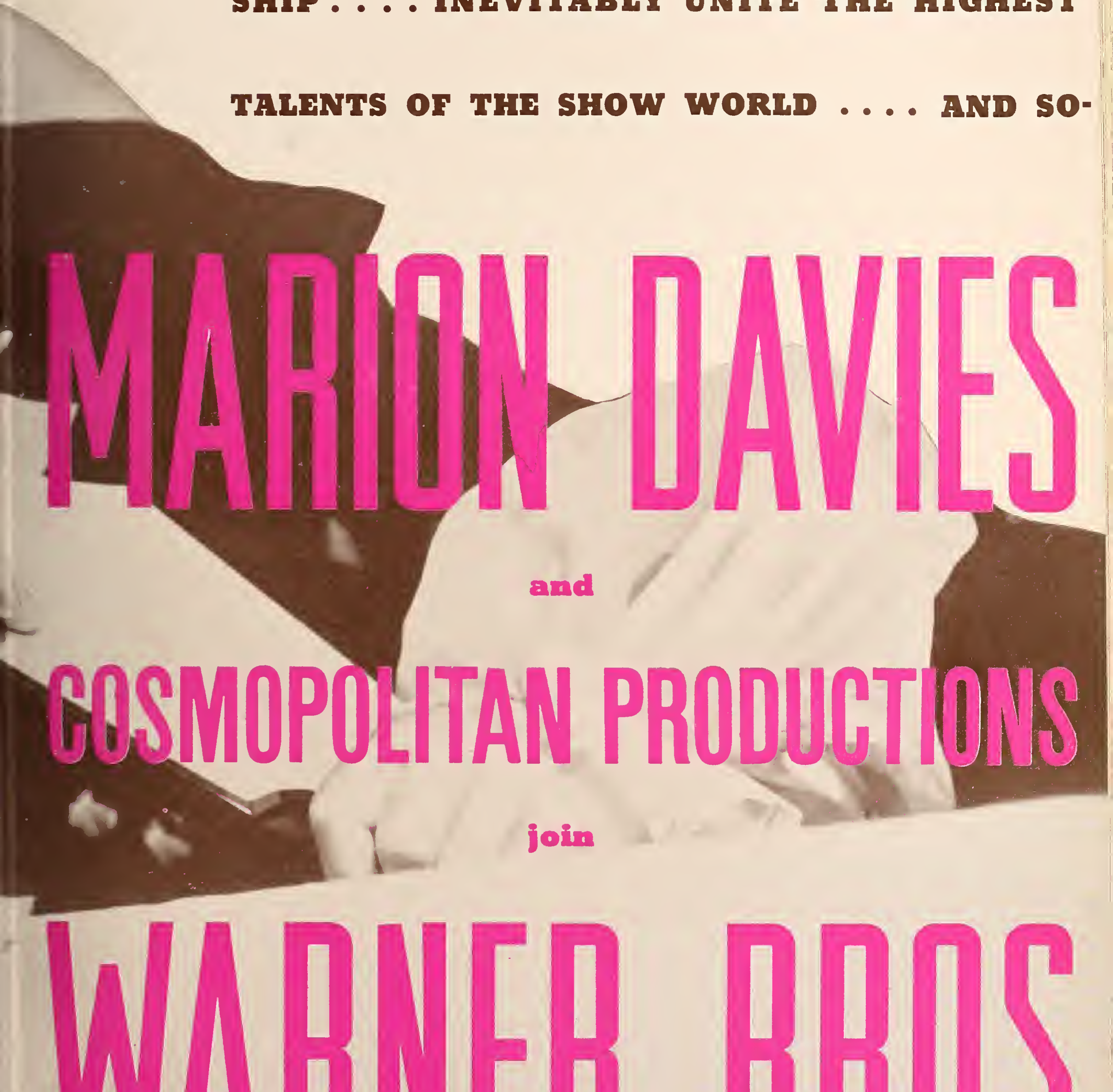
CHICAGO, Nov. 15.—Gaumont British first runs will go into the McVickers. A. H. Fischer, home office representative for G. B., closed the deal with Jones, Linick & Schaefer.

First National
Warner Bros

# THE MAGNET THAT LURES THE BRIGHTEST STARS

**now draws one of the greatest of all great names to the Warner list...**

THE GLAMOUR OF ACHIEVEMENT....THE AURA OF SUCCESS....THE MAGNETISM OF LEADERSHIP....INEVITABLY UNITE THE HIGHEST TALENTS OF THE SHOW WORLD....AND SO-



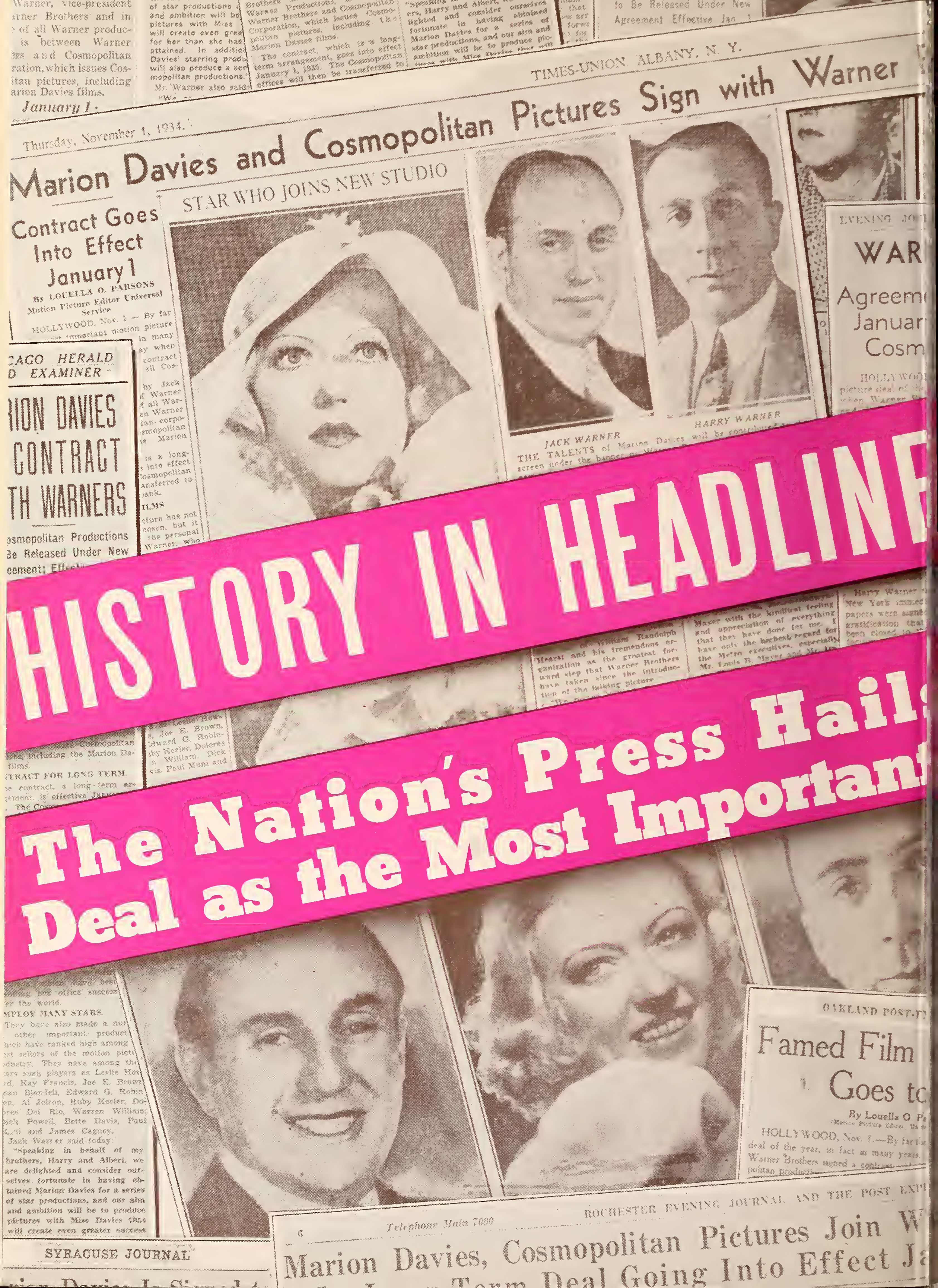
# MARION DAVIES

and

# COSMOPOLITAN PRODUCTIONS

join

# WARNER BROS.



# HISTORY IN HEADLINE

## The Nation's Press Hails Deal as the Most Importan

Warner, vice-president
arner Brothers and in
of all Warner produc-
is between Warner
ers and Cosmopolitan
ration, which issues Cos-
itan pictures, including
arion Davies films.

*January 1*

of star productions
and ambition will be
pictures with Miss
will create even grea
for her than she has
attained. In additio
Davies' starring produ
will also produce a ser
mopolitan productions."
Mr. Warner also said

Brothers Productions,
Warner Brothers and Cosmopolitan
Corporation, which issues Cosmo-
politan pictures, including the
Marion Davies films.

The contract, which is a long-
term arrangement, goes into effect
January 1, 1935. The Cosmopolitan
offices will then be transferred to

"Speaking ...
ers, Harry and Albert, we
lighted and consider ourselves
fortunate in having obtained
Marion Davies for a series of
star productions, and our aim and
ambition will be to produce pic-
tures with Miss Davies that will

to Be Released Under New
Agreement Effective Jan 1

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TIMES-UNION, ALBANY, N. Y.

Thursday, November 1, 1934.

# Marion Davies and Cosmopolitan Pictures Sign with Warner

## Contract Goes Into Effect January 1

By LOUELLA O. PARSONS
Motion Picture Editor Universal Service

HOLLYWOOD, Nov. 1 — By far
... important motion picture
... in many
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... contract
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... Warner
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... hosen, but it
... the personal
... Warner, who

... Leslie How-
... Joe E. Brown,
... dward G. Robin-
... by Keeler, Dolores
... William, Dick
... is, Paul Muni and

STAR WHO JOINS NEW STUDIO

JACK WARNER

HARRY WARNER

THE TALENTS of Marion Davies will be contributed to ... screen under the banner of ...

... of William Randolph
Hearst and his tremendous or-
ganization as the greatest for-
ward step that Warner Brothers
have taken since the introduc-
tion of the talking picture.

... Mayer with the kindliest feeling
and appreciation of everything
that they have done for me. I
have only the highest regard for
the Metro executives, especially
Mr. Louis B. Mayer and Mr. Irv...

Harry Warner ...
New York immed...
papers were signe...
gratification that...
been closed ...

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... CAGO HERALD
... D EXAMINER

# ...RION DAVIES ... CONTRACT ...TH WARNERS

...osmopolitan Productions
...Be Released Under New
...eement; Effective ...

... Cosmopolitan
..., including the Marion Da-
... films.

...TRACT FOR LONG TERM.

... contract, a long-term ar-
...ement, is effective Janu...
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EVENING JO...

# WAR...

## Agreem... Januar... Cosm...

HOLLYWOO...
picture deal of the...
when Warner ...

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... have been
... box office success
... the world.

...MPLOY MANY STARS.

They have also made a num...
other important product...
which have ranked high among
... sellers of the motion pict...
industry. They have among the...
stars such players as Leslie How...
ard, Kay Francis, Joe E. Brown,
Joan Blondell, Edward G. Robin-
son, Al Jolson, Ruby Keeler, Do-
lores Del Rio, Warren William,
Dick Powell, Bette Davis, Paul
...i and James Cagney.

Jack Warner said today:

"Speaking in behalf of my
brothers, Harry and Albert, we
are delighted and consider our-
selves fortunate in having ob-
tained Marion Davies for a series
of star productions, and our aim
and ambition will be to produce
pictures with Miss Davies that
will create even greater success

SYRACUSE JOURNAL

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OAKLAND POST-...

# Famed Film ... Goes t...

By Louella O. P...
(Motion Picture Editor, ...)

HOLLYWOOD, Nov. 1.—By far the ...
deal of the year, in fact in many years, ...
Warner Brothers signed a contract ...
politan producti...

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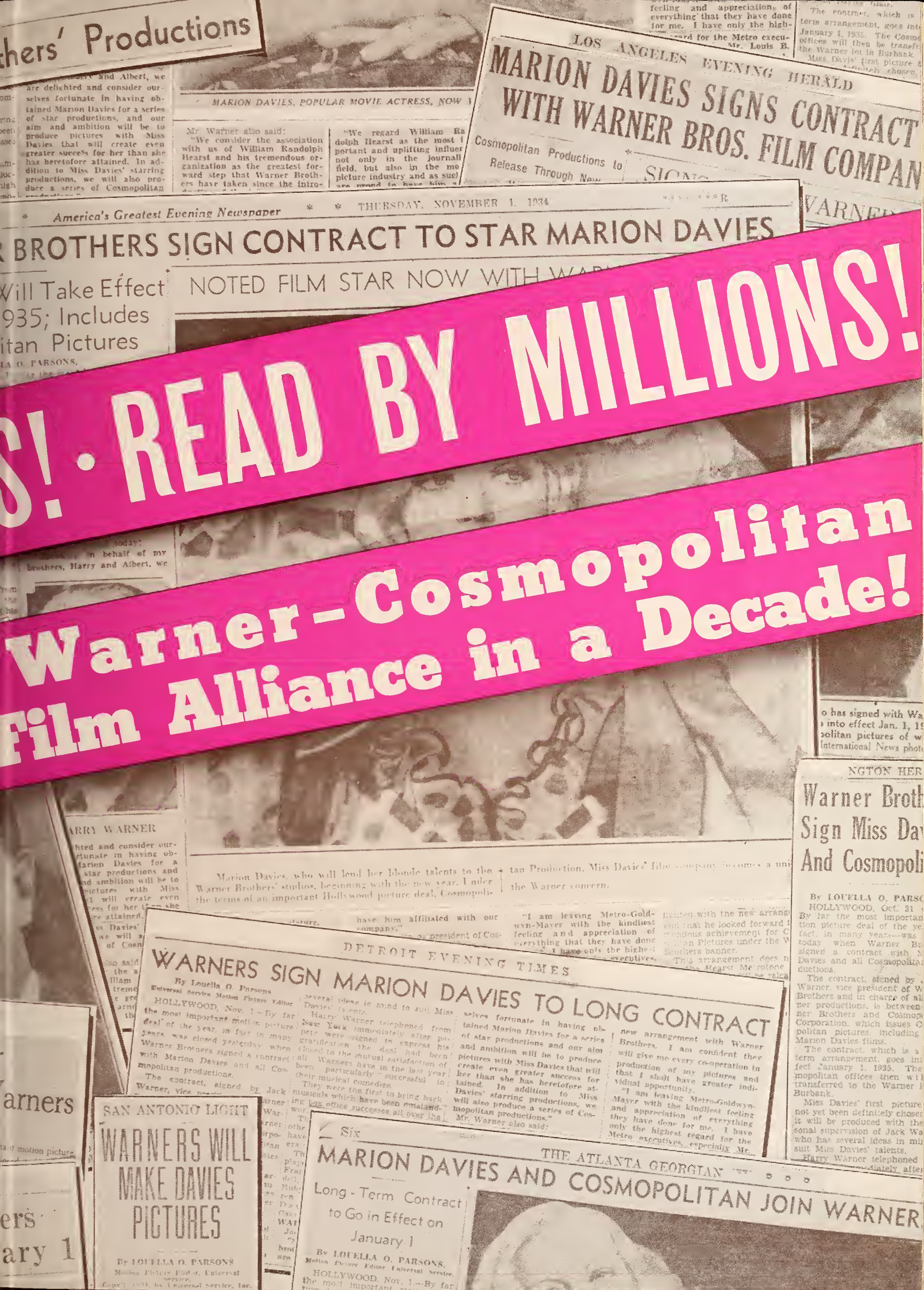
ROCHESTER EVENING JOURNAL AND THE POST EXP...

6 *Telephone Main 7000*

# Marion Davies, Cosmopolitan Pictures Join W... Term Deal Going Into Effect Ja...



# S! · READ BY MILLIONS!

# Warner-Cosmopolitan Film Alliance in a Decade!

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thers' Productions

and Albert, we are delighted and consider ourselves fortunate in having obtained Marion Davies for a series of star productions, and our aim and ambition will be to produce pictures with Miss Davies that will create even greater success for her than she has heretofore attained. In addition to Miss Davies' starring productions, we will also produce a series of Cosmopolitan

MARION DAVIES, POPULAR MOVIE ACTRESS, NOW

Mr. Warner also said:

"We consider the association with us of William Randolph Hearst and his tremendous organization as the greatest forward step that Warner Brothers have taken since the intro-

"We regard William Ra dolph Hearst as the most i portant and uplifting influer not only in the journall field, but also in the mo picture industry and as suc

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feeling and appreciation of everything that they have done for me. I have only the high- ard for the Metro execu- Mr. Louis B.

The contract, which is term arrangement, goes int January 1, 1935. The Cosmo offices will then be transf the Warner lot in Burbank. Miss Davis' first picture

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LOS ANGELES EVENING HERALD

## MARION DAVIES SIGNS CONTRACT WITH WARNER BROS. FILM COMPAN

Cosmopolitan Productions to Release Through New

SIGNS

---

America's Greatest Evening Newspaper * * THURSDAY, NOVEMBER 1, 1934

## R BROTHERS SIGN CONTRACT TO STAR MARION DAVIES

Vill Take Effect 935; Includes itan Pictures

LA O. PARSONS

NOTED FILM STAR NOW WITH WA

today: on behalf of my brothers, Harry and Albert, we

ARRY WARNER

hted and consider our- rtunate in having ob- larion Davies for a star productions and nd ambition will be to ictures with Miss t will create even ess for her than she re attained. s Davies' we will a of Cosn

Marion Davies, who will lend her blonde talents to the Warner Brothers' studios, beginning with the new year. Under the terms of an important Hollywood picture deal, Cosmopoli- tan Production, Miss Davies' film company becomes a uni the Warner concern.

have him affiliated with our company."

president of Cos-

"I am leaving Metro-Goldwyn-Mayer with the kindliest feeling and appreciation of everything that they have done I have only the highe executives,

with the new arrang that he looked forward endous achievement for C an Pictures under the W Brothers banner.

This arrangement does n the Hearst Metrotone

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o has signed with Wa into effect Jan. 1, 1 politan pictures of w International News phot

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NGTON HER

## Warner Broth Sign Miss Da And Cosmopoli

By LOUELLA O. PARSO

HOLLYWOOD, Oct. 31 By far the most importan tion picture deal of the ye fact, in many years—was today when Warner Br signed a contract with Davies and all Cosmopolita ductions.

The contract, signed by Warner, vice president of W Brothers and in charge of al ner productions, is between ner Brothers and Cosmop Corporation, which issues C politan pictures, including Marion Davies films.

The contract, which is a term arrangement, goes in fect January 1, 1935. The mopolitan offices then wi transferred to the Warner Burbank.

Miss Davies' first picture not yet been definitely chose it will be produced with the sonal supervision of Jack Wa who has several ideas in mi suit Miss Davies' talents.

Harry Warner telephoned diately after

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DETROIT EVENING TIMES

## WARNERS SIGN MARION DAVIES TO LONG CONTRACT

By Louella O. Parsons

Universal Service Motion Picture Editor

HOLLYWOOD, Nov. 1—By far the most important motion picture deal of the year, in fact in many years, was closed yesterday when Warner Brothers signed a contract with Marion Davies and all Cosmopolitan productions.

The contract, signed by Jack Warner, vice

several ideas in mind to suit Miss Davies' talents.

Harry Warner telephoned from New York immediately after papers were signed to express his gratification the deal had been closed to the mutual satisfaction of all. Warners have in the last year been particularly successful in their musical comedies.

They were the first to bring back musicals which have been outstanding box office successes all over the

selves fortunate in having obtained Marion Davies for a series of star productions and our aim and ambition will be to produce pictures with Miss Davies that will create even greater success for her than she has heretofore attained. In addition to Miss Davies' starring productions, we will also produce a series of Cosmopolitan productions."

Mr. Warner also said:

new arrangement with Warner Brothers. I am confident they will give me every co-operation in production of my pictures and that I shall have greater individual opportunity.

"I am leaving Metro-Goldwyn-Mayer with the kindliest feeling and appreciation of everything they have done for me. I have only the highest regard for the Metro executives, especially Mr.

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ary 1

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SAN ANTONIO LIGHT

## WARNERS WILL MAKE DAVIES PICTURES

By LOUELLA O. PARSONS

Motion Picture Editor, Universal Service.

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Six

THE ATLANTA GEORGIAN

## MARION DAVIES AND COSMOPOLITAN JOIN WARNER

Long-Term Contract to Go in Effect on January 1

By LOUELLA O. PARSONS,

Motion Picture Editor Universal Service.

HOLLYWOOD, Nov. 1—By far the most important

**Starting**

# JANUARY 1ST

**ALL COSMOPOLITAN PRODUCTIONS**

including the starring vehicles of

# MARION DAVIES

will be added to the other great properties already announced by

# WARNER BROS.

"ANTHONY ADVERSE"

IRENE DUNNE
"SWEET ADELINE"

PAUL MUNI
"BORDERTOWN"

RUDY VALLEE
"SWEET MUSIC"

MAX REINHARDT'S "A MID-SUMMER NIGHT'S DREAM"

"LAFAYETTE ESCADRILLE"

KAY FRANCIS
"LIVING ON VELVET"

"FLIRTATION WALK"

"GOLD DIGGERS OF 193

JOLSON & KEELER
"CASINO DE PAREE"

CAGNEY & O'BRIEN
"DEVIL DOGS OF THE A

PAUL MUNI in "BLACK HE

"CAPTAIN BLOOD"

EDWARD G. ROBINSON
"MONEY MAN"

# "We Live" Is $100,000 Hit At Music Hall

"We Live Again" turned out to be the big Broadway noise of the week, going to $100,000, one of those grosses that make the Music Hall ushers expand their chests until the buttons strain.

In spite of the crowds headed toward 6th Ave. and 50th St. "Transatlantic Merry-Go-Round" rolled up $35,000 in 10 days at the Rivoli and "Kansas City Princess" did very well at the Roxy with $32,500.

The Capitol had a quiet week with "Outcast Lady," getting only $28,500. "Amos 'n' Andy" were on the stage, too. "Mrs. Wiggs of the Cabbage Patch'" failed to strain the seating capacity of the Paramount. The take was $20,000.

Estimated takings:

*Week Ending Nov. 7:*

**"WE LIVE AGAIN" (U. A.)**

RADIO CITY MUSIC HALL—(5,945), 35c-$1.65, 7 days. Stage show. **Gross:** $100,000.

*Week Ending Nov. 8:*

**"OUTCAST LADY" (M-G-M)**

CAPITOL—(4,700), 35c-$1.65, 7 days. Stage: "Amos & Andy." **Gross:** $28,500.

**"MAN OF ARAN" (Gaumont-British)**

CRITERION—(886), 55c-$2.20, 3rd week, 7 days. **Gross:** $3,500.

**"NOW AND FOREVER" (Para.)**

PALACE—(2,500), 25c-75c, 7 days. Vaudeville. **Gross:** $12,000.

**MRS. WIGGS OF THE CABBAGE PATCH" (Para.)**

PARAMOUNT—(3,700), 35c-99c, 7 days. **Gross:** $20,000.

**"SIX-DAY BIKE RIDER" (Warners)**

RIALTO—(2,300), 25c-65c, 6 days. **Gross:** $9,500.

**"KANSAS CITY PRINCESS" (Warners)**

ROXY—(6,200), 25c-55c, 7 days. Stage show. **Gross:** $32,500.

**"ST. LOUIS KID" (Warners)**

STRAND—(2,000), 25c-55c, 7 days. **Gross:** $31,296.

*Week Ending Nov. 9:*

**"TRANSATLANTIC MERRY-GO-ROUND" (U. A.)**

RIVOLI—(2,300), 40c-99c, 10 days. **Gross:** $35,000.

*Week Ending Nov. 11:*

**"THE MERRY WIDOW" (M-G-M)**

ASTOR—(1,012), 55c-$2.20, 4th week, 7 days. **Gross:** $7,690.

*Week Ending Nov. 12:*

**"365 NIGHTS IN HOLLYWOOD" (Fox)**

MAYFAIR—(2,300), 35c-65c, 7 days. **Gross:** $9,700.

# "Widow" at $6,500 Indianapolis High

INDIANAPOLIS, Nov. 15. — "The Merry Widow" stood out in a dull week here, going to $6,500, over normal by $2,000, at the Palace.

"The Count of Monte Cristo" took $2,250 in a return engagement at the Apollo.

Total first run business was $23,250. Average is $25,000.

Estimated takings for the week ending Nov. 10:

**"THE COUNT OF MONTE CRISTO"**

APOLLO—(1,171), 25c-40c, 7 days. Return engagement. **Gross:** $2,250. (Average, $2,500)

**"THE CAPTAIN HATES THE SEA" (Col.)**

CIRCLE—(2,638), 25c-40c, 7 days. **Gross:** $3,000. (Average, $4,000)

**"THE AGE OF INNOCENCE" Radio)**

INDIANA—(3,133), 25c-40c, 7 days. **Gross:** $5,500. (Average, $7,000)

**"MARIE GALANTE" (Fox)**

LYRIC—(1,896), 25c-40c, 7 days. Vaudeville. **Gross:** $6,000. (Average, $7,000)

**"MERRY WIDOW" (M-G-M)**

PALACE—(2,431), 25c-40c, 7 days. **Gross:** $6,500. (Average, $4,500)

# "Missing" and "Dreams" Get Lead in L.A.

LOS ANGELES, Nov. 15.—Football and other outdoor sports again bumped grosses, but not as much as had been expected in view of recent low takes. A dual at the Pantages, "Among the Missing" and "Girl of My Dreams," topped par by $1,100 on a gross of $4,300.

"The Count of Monte Cristo" took $14,750 at the Chinese. "Six-Day Bike Rider" made a good showing at the RKO, $8,300, but it was weak at Warners' Hollywood on an $8,000 gross.

Total first run business was $70,050. Average is $69,200.

Estimated takings for the week ending Nov. 14:

**"THE COUNT OF MONTE CRISTO" (U. A.)**

CHINESE—(2,500), 30c-65c, 2nd week, 7 days. Stage: Sid Grauman's prologue, Raymond Paige and his orchestra. **Gross:** $14,750

**"MARIE GALANTE" (Fox)**

LOEW'S STATE—(2,413), 30c-55c, 7 days. **Gross:** $6,500. (Average, $14,000)

**"LIMEHOUSE BLUES" (Para.)**

PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Rube Wolf and his orchestra, Harriet Hoctor and her ballet revue. **Gross:** $17,500. (Average, $18,000)

**"SIX-DAY BIKE RIDER" (Warners)**

RKO—(2,700), 25c-65c, 7 days. **Gross:** $8,300. (Average, $8,000)

**"SIX-DAY BIKE RIDER" (Warners)**

WARNER BROS. (HOLLYWOOD) — (3,000), 25c-65c, 7 days. **Gross:** $8,000. (Average, $14,000)

**"KENTUCKY KERNELS" (Radio)**

WARNER BROS. (DOWNTOWN) — (3,400), 25c-40c, 7 days. Stage: Six acts vaudeville, Oscar Baum and his orchestra. **Gross:** $10,700. (Average, $12,000)

**"AMONG THE MISSING" (Col.)**
**"GIRL OF MY DREAMS" (Monogram)**

PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $4,300. (Average, $3,200)

# "Peck's Boy" Gets $8,000, Portland

PORTLAND, Nov. 15.—"Peck's Bad Boy" with the help of another excellent stage show grossed up to $8,000, or $3,000 over normal at the Paramount.

"Merry Widow" came up to average and held for a second week at United Artists.

"Wednesday's Child" plus stage show at Oriental had a take of $3,500, or but $500 over average.

Total first run business is $25,600. Average is $22,000.

Estimated takings for the week ending Nov. 9:

**"HAPPINESS AHEAD" (F. N.)**
**"HAVE A HEART" (Fox)**

BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $4,800. (Average, $5,000)

**"AFFAIRS OF CELLINI" (U. A.)**

ORIENTAL—(2,040), 25c, 7 days. **Gross:** $2,500. (Average, $2,000)

**"WEDNESDAY'S CHILD" (Radio)**

HAMRICK'S ORPHEUM—(1,700), 25c-35c-40c, 7 days. **Gross:** $3,500. (Average, $3,000)

**"GAY DIVORCEE" (Radio)**

MUSIC BOX—(1,000), 25c-35c, 7 days, 2nd week. **Gross:** $1,800. (Average, $2,000)

**"PECK'S BAD BOY" (Fox)**

PARAMOUNT—(3,008), 25c-35c-40c, 7 days. Stage show. **Gross:** $8,000. (Average, $5,000)

**"THE MERRY WIDOW" (M-G-M)**

UNITED ARTIST—(945), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

### *Cobb Versatile*

**Hollywood, Nov. 15.—Irvin Cobb, now writing an original for M-G-M, primarily designed for Will Rogers, is so flexible that in the event Rogers does not like it, the yarn will be assigned to Lionel Barrymore.**

**So pleased are the M-G-M executives that they are now talking long term contract with him as a writer. Should such a deal be consummated, it will automatically cancel his contract with Roach as an actor-writer.**

# "Widow" Tops Detroit with $13,900 Take

DETROIT, Nov. 15.—Practically the only important money here last week went to "The Merry Widow" at the United Artists. The gross was $13,900, over normal by $3,900.

Every other first run was away off, some as much as 60 per cent. The Fox, with "Age of Innocence," took only $5,200, under average by $9,800. Two of the big houses, the Fisher and State, had second run dual bills and the Broadway-Capitol had its first week of duals.

Total first run business was $54,200. Average is $75,000.

Estimated takings for the week ending Nov. 8:

**"ONE NIGHT OF LOVE" (Col.)**
**(Second Run)**

ADAMS—(1,770), 10c-25c-40c, 7 days. **Gross:** $3,200. (Average, $5,000)

**"WAGON WHEELS" (Para.)**
**"LEMON DROP KID" (Para.)**

BROADWAY-CAPITOL—(3,449), 15c-40c, 7 days. **Gross:** $5,000. (Average, $10,000)

**"BELLE OF THE NINETIES" (Para.)**
**"GIRL OF LIMBERLOST" (Monogram)**
**(Second Runs)**

FISHER—(2,975), 10c-30c-40c, 7 days. **Gross:** $6,100. (Average, $10,000)

**"AGE OF INNOCENCE" (Radio)**

FOX—(5,100), 15c-65c, including tax, 7 days. Stage: Al Trahan heading show. **Gross:** $5,200. (Average, $15,000)

**"PURSUIT OF HAPPINESS" (Para.)**

MICHIGAN—(4,100), 15c-65c, including tax, 7 days. Stage: Johnny Marvin heading show. **Gross:** $15,900. (Average, $20,000)

**"BELLE OF THE NINETIES" (Para.)**
**"GIRL OF THE LIMBERLOST" (Monogram)**
**(Second Runs)**

STATE—(3,000), 10c-35c, 7 days. **Gross:** $4,900. (Average, $5,000).

**"THE MERRY WIDOW" (M-G-M)**

UNITED ARTISTS—(2,070), 25c-50c, 7 days. **Gross:** $13,900. (Average, $10,000)

## *Ohio's Legislature Called on Sales Tax*

COLUMBUS, Nov. 15.—Governor White has called the General Assembly in special session Nov. 19, to act on a sales tax, since the state requires approximately $85,000,000 to help balance municipal budgets, and care for poor relief and school budgets. If the measure is not passed now, it is expected the new General Assembly which convenes Jan. 3 will enact it, because schools in many districts have closed, or are preparing to close soon, and municipalities are threatening to curtail police and fire departments because of lack of funds. The Ohio Merchants' Ass'n., heretofore opposed to the tax, now favors it with changes.

# "Widow" Hits Washington's Top, $20,000

WASHINGTON, Nov. 15.—Most of the theatre excitement in this section was stirred by "The Merry Widow" last week. It ran up to $20,000, over normal at Loew's Palace by $5,500.

"One Night of Love" was still in the big money in the third week of a return engagement, going over par by $1,900 at the Metropolitan. Business elsewhere was weak.

Total first run business was $71,200. Average is $71,200.

Estimated takings, exclusive of tax, for the week ending Nov. 8:

**"HAPPINESS AHEAD" (Warners)**

EARLE—(2,218), 25c-77c, 7 days. Stage: "Sidewalk Cafe Revue" with Benny Ross, m. c., Charon Decries, Wheeler Twins, Jimmy Savo, Maxine Stone, Harold Boyd & Bouncers. **Gross:** $17,000. (Average, $17,600)

**"LOVE TIME" (Fox)**

LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days. **Gross:** $2,200. (Average, $3,100)

**"TRANSATLANTIC MERRY-GO-ROUND" (U. A.)**

LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Mario & Florio, Barbara Jason, Janet May, Jack Denny & Orchestra. **Gross:** $19,000. (Average, $20,500)

**"THE MERRY WIDOW" (M-G-M)**

LOEW'S PALACE—(2,370), 35c-77c, 7 days. **Gross:** $20,000. (Average, $14,500)

**"ONE NIGHT OF LOVE" (Col.)**

METROPOLITAN—(1,591), 25c-40c, 7 days, return engagement, 3rd week. **Gross:** $6,000. (Average, $4,100)

**"GIFT OF GAB" (Univ.)**

RKO-KEITH'S—(1,836), 25c-55c, 5 days. **Gross:** $3,500. (Average, $11,400)

**"LADY BY CHOICE" (Col.)**

RKO-KEITH'S—Two days, to complete week of above. "La Cucaracha" added. **Gross:** $3,500.

## *Buffalo to Depend On Legion Ratings*

BUFFALO, Nov. 15.—No intention to follow the lead of Warners in Philadelphia, whereby films are designated as for family or adult audiences, is contemplated by Buffalo Theatres, Inc., only circuit operating first run houses here. Schine and the Basil Bros. have only second run houses and do not figure much in the advertising.

The attitude here seems to be that such selectivity would be a constant breeder of headaches. The Buffalo council, Catholic Legion of Decency, each week issues a list of approved first run pictures, classified as for adult or family audiences.

Because of the cooperative attitude of Dr. Edward S. Schwegler, diocesan director of the Legion, theatres generally prefer to abide by his selections.

## *Expect New Ohio Censor*

COLUMBUS, Nov. 15.—Few official announcements have been made by Governor-elect Davey as to the new state setup, but it is believed that Joseph Fichter, assistant state director of education, will be promoted to state director, to succeed Dr. Beverly O. Skinner. The state director is ex-officio head of the censor board.

## *Start Family Shows*

SALT LAKE CITY, Nov. 15.—Weekly family shows have been started at the Capitol. The Salt Lake City Parent-Teachers' Council is sponsoring the programs and Perry Rockwood, state chairman, is supervising the children each week.

# "Widow" Gets Big $19,000, Kansas City

Kansas City, Nov. 15.—"The Merry Widow" was the picture of the week, ringing up $19,000 at the Midland, a gross which recalled old times. "Big Hearted Herbert," with Guy Kibbee exploited as a former local stock favorite, gave the Tower a good seven days with $7,900.

"Judge Priest" box-office activity at the Uptown was strong to the last day of the extended run, the take of the third and last week being $4,600.

Attendance of several thousand visitors at a state teachers' convention helped downtown showshops.

Total first run business was $43,300. Average is $35,300.

Estimated takings:

*Week Ending Nov. 7:*

**"THE CASE OF THE HOWLING DOG" (Warners)**

NEWMAN—(1,800), 25c-40c, 6 days, plus Saturday midnight show. **Gross:** $3,800. (Average, 6 days, $5,800.)

*Week Ending Nov. 8:*

**"SIX-DAY BIKE RIDER" (F. N.)**

MAINSTREET—(3,100), 25c-35c-45c (plus tax), 7 days, plus Saturday late show. Stage: Polly Moran, Hal Sherman, Radio Ramblers, Great Gretonas, Grace Edler & Reed Bros. **Goss:** $8,000. (Average, $9,000.)

**"THE MERRY WIDOW" (M-G-M)**

MIDLAND—(4,000), 25c-40c, 7 days, plus Saturday midnight show. **Gross:** $19,000. (Average, $10,000.)

**"BIG HEARTED HERBERT" (Warners)**

TOWER—(2,200), 25c-35c, 7 days, plus Saturday midnight show. Stage: "Tunetown" revue, with Bob Hall, Ray & Harrison, La Belle Pola, Madie & Ray, Forbes & Lundell, Paul Spor, m. c. **Gross:** $7,900. (Average, $7,000.)

**"JUDGE PRIEST" (Fox)**

UPTOWN—(2,000), 25c-40c, 7 days, 3rd week. **Gross:** $4,600. (Average, $3,500.)

# "Chu Chin" Pulls $9,000, Montreal

Montreal, Nov. 15.—Theatres had it pretty much their own way last week, sport competition being at its weakest. The relative leader was "Chu Chin Chow" at the Princess which went to $9,000, or 50 per cent above par, and was held over.

"The Dragon Murder Case" and a girl show on the stage brought $12,000 to Loew's while "British Agent" hit $11,500 at the Palace, both being above average at the box-office.

Total business was $41,000. Average is $37,000.

Estimated takings for the week ending Nov. 10:

**"MRS. WIGGS OF THE CABBAGE PATCH" (Para.)**

**"GIFT OF GAB" (Univ.)**

CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $8,500. (Average, $9,500.)

**"THE DRAGON MURDER CASE" (F. N.)**

LOEW'S—(3,115), 30c-40c-45c-57c-75c, 7 days. Stage: Anatol's "Affairs of 1935," with Harry Rose. **Gross:** $12,000. (Average, $10,500,)

**"BRITISH AGENT" (F. N.)**

**"DESIRABLE" (Warners)**

PALACE—(2,600), 34c-40c-50c-60c-75c, 7 days. **Gross:** $11,500. (Average, $11,000.)

**"CHU CHIN CHOW" (British)**

**"CUCKOO IN THE NEST" (British)**

PRINCESS—(2,272), 30c-35c-50c-65c, 7 days. **Gross:** $9,000. (Average, $6,000).

## Brent Opposite Francis

Hollywood, Nov. 15.—George Brent annexes the chief role opposite Kay Francis in "Living on Velvet," which Warners is producing. The film has started, Frank Borzage directing.

# Variety Club Chatter

## Cincinnati

Cincinnati, Nov. 15.—Thirty-five barkerettes attended the first ladies' day at the local club under sponsorship of the three queens for the day, Priscilla (Mrs. Allen) Moritz, Ann (Mrs. Maurice) White and Betty (Mrs. Ralph) Kinsler. Bridge and keno were the pastimes. The club is to be placed at the disposal of the women each Wednesday afternoon until 5 P. M.

The first annual dance and frolic, scheduled for mid-November, has been postponed until after the first of the year.

P. J. Wood, member of Tent No. 2, was a visitor.

At Monday's meeting King for the Day Nelson Trowbridge supplied some internationally known talent. A club luncheon in the Netherland-Plaza Frontier Room preceded the meeting.

## Cleveland

Cleveland, Nov. 15.—The first annual banquet and ball of the local Variety Club drew 700 guests. President Frank Drew and the directors met the guests attired in their official "barker" costumes of red coats and top hats.

During the banquet some 40 acts were presented, representing practically every night club in the city, as well as members of the cast of "As Thousands Cheer." The floor entertainment started at 10:30 and was continuous until 3 A. M. Nat Wolf, Warner zone manager, was in charge.

Waiters wore different costumes with each course and marched in in file to appropriate music furnished by Maurice Spitalny, Angelo Vitale and Mike Speciale. With the fish course they wore slickers and rain hats. Wild west costumes accompanied the meat course.

As the guests entered, each woman received a corsage of gardenias, and each man a white carnation.

In addition to the hundreds of guests from Cleveland, there were delegations from all surrounding Variety Clubs. Duke Clark headed a party of 30 from Columbus. Jack Flinn brought 30 from Detroit. Dave Miller had 10 in his party from Buffalo. Allan Moritz headed the Cincinnati gang of 10 and from Pittsburgh came John Harris, national Variety Club president; Harry Kalmine, chief barker and 10 of their members.

Nat Holt, RKO division manager, was general chairman.

## Detroit

Detroit, Nov. 15.—Variety Club started keno, bridge and pitch Nov. 10 and every Saturday evening through the winter.

Other events are being planned for winter evenings.

## Washington

Washington, Nov. 15.—Tent No. 11 went international last week when Edward Heiber and Robert J. Folliard, the kings for a day, staged an Italian luncheon, replete with red checkered tablecloths and the fixings.

In keeping with the menu, the entertainment was also Italian, with Italian artists headed by Jimmy Savo. Larry Elliott, CBS announcer, acted as master of ceremonies.

Variety also took on the aspect of a high court of law, when John J. Payette was brought before the bar of Justice to answer for high crimes, misdemeanors and other infractions, chief and most heinous offense being his resignation as chief barker. Barker Payette pleaded guilty to the long list—three pages long—of violations read by A. Julian Brylawski, "clerk of the court." The sentence handed down by "Judge" Rudolph Berger, following the presentation of a portable bar to the defendant, was that Malefactor Payette should for the next 50 years serve only good drinks.

Tent No. 11 has suffered its first casualty in its membership rolls with the transfer of Joseph J. Oulahan to Cincinnati where he becomes branch manager for Paramount.

## Gets Majestic Franchise

Cleveland, Nov. 15.—Nate Schultz, president of Selected Pictures, has taken over from Morris Segal the Majestic franchise for northern Ohio. He will release the product under the firm name of Majestic Film Exchange, Inc.

Segal, original Majestic franchise owner for Ohio and Kentucky, has sold the Kentucky right to Lee Goldberg of Big Feature Rights, Louisville. He is keeping the franchise for southern Ohio.

## May Roadshow 'Sequoia'

Hollywood, Nov. 15. — M-G-M's "Sequoia," which has been two years in the making under the direction of Chester Franklin, is thought good enough by studio heads to roadshow. Following a preview last week, the studio rushed the film to New York for an opening. No local release has yet been planned. The picture is an outdoor drama featuring Jean Parker and revolving around a lion cub and a fawn.

## Eagles on G. B. Publicity

Hollywood, Nov. 15. — Harry Eagles, for many years associated with Herman Wobber in San Francisco, is here at the Fox exchange to handle coast publicity for Gaumont British. His first bid to put G. B. in the papers here will be the staging of a preview of "Chu Chin Chow" at the Ambassador Hotel theatre.

## Newman, Jr., to Marry

Seattle, Nov. 15.—Frank L. Newman, Jr., will marry Carolyn Lang of Portland in January.

Newman is the son of F. L. Newman, executive head of Evergreen State Theatres, Inc. He is at present managing the Paramount in Portland.

## A. H. Blank Takes Rest

Kansas City, Nov. 15.—A. H. Blank, Des Moines circuit operator, has been taking the rest cure at Excelsior Springs, Mo., near here. Friends from Kansas City are frequent visitors.

# "Divorcee" Is Big 2nd Week Frisco Draw

San Francisco, Nov. 15.—For the second week "The Gay Divorcee" set the pace here by garnering $16,000 at the Golden Gate. This is $3,000 over a first week average.

The only other important attraction in town from the box-office standpoint was "The Merry Widow" which took $24,000, up by $1,000, at the Warfield. A dual bill, "Madame Du Barry" and "Gambling," took a par $11,000 at the Paramount.

Total first run business was $82,000. Average is $83,000.

Estimated takings:

*Week Ending Nov. 6:*

**"THE GAY DIVORCEE" (Radio)**

GOLDEN GATE—(2,800), 25c-35c-40c, 7 days, 2nd week Stage: Band. **Gross:** $16,000. (Average, $13,000)

*Week Ending Nov. 7:*

**"WAGON WHEELS" (Para.)**

**"FIREBIRD" (Warners)**

FOX—(4,600), 15c-30c-40c, 7 days. **Gross:** $10,000. (Average, $11,000)

**"MADAME DU BARRY" (Warners)**

**"GAMBLING" (Para.)**

PARAMOUNT—(2,670), 25c-35c-55c-65c, 7 days. **Gross:** $11,000. (Average, $11,000)

**"THE MERRY WIDOW" (M-G-M)**

WARFIELD—(2,700), 25c-35c-55c-65c, 7 days, 2nd week. **Gross:** $24,000. (Average, $23,000)

*Week Ending Nov. 8:*

**"GIFT OF GAB" (Univ.)**

**"DUDE RANGERS" (Fox)**

ORPHEUM—(3,000), 15c-30c-35c-40c, 7 days. **Gross:** $8,000. (Average, $9,000)

**"BARRETTS OF WIMPOLE STREET" (M-G-M)**

ST. FRANCIS—(1,400), 15c-35c-55c, 7 days. **Gross:** $7,000. (Average, $8,000)

**"THE LAST GENTLEMAN" (U. A.)**

UNITED ARTISTS—(1,200), 15c-35c-55c, 7 days, 2nd week. **Gross:** $6,000. (Average, $8,000)

# "Love" Third Week Grosser in Denver

Denver, Nov. 15.—"One Night of Love" is the first picture here to play three first run houses in three weeks, and even in the third week in the third house it took $2,400, over normal by $400. The house was the Paramount.

The musical started at the Denver and was then switched to the Aladdin.

Total first run business was $22,150. Average is $20,500.

Estimated takings for the week ending Nov. 8:

**"WHOM THE GODS DESTROY" (Col.)**

ALADDIN—(1,500), 25c-35c-50c, 7 days. **Gross:** $2,500. (Average, $2,500)

**"MENACE" (Para.)**

DENHAM—(1,500), 25c-35c-50c, 7 days. **Gross:** $3,750. (Average, $4,000)

**"LADY BY CHOICE" (Col.)**

ORPHEUM—(2,600), 25c-35c-50c, 7 days. **Gross:** $6,000. (Average, $6,000)

**"MARIE GALANTE" (Fox)**

DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $7,500. (Average, $6,000)

**"BLIND DATE" (Col.)**

PARAMOUNT—(2,000), 25c-40c, 3 days. **Gross:** $600.

**"ONE NIGHT OF LOVE" (Col.)**

(Second Run)

PARAMOUNT—(2,000), 25c-40c, 4 days. **Gross:** $2,400. (Average for week, $2,000)

## Assign Dorothy Arzner

Hollywood, Nov. 15.—Dorothy Arzner's first assignment as a Columbia producer will be "Maid of Honor," a best-seller by Katherine Brush. No cast has yet been set.

*Now creating a sensation in "Marie Galante"*

*May Tinée*

**"discovers"**

# KETTI GALLIAN

**for the Chicago Tribune's 771,190 circulation:**

"Slim Ketti is an electric, lovable personality. She is clever, spontaneous, intuitive, and mighty pretty. Emotionally facile, she slips from gayety to fear, to sadness believably and appealingly. She has the faculty of expressing much with hands and eyes. A real find, this newcomer."

**FOX**

*"Time" magazine, too, alert to new important personalities, sings her praises: "Ketti Gallian has a quick charm and an informal blonde beauty."*

## Richards Remains As Saenger's Head

(*Continued from page* 1)

was followed with approval by the reorganization committees at a later meeting.

As also designated in the original Saenger reorganization plan, which was published exclusively in MOTION PICTURE DAILY of June 7, Richards will acquire 50 per cent of the outstanding stock of the new Saenger company. The original plan, however, stipulated that Richards was to receive all of the Class A and Paramount all of the Class B. The new agreement shuffles the voting and income stock in Paramount's favor but still gives Richards a 50 per cent interest, it is understood.

The agreement completes the Saenger reorganization plan which will now be speeded to the courts in the hope of effecting the reorganization prior to Jan. 1, as contemplated in the original plan which stipulated that if the plan were not in effect by that date it would be considered to have been abandoned.

## *Objections Made to Allied Owners Plan*

(*Continued from page* 1)

securities aggregating $400,000, presented the protest and asked for a delay. He was warned that a series of adjournments would put completion of the plan back beyond Dec. 31.

Most of the hearing was devoted to questioning of William N. Greve, president. The special master interrupted and declared that the questioning was covering ground previously examined and that the attorneys could find their information in a transcript of the testimony.

The proposed reorganization is under Section 77B of the new bankruptcy laws, and it is understood that Loew's, Inc., will not extend its offer for some houses involved beyond the end of the year.

Allied was formed as a financing organization and has interests in the Brooklyn Paramount, Loew's Kings, Loew's Pitkin, Loew's Valencia, and other houses in Birmingham, Fremont, O., and Glens Falls, N. Y.

## *Transfer Five Ohio Spots to Para. Unit*

(*Continued from page* 1)

Palace and Rialto at Hamilton, and the Paramount and Strand at Middletown, by the Taft estate, owners.

Harry L. Royster was elected vice-president and general manager of the new operating company for the five houses. B. Fields, of counsel for the Paramount Publix trustees, represented the lessor in the conclusive transactions. The transfer is in accordance with the plan of settlement of the Taft estate's claims against Paramount Publix arising out of bond and lease guaranties. The settlement plan was approved by the Federal court in New York some time ago.

## *Smith Goes to Frisco*

CINCINNATI, Nov. 15. — George Smith, manager of the Paramount branch, has been transferred to the San Francisco office. Joseph Oulahan comes here from Washington, D. C., as Smith's successor.

## *Brisbane Pays High Honor to Pickford*

Arthur Brisbane yesterday paid tribute to Mary Pickford at the Ampa. Miss Pickford has been named honorary president of the women's division of the association. Brisbane stated "Miss Pickford typifies American womanhood and is a credit to the industry."

The famous editorial writer struck a humorous note when he revealed that upon his arrival at the M. P. Club he was given a speech written by one of the publicity men. He said: "That's the way some of the bosses in the film industry make speeches, but I dictated mine to a dictagraph, which I have in my car, on my way down to business this morning." Brisbane presented Miss Pickford with a scroll of life membership to the Ampa.

In accepting the scroll, Miss Pickford said:

"It's a happy day and a joyous occasion when I find myself among my own people. Today is no exception. I find my words sticking in my throat as I try to tell you how much I am moved by this happy occasion. Radio and the stage can never take the place pictures hold in my heart."

Other guests at the meeting included Eddie Rickenbacker, Clarence Brown, Frank Buck, Benita Hume, Nick Lucas, Sir Gerald Campbell, Uncle Don and Harry Hershfield Charles C. Pettijohn was guest chairman.

## *BIP Has 12 on Its Lineup; 5 in Work*

LONDON, Nov. 15.—Twelve features are in the lineup of B. I. P. for the coming season, according to John Maxwell, company head. Production supervision will be handled by Walter Mycroft.

Five pictures are already in work. These are "Abdul Hamid," "The Old Curiosity Shop," "Dandy Dick," "McGlusky, the Sea Rover" and "Radio Parade of 1935," part of which will be done in color.

The other seven proposed are "Drake of England," "La Boheme," "The DuBarry," "Dance Band," "Blackbirds of 1935," a picture untitled but starring Henry Hall and his B. B. C. Dance Orchestra, and "Invitation to the Dance."

## *Grant to Run M. P. Office*

HOLLYWOOD, Nov. 15.—Jack Grant has moved in as head of the Hollywood office of Motion Picture Publications. Dorothy Donnell will remain as western editor under the supervision of Grant, who is also personal representative for Stanley V. Gibson, the publisher.

Grant's first move was to call a meeting with producers to iron out difficulties which have placed *Motion Picture* and *Motion Picture Classic* on the studio black list.

## *Lisbon Giveaways Hit*

CLEVELAND, Nov. 15.—The grievance board has issued a cease and desist order to George Manos, Lisbon, upon complaint of Robert Madigan, Opera House, Lisbon, against "Farm Nights."

The board dismissed a complaint of Manos against Madigan, charging reduced admissions.

## *Settlements End 4 Neb. Theatre Suits*

LINCOLN, Neb., Nov. 15.—Settlements have been made in four suits against 13 distributing agencies in Nebraska. The suits, filed in Federal district court here, asked damages aggregating $217,500.

The plaintiffs were Clarence J. Kremer, Stanton, who sought $62,500; C. N. Robinson, Blair, $52,500; Eric Wesselman, Pierce, $61,500; and G. G. Griffin, Plattsmouth, $42,000.

Defendants were Omaha Film Board of Trade, Paramount Publix Corp., First National Pictures Distributing Corp., M-G-M Distributing Corp., Universal Film Exchanges, Inc., Fox Film Corp., United Artists Corp., RKO-Pathe Distributing Corp., Vitaphone Distributing Corp., M. P. P. D. A., Publix Theatres Corp., and Publix-Nebraska, Inc.

Paul F. Good, attorney for the plaintiffs, revealed the settlement was $20,000, Wesselman and Robinson each receiving $6,000 and Griffin and Kremer $5,000 each.

The actions were brought on grounds similar to those in the noted Youngclaus case—allegations being made that small theatres were forced by the defendants to give protection to larger theatres. This protection, it was charged, forced the small theatre owners to show second run pictures at a loss in revenue.

## *Appeals Committee Hears K. C. Charges*

While George J. Schaefer and Edward Golden were on their way to Kansas City yesterday to straighten out the clearance and zoning schedule, a special Campi appeal committee, comprising Charles L. O'Reilly, Joseph Seider and Harry H. Buxbaum heard four grievance complaints against exhibitors in that territory involving reduced admissions.

The cases were: Mrs. A. Baier, Lindberg, Kansas City, against J. F. Rigney, Westport, same city; Ritz, Chillicothe, O., against Glen Dickinson, Dickinson, same city; Clyde B. McAleer, Orpheum, Parsons, Kan., against Dickinson's Uptown, same city; C. A. Schultz, Strand, Creston, Ia., against Glen Dickinson, Dickinson, same city.

### Johnston to Confer

KANSAS CITY, Nov. 15.—W. Ray Johnston arrived here from the coast today and tomorrow will meet Edward Golden, who arrives from New York with George J. Schaefer on local clearance and zoning matters. Johnston and Golden will confer on Monogram sales and production plans and leave here Saturday for New York.

Golden today was in Chicago conferring with Irving Mandel of Security Pictures, Monogram franchise holder.

## *New Buying Charge Made Against Reade*

Another overbuying complaint has been filed against Walter Reade in New Jersey. This time Sidney Samuelson, president of Allied of New Jersey, filed a protest for Joseph Sicardi of the Liberty, Plainfield, claiming that Reade overbought for his Strand, Oxford and Paramount in the same city.

Hearing is set for next Tuesday.

## *Short Subjects*

### *"Rhapsody in Steel"*

(*Al Bondy*)

This short subject, produced by Audio Prod., is a distinct novelty and one that should create comment no matter where played. It's a commercial film, one that takes the audience through every step in the manufacture of a Ford automobile, but the photography is so unique and striking that this phase of the picture alone is enough to make it stand out.

Every process in the manufacturing of the car is covered in detail from the forging of the steel, the stamping of the various parts and assembling them down to the final polishing of the finished product.

As novelty entertainment this is highly recommended. No code seal. Running time, 15 mins. Classification: "G."

### *What Symbols Mean*

**The "G" symbol indicates general entertainment.**

**The "A" symbol indicates adult entertainment.**

### *"Done in Oil"*

(*Roach-M-G-M*)

Thelma Todd and Patsy Kelly, aided by Arthur Housman, Eddie Conrad and Leo White, here combine to produce an amusing short. Miss Todd and particularly Miss Kelly resort less to slapstick here than in any of their previous comedies and the results are much more favorable. The dialogue is appropriate and the situations and entire story novel. Code seal, No. 218. Running time, 20 mins. Classification: "G."

### *"The Big Mouthpiece"*

(*Radio*)

The title fully explains this one. It is very talkative, but not very entertaining. Chick Chandler, as a fledgling lawyer that loves the sound of his own voice, monopolizes the picture and fails to click here as a comedian. Tom Kennedy and Jeanie Roberts are also in the cast. Code seal, No. 213. Running time, 20 mins. Classification: "G."

### *"Rugby"*

(*M-G-M*)

With off-screen comments by Pete Smith, this short explains the game of rugby. It should interest those audiences who are sport-minded, but its appeal to the general type of theatregoer is doubtful. Its subject matter is too little known. Code seal, No. 175. Running time, 10 mins. Classification: "G."

## *Charter March of Time*

ALBANY, Nov. 15.—March of Time, Inc., New York City, has been chartered with capital of 200 shares non-par value stock to deal in films. Henry C. Walter, Jr., Gilbert W. Oswald and Keith T. Middleton are directors and subscribers. Cravath De Gersdorff, Swaine & Wood, are attorneys for the corporation.

## *"Waltz Time" to Open*

"Waltz Time in Vienna," musical produced in Austria by Ludwig Berger, will open tomorrow for a run at the 55th St. Playhouse.

N. L. NATHANSON

Operates
153 theatres,
spends upward
of $3,000,000
annually for film.
He reads

**MOTION PICTURE DAILY**

The Industry Buying Power Reads
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IN

# "Evensong"

OPENING TODAY · ROXY

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The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

OL. 36. NO. 119 NEW YORK, MONDAY, NOVEMBER 19, 1934 TEN CENTS

## Agreement on Eight of Para. Directors Set

### Names Will Be in Plan To Go Before Court

Agreement on candidates for the rst board of directors of reorganized aramount which, at the outset, will umber eight or nine of a projected omplete membership of 12 or 14, virıally has been agreed upon in eorganization circles.

Those about whose candidacy there ow remains but little doubt are: dolph Zukor and George J. Schaefer, f Paramount; Frank A. Vanderlip nd Dr. Julius Klein, of the Vanderp bondholders' protective committee; uncan A. Holmes and Maurice Newon, of the Holmes stockholders' proective committee, and Percy Johnson and George W. Davison, of the aramount bank creditors' group. ewton is associated with Hallgarten

(Continued on page 6)

## Erpi Para. Claim Set at $1,200,000

Settlement of Erpi's $1,884,000 claim gainst Paramount Publix, agreed to ecently by the Paramount trustees nd scheduled for immediate filing ith the Federal district court, proides for a $1,200,000 consideration to rpi and the issuance to Paramount of

(Continued on page 6)

## No Rialto Change Is Expected for a Year

Although new interests have bought nto the Rialto Theatre and building, o new structure, if any, will be rected to replace the present playouse until Nov. 1, 1935.

Arthur Mayer, operating for Paraıount for the last year and a half,

(Continued on page 4)

### Now Up to Members

**Hollywood, Nov. 18.—Directors of the Screen Actors' Guild yesterday approved the agreement under which the organization will receive a charter from the Associated Actors and Artistes of America giving it full union jurisdiction over the picture field. Ballots are now being mailed to the approximately 500 class A members for ratification.**

# 10,263 Houses Grossed $414,468,000 in 1933

## $93,907,000 N. Y. Theatres' Take in '33, Bureau Says

WASHINGTON, Nov. 18.—Nearly 25 per cent of the nation's theatre business is centered in the State of New York, where 879 theatres last year had total box-office receipts of $93,907,000, it was announced tonight by the U. S. Census Bureau.

The bureau's study showed 820 picture houses with receipts of $85,150,000 and payrolls of $17,686,000; 29 picture and vaudeville theatres with receipts of $4,850,000 and payrolls of $1,640,000, and 30 degitimate theatres and operas with receipts of $3,907,000 and payrolls of $1,454,000.

Nearly half of all the houses in the state are located in the City of New York, where 424 houses took in $70,360,000 on payrolls of $16,113,000. The bureau counted 382 picture theatres with receipts of $63,882,000 and payrolls of $13,595,000; 13 picture and vaudeville with receipts of $2,578,000 and payrolls of $1,069,000, and 29 legitimate houses with receipts of $3,900,000 and payrolls of $1,449,000.

A breakdown of the city figures shows that Manhattan had 144 picture

(Continued on page 5)

## Loew's 1934 Profit Up to $7,479,897

Net profits of Loew's, Inc., and wholly owned subsidiaries for the fiscal year ending Aug. 31 were nearly double those for the previous year. The total, after interest, depreciation and Federal taxes, was $7,479,897.41. For the previous year they were $4,034,289.

This year's figure, an increase of $3,445,608.41, brings the net almost back to the 1932 level of $7,961,314 and is more than half of the five-year record of $14,600,332 set in 1930.

Earned surplus for the year ending in August is given as $37,667,062.66, a gain of $3,966,740.66 over the previous year.

Gross income for the current year,

(Continued on page 5)

## Pathe 39-Week Net Totals $78,165.13

Pathe Exchange, Inc., made a net profit of $78,165.13 during the 39 weeks ending Sept. 29 and cut its deficit by that amount, according to

(Continued on page 5)

## Sale of FWC Up Today for McNabb O. K.

LOS ANGELES, Nov. 18.—Referee S. W. McNabb will act tomorrow on the petition of National Theatres Corp., which on Nov. 8 bid $14,782,722 for the assets of Fox West Coast Theatres. The sale tomorrow is private and the bid is expected to be accepted without delay.

According to the petition, National will pay 100 cents on the dollar to creditors of claims totaling the amount of the bid. The circuit is said to be in fine operating shape.

Although they are agreed on the terms of their 10-year joint contract, Spyros and Charles Skouras have not yet signed the pact. It is said that they do not agree to the form involved,

(Continued on page 6)

## Rosenblatt May Get NRA Compliance Job

WASHINGTON, Nov. 18.—The elevation of Division Administrator Sol A. Rosenblatt to director of compliance for the NRA is reported in

(Continued on page 5)

## 9,499 Straight Picture Theatres Did Bulk of $356,316,000

**The business chart of the nation's theatres in 1933 appears in full detail on page 4.**

By CLARENCE LINZ

WASHINGTON, Nov. 18.—A total of 10,263 theatres with box-office receipts last year of $414,468,000 have been counted throughout the United States by the U. S. Census Bureau, it made public tonight.

Of the total 9,499 were motion picture houses with receipts of $356,316,000 and 642 were picture and vaudeville houses with receipts of $49,541,000. Legitimate theatres numbered but 122 and their receipts were but $8,611,000, or slightly more than two per cent of the total national box-office parade.

Nearly 80 cents out of every dollar spent for amusement goes into the box-office of theatres showing motion pictures, analysis of the bureau's figures disclosed. Total expenditures last year for all amusements, including theatres, races, bowling and billiards, etc., were placed at $519,497,000.

Slightly more than one-fourth of all theatre receipts are taken by the houses in the seven largest cities, it

(Continued on page 4)

## Cleveland 10-Cent Rate to Be Argued

CLEVELAND, Nov. 18.—To discuss the growing prevalence of slashing admission prices at local subsequent runs, the Cleveland M. P. Exhibitors' Ass'n has called a general meeting for Wednesday. Non-members in the Greater Cleveland area have been invited.

First run and first run neighbor-

(Continued on page 5)

### Organizing

**Checkers of the various Broadway houses are planning to hold daily meetings along the Main Stem to exchange news.**

**As it stands, the spotters know each other by sight and do their talking informally.**

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

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## Columbia Lines Up Exploitation Staff

Columbia has decided to put on additional exploiteers to work on "Broadway Bill" key center opening dates, following a two-day eastern managers' session at the St. Moritz. Among the exploiteers are John Curran, Boston; Fred Marshall, Philadelphia; Harold Harris, Cincinnati; Jack Thoma, Chicago; Ted Toddy, Atlanta; Mike Roth, Kansas City; Mike Newman, Los Angeles; Jean Finley, Dallas; Eddie Meck, Los Angeles.

A special trade showing will be held at the Astor on Wednesday. The conventioneers saw the picture Saturday before leaving for their respective territories. Attending the conclave were: Abe Montague, Joe McConville, Rube Jackter, Louis Weinberg, Lou Astor, J. W. McFarland, Abe Schneider and Herschel Stuart of the home office; I. H. Rogovin, New Haven; T. F. O'Toole, Boston; C. N. Johnson, Albany; H. E. Weiner, Philadelphia; S. A. Galanty, Washington; A. H. Levy, Pittsburgh; Joe Miller, Buffalo; Nat Cohn and Edward Schnitzer, New York; A. S. Moritz, Cleveland; C. H. Schalit, Detroit; M. Solomon, Indianapolis.

## Cohn Back Wednesday

Jack Cohn, vice-president of Columbia, arrives Wednesday aboard the *Conte de Savoia.*

# Insiders' Outlook

MUCH of significance in the attitude of the Catholic Church toward films is embodied in the two statements issued by the general conference of its bishops in Washington late Friday night. For instance, the failure of that conference to agree on the boycott question, with Cardinal Dougherty, whose purple wields an influence of force in the Philadelphia diocese, stands out in several respects. The bishops, you understand, did not in so many words declare they disagreed with the Philadelphia ban which has created serious theatre disturbance in that section, yet their conclusions inevitably point out that they did. . . .

▼

Little comfort for the industry is offered in the text of the published statements of warning and indicated action. The bishops made it very clear that a national boycott, duration one week at least, impends if the industry's pledge to the Legion of Decency to "maintain decent standards in production" is not observed to the hilt. Yet comfort of a sort there is in their attitude. The hierarchy warned, it is true, but it also left the road open, predicated on the small, but big, word "if." The industry, once again, therefore, cannot plead ignorance. It has been told where it stands and this is it: If decent standards, appraised through Catholic eyes, are not maintained, the penalty will be theatre abstinence by church members. . . .

▼

From the statements, republished because of their clarity, intent and scope:

> "No group of men are less inclined than the Catholic bishops to interfere with legitimate amusements, or, in these times of trial and uncertainty, to deprive people of any pleasure that may bring joy into their lives. . . . The campaign against the crimes and transgressions of the makers of moving pictures has been undertaken with no other purpose than to show that a clear line must be drawn between what is elevating and instructive and what is debasing and degrading. . . . If every community continues to insist that only clean pictures be shown, the producers will not find it profitable to return to their old ways of exploiting the weakness of human nature." . . .

▼

Casting all doubts to the wind, if there were any, about a reorganized Paramount as it has to do with one Adolph Zukor comes the sweeping, late-last-week statement from Trustees Richardson, Hilles and Leake. Listen to part of what they had to say:

> "At no time has there been any . . . clash or difference, either in purpose or method, between Mr. Zukor and the trustees. . . . The trustees . . . have found themselves in full and harmonious accord with him in . . . policies. . . . The trustees . . . recognize his great value and importance to Paramount and they are confident that all who are interested in the welfare of Paramount and are familiar with its affairs also know Mr. Zukor's record and recognize his great value to the enterprise." . . .

▼

To contemplate Paramount, as it stands or as it may be reorganized, without Zukor's participation would be to walk out on much of the tradition of the industry. To many in many quarters, Zukor continues to be Paramount, and Paramount, Zukor. The available record on attempted operation of any large film company by simonpure bankers alone could be tinged with far more accomplishment. The peculiar complexities of this business, its frequent resistance — apparently inherent—to treatment applied to other enterprises in other fields by this time should be so familiar a story that efforts at widely changing the routine would seem most effective by not trying at all. Zukor played a monumental part in building up Paramount over a long period of years. No reason occurs to believe he cannot play a similarly vital part in the rehabilitation process as well. . . .

▼

Explaining away, maybe, the Dave Selznick-"Jock" Whitney reports, fulminating mostly on the coast: Whitney describes Dave as "one of his best friends" and "one of the best of producers." He also maintains his interest goes no further; that he has no intention "at present" of financing Selznick. By February 1, however, it may be a different story. One of those nine Technicolors Whitney has in mind is "Dark Victory," the new Tallulah Bankhead play. . . . Joe Kennedy, one-time picture man and now chairman of the Securities and Exchange Commission, has gone downright noble in explaining how business will be "protected and given a chance to live, make profits and grow" provide it "does the right thing." Press interviews, you understand. . . .

▼

Manny Cohen, who, for this reason and that, has been making the public prints with a bang of late, stepped back into his original Paramount job as editor of its newsreel long enough on Saturday to sock and rock an unnamed adversary or adversaries whose names are not difficult to fill in.

> "The film industry need not fear that it will ever be without a real newsreel," he said. "Paramount News right now makes the pledge to exhibitors that it will always adhere to a straight all-news policy. . . . It wants news—not propaganda or commentary. . . . It isn't featuring important happenings just because they may favor a certain city. . . . Neither will Paramount News stoop to shout 'Scoop!' by tricking up library material with a new sound track thus bringing an old story up to date."

Fox Movietone, Hearst Metrotone, Universal, Pathe, not to overlook the "March of Time," please note. It's meant for several or all of you. . . .

KANN

## Loew's Pfd. Hits New High on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 37 | 37 | 37 | + ½ | 100 |
| Consolidated Film Industries | 3⅝ | 3½ | 3⅝ | + ⅛ | 1,500 |
| Consolidated Film Industries, pfd. | 17¼ | 17 | 17¼ | + ⅜ | 3,200 |
| Eastman Kodak | 109½ | 109 | 109¼ | + ¼ | 700 |
| Fox Film "A" | 13¾ | 13⅜ | 13¾ | + ½ | 600 |
| Loew's, Inc. | 32⅝ | 31½ | 32½ | +1⅛ | 13,800 |
| Loew's, Inc., pfd. | 100¼ | 99⅝ | 100¼ | +1⅝ | 300 |
| Paramount Publix, cts. | 4 | 3⅞ | 4 | + ⅛ | 2,300 |
| Pathe Exchange | 1½ | 1⅜ | 1½ | + ⅛ | 1,200 |
| Pathe Exchange "A" | 16¼ | 15 | 16⅛ | +1 | 1,900 |
| RKO | 1⅞ | 1⅝ | 1⅝ | ..... | 3,200 |
| Warner Bros. | 4⅞ | 4⅝ | 4⅞ | + ¼ | 1,500 |

## Technicolor Lone Curb Issue

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 12½ | 12½ | 12½ | ..... | 100 |

## Trading Light in Bond Market

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 8 | 7¾ | 7⅞ | + ⅜ | 18 |
| Loew's 6s '41 ww deb rights | 103¾ | 103¾ | 103¾ | ..... | 5 |
| Paramount F. L. 6s '47 | 57¼ | 57 | 57 | — ¼ | 7 |
| Warner Bros. 6s '39, wd. | 58¾ | 58¾ | 58¾ | — ¼ | 5 |

## Leon Rosenblatt Moving

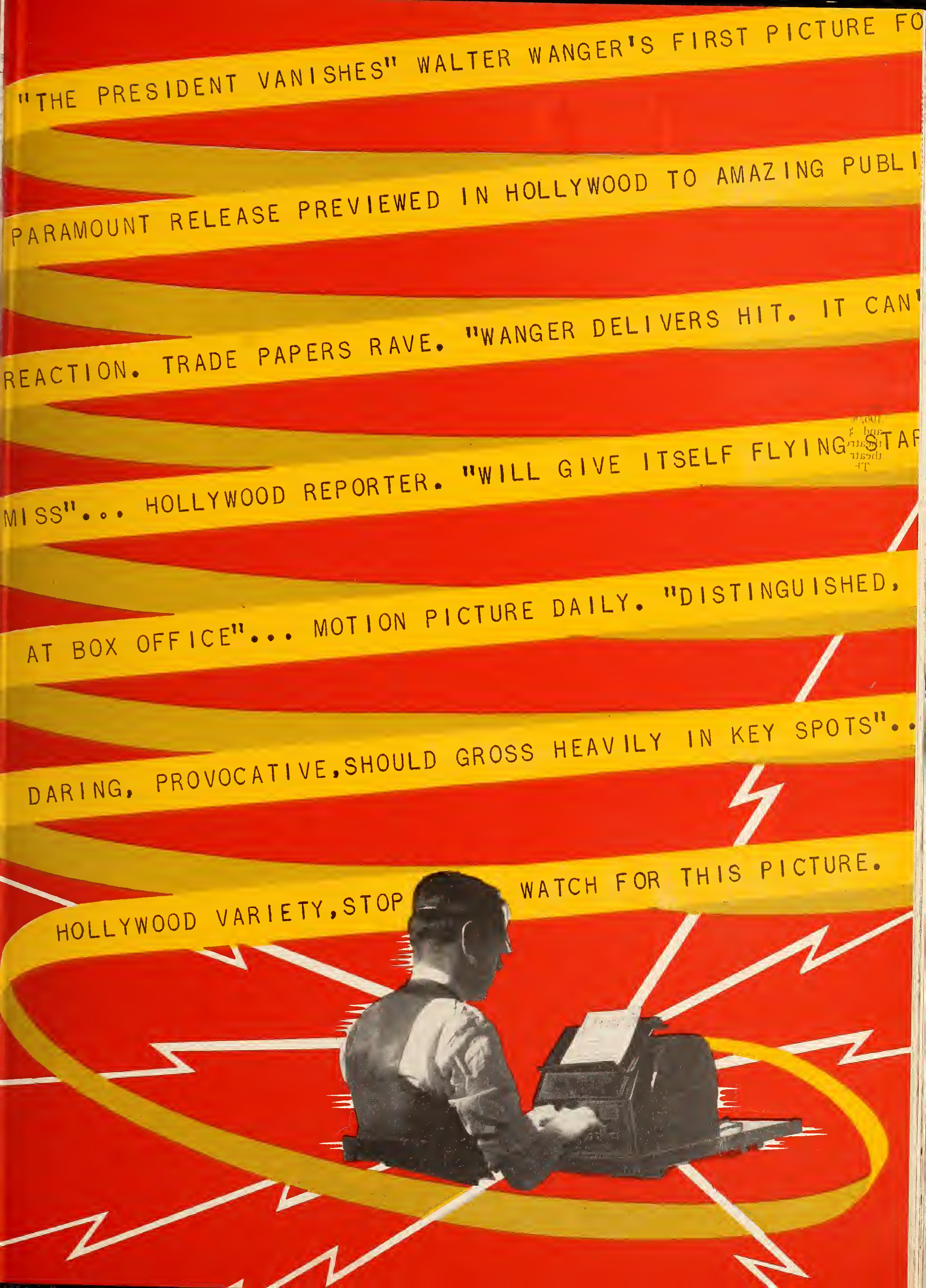
Leon Rosenblatt is moving his headquarters to the Paramount Building o Jan. 1. Joseph Leider also is shiftin his quarters to the same building abou the same time.

## Buys Cleveland Rex

Cleveland, Nov. 18.—M. M. Jacobs attorney, has purchased the Rex from Mr. and Mrs. Dominic Grillo. I opened today under the new owner.

## Miss Marion to M-G-M

Hollywood, Nov. 18. — Frances Marion has been signed to a new long term ticket with M-G-M.



"THE PRESIDENT VANISHES" WALTER WANGER'S FIRST PICTURE FO
PARAMOUNT RELEASE PREVIEWED IN HOLLYWOOD TO AMAZING PUBLI
REACTION. TRADE PAPERS RAVE. "WANGER DELIVERS HIT. IT CAN'
MISS"... HOLLYWOOD REPORTER. "WILL GIVE ITSELF FLYING STAR
AT BOX OFFICE"... MOTION PICTURE DAILY. "DISTINGUISHED,
DARING, PROVOCATIVE,SHOULD GROSS HEAVILY IN KEY SPOTS"..
HOLLYWOOD VARIETY,STOP WATCH FOR THIS PICTURE.

# 1933 Grosses $414,468,000, Gov't Learns

(Continued from page 1)

was shown, where 1,151 houses reported a total of $129,971,000.

In New York City, 424 theatres took in $70,360,000, it was reported; Chicago had 215 theatres, taking $23,252,000; Philadelphia, 143 and $10,578,000; Los Angeles, 153 and $10,121,000; Detroit, 100 and $7,143,000; Cleveland, 76 and $4,827,000, and St. Louis, 40 and $3,690,000.

Among the states, New York, of course, led with 879 theatres taking in $93,907,000, followed by California with 629 theatres and $35,223,000 in receipts; Illinois, 551 houses and $33,106,000; Pennsylvania, 745 theatres and $30,891,000; Massachusetts, 290 theatres and $22,809,000, and Ohio, 555 theatres and $20,730,000.

These six states contained approximately one-third of the nation's theatres, but took in something over 50 per cent of the total receipts.

Four other states did a box-office business in excess of $10,000,000 last year. They are New Jersey, with 238 houses reporting $19,179,000; Michigan, with 406 houses, $14,124,000; Texas, with 515 houses, $12,825,000, and Missouri, with 321 houses, $10,256,000.

### Nevada Grosses Smallest

The poorest theatrical state was Nevada, where 19 houses took in $474,000, but New Mexico showed a poorer average box-office, 30 houses taking in $497,000. These were the only two states to report less than $500,000, but four other states reported receipts between $500,000 and $1,000,000, as follows: Vermont, 32 houses and $542,000; Wyoming, 37 houses and $873,000; Delaware, 23 houses and $940,000, and Idaho, 71 houses and $955,000.

Seven states reported between $5,000,000 and $10,000,000, and 24 between $1,000,000 and $5,000,000. The District of Columbia also was in the latter category.

The Census Bureau survey is not believed to be 100 per cent accurate, but it is believed to be so close to actual conditions that any difference is viewed as negligible. In making the survey, paid for by the Public Works Administration, the bureau was up against a real problem in running down the houses in some of the rural districts, especially those open but one or two nights a week or even more infrequently. It is not believed that any houses which might have been overlooked were of sufficient importance to make any real difference in the figures, however.

Any inaccuracies in the figures, it is explained, are due to the fact that the survey was made by unemployed persons on the relief rolls and without the supervision of trained census workers and, as soon as the canvass was made, the crews were dispersed, thus making it impossible to make a re-check where any doubts arose.

## Fay Wray Heading East

Hollywood, Nov. 18.—Fay Wray, who has secured her contract release from 20th Century, is enroute east on her way to London to play the feminine lead in Gaumont British's "Alias Bulldog Drummond."

# 1933 Grosses: Where and What They Were

Washington, Nov. 18.—The following table, prepared by the Washington Bureau of Motio Picture Daily, shows, in detail, the classification of theatres in each state, both as to number and a to box-office receipts in 1933. The figures are preliminary and subject to correction when the Censu Bureau completes its analysis:

| | *Number of Houses* | | | | *Receipts* | | | |
|---|---|---|---|---|---|---|---|---|
| | *M.P.* | *M.P. & Vaude.* | *Leg.* | *Total* | *M.P.* | *M.P. & Vaude.* | *Leg.* | *Total* |
| Alabama | 117 | 9 | .. | 126 | $1,673,000 | $143,000 | ...... | $1,816,00 |
| Arizona | 25 | 7 | 1 | 33 | 637,000 | 464,000 | * | 1,110,00 |
| Arkansas | 109 | 1 | .. | 110 | 1,446,000 | * | ...... | 1,472,00 |
| California | 455 | 163 | 11 | 629 | 20,367,000 | 13,929,000 | $927,000 | 35,223,00 |
| Colorado | 101 | 21 | 1 | 123 | 1,997,000 | 575,000 | * | 2,599,00 |
| Connecticut | 125 | 15 | 1 | 141 | 5,812,000 | 1,837,000 | * | 7,672,00 |
| Delaware | 22 | 1 | .. | 23 | 906,000 | * | ...... | 940,00 |
| Dist. of Col. | 22 | 1 | 2 | 25 | 3,727,000 | * | * | 4,792,00 |
| Florida | 92 | 1 | 1 | 94 | 1;572,000 | * | * | 1,746,00 |
| Georgia | 147 | 9 | 2 | 158 | 3,912,000 | 190,000 | * | 4,125,00 |
| Idaho | 61 | 9 | 1 | 71 | 705,000 | 249,000 | * | 955,00 |
| Illinois | 447 | 101 | 3 | 551 | 19,454,000 | 12,825,000 | 827,000 | 33,106,00 |
| Indiana | 287 | 9 | 1 | 297 | 7,218,000 | 230,000 | * | 7,452,00 |
| Iowa | 306 | 10 | 2 | 318 | 5,313,000 | 243,000 | * | 5,558,00 |
| Kansas | 198 | 56 | 6 | 260 | 2,232,000 | 2,332,000 | 27,000 | 4,591,00 |
| Kentucky | 149 | 5 | 2 | 156 | 3,461,000 | 414,000 | * | 3,936,00 |
| Louisiana | 147 | 4 | 1 | 152 | 4,604,000 | 34,000 | * | 4,651,00 |
| Maine | 71 | 3 | 1 | 75 | 1,115,000 | 29,000 | * | 1,150,00 |
| Maryland | 144 | 1 | 3 | 148 | 6,336,000 | * | 159,000 | 6,503,00 |
| Massachusetts | 270 | 10 | 10 | 290 | 20,854,000 | 979,000 | 976,000 | 22,809,00 |
| Michigan | 399 | 4 | 3 | 406 | 13,238,000 | 801,000 | 85,000 | 14,124,00 |
| Minnesota | 314 | .. | 3 | 317 | 7,523,000 | ...... | 89,000 | 7,612,00 |
| Mississippi | 92 | .. | 3 | 95 | 1,254,000 | ...... | 25,000 | 1,279,00 |
| Missouri | 278 | 36 | 7 | 321 | 8,014,000 | 1,614,000 | 628,000 | 10,256,00 |
| Montana | 72 | 12 | .. | 84 | 780,000 | 756,000 | ...... | 1,536,00 |
| Nebraska | 231 | 8 | 2 | 241 | 2,590,000 | 208,000 | * | 2,806,00 |
| Nevada | 19 | .. | .. | 19 | 474,000 | ...... | ...... | 474,00 |
| New Hampshire | 47 | .. | .. | 47 | 1,322,000 | ...... | ...... | 1,322,00 |
| New Jersey | 235 | 1 | 2 | 238 | 19,149,000 | * | * | 19,179,00 |
| New Mexico | 26 | 4 | .. | 30 | 390,000 | 107,000 | ...... | 497,00 |
| New York | 820 | 29 | 30 | 879 | 85,150,000 | 4,850,000 | 3,907,000 | 93,907,00 |
| North Carolina | 182 | 1 | 1 | 184 | 4,071,000 | * | * | 4,100,00 |
| North Dakota | 100 | 1 | 1 | 102 | 1,081,000 | * | * | 1,083,00 |
| Ohio | 536 | 18 | 1 | 555 | 19,846,000 | 840,000 | * | 20,730,00 |
| Oklahoma | 252 | 2 | .. | 254 | 4,363,000 | * | ...... | 4,409,00 |
| Oregon | 103 | 12 | 1 | 116 | 2,446,000 | 455,000 | * | 2,904,00 |
| Pennsylvania | 722 | 12 | 11 | 745 | 29,686,000 | 853,000 | 352,000 | 30,891,00 |
| Rhode Island | 35 | .. | 2 | 37 | 3,171,000 | ...... | * | 3,271,00 |
| South Carolina | 70 | 7 | .. | 77 | 1,306,000 | 330,000 | ...... | 1,636,00 |
| South Dakota | 115 | .. | .. | 115 | 1,241,000 | ...... | ...... | 1,241,00 |
| Tennessee | 122 | 2 | .. | 124 | 2,711,000 | * | ...... | 2,777,00 |
| Texas | 508 | 4 | 3 | 515 | 12,607,000 | 165,000 | 53,000 | 12,825,00 |
| Utah | 69 | 5 | .. | 74 | 1,052,000 | 74,000 | ...... | 1,126,00 |
| Vermont | 31 | 1 | .. | 32 | 533,000 | * | ...... | 542,00 |
| Virginia | 157 | 2 | .. | 159 | 4,099,000 | * | ...... | 4,129,00 |
| Washington | 195 | 24 | 2 | 221 | 5,165,000 | 1,742,000 | * | 6,974,00 |
| West Virginia | 149 | 6 | 1 | 156 | 2,711,000 | 435,000 | * | 3,158,00 |
| Wisconsin | 297 | 6 | .. | 303 | 6,532,000 | 69,000 | ...... | 6,601,00 |
| Wyoming | 28 | 9 | .. | 37 | 470,000 | 403,000 | ...... | 873,00 |
| Total | 9,499 | 642 | 122 | 10,263 | $356,316,000 | $49,451,000 | $8,611,000 | $414,468,00 |

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*Figures withheld by Census Bureau to avoid disclosing individual transactions.
*Legend*: M.P.—Motion Picture. M.P. & Vaude.—Motion Picture ana vaudeville. Leg.—Legitimate stage and opera.

## Rename F. & M. Unit

Dover, Del., Nov. 18.—Stageshows, Inc., a Delaware corporation, has changed its name to Fanchon & Marco Agency, New York.

General Radio Mfg. Corp. has been chartered here to deal in television, radio, phonograph and wireless sets, listing a capital of $100,000. The incorporators are J. M. Frere, J. A. Frere and C. R. Murphy of Wilmington.

## Arcadia, Phila., Cuts

Philadelphia, Nov. 18.—The Arcadia, downtown second run, has followed the Stanley-Warner lead with a reduction in scale. The house drops from a 25c-40c-50c scale to 25c-35c-40c.

Rumor around town is that the Earle, presentation house, will drop when the Mastbaum reopens on Dec. 24 under Roxy's direction.

## No Rialto Change Is Expected for a Year

(Continued from page 1)

has another year to go before the lease expires. Until that time, nothing can be done.

It is reported that the new interests want to add a number of stores and make the theatre smaller. Whether this plan will go through at this time next year is doubtful to a number of theatre men close to the Rialto situation.

## Landi Opposite Brisson

Hollywood, Nov. 18.—Paramount has definitely set Elissa Landi as the lead opposite Carl Brisson in "All the King's Horses," which Frank Tuttle will direct. The cast includes Edward Everett Horton, Jack Oakie, Katherine DeMille and Marina Schubert.

## Theatre Loans Held Up in K. C. Section

Kansas City, Nov. 18.—Several exhibitors in small towns in this territory have made application for funds to modernize their theatres under the Federal Housing Act, but have not been successful in obtaining financing.

In all instances, the loans have to come through local town bankers, and they are generally cautious about lending the money, it is said on good authority. So far, exhibitors have not applied for loans through contractors or material companies.

The Kansas City Better Housing office at the Chamber of Commerce, cooperating with the Federal Housing Administration, reports no financing applications for modernization purposes have been made by theatres in Kansas City.

# Loew's 1934 Profit Up to $7,479,897

*(Continued from page 1)*

including theatre receipts, rentals and sales of films and accessories, rentals of stores and offices and miscellaneous income, was $96,877,672.91.

Expenses, including theatre operations, rent on leased properties, real estate and other taxes, overhead, film distribution, amortization, advertising accessories and producers' share of film rentals, were $81,792,960.30. This left a gross operating profit before interest, depreciation and Federal taxes, of $15,084,712.61.

Dividends totalled $890,480.51 on the preferred stock and $1,462,591.75 on the common.

Total assets are listed as $130,996,031.05.

# Pathe 39-Week Net Totals $78,165.13

*(Continued from page 1)*

a financial statement just issued by Stuart W. Webb, president. This left the accumulated deficit at $4,893,240.48 on Sept. 29.

The profit was a sharp drop from the 1933 39-week total covering the same period, which was $508,881, but this figure included an extra dividend of $441,000 received from DuPont Film Mfg. Corp.

Webb's statement in connection with the report sounds an optimistic note. He say: "In the third quarter of this year there was a material improvement in the amusement industry in general, in which improvement Pathe shared.

"A number of new contracts have been entered into by Pathe during the past few months—but as yet, of course, the effect of these is only partially reflected in the earnings.

"Profit for the third quarter of 1934, before interest charges, but after deducting all expenses, taxes, amortization and depreciation of properties, was $72,353, as compared with $64,463 in the second quarter, and $51,971 in the first quarter.

"Profit for the 39 weeks ended Sept. 29, 1934, before interest charges but after deducting all expenses, taxes, amortization and depreciation of properties, was $188,787."

Total assets are given as $7,086,789.38.

Webb says the future outlook is encouraging and that an extraordinary stockholders' meeting for the purpose of reorganizing the company probably will be held after the first of the year.

## *Lux Quits K. C. Board*

Kansas City, Nov. 18.—Dr. Paul Lux has resigned as impartial member of the local grievance board, giving lack of time as the reason. Dr. Lux is a physician. Fred Wolfson, attorney, has been serving as alternate and has been recommended to Campi as permanent impartial man.

## *Cobb Back to Roach*

Hollywood, Nov. 18.—Irvin Cobb has completed his one-picture deal with M-G-M and has gone back to Roach to continue his contract there.

# *$93,907,000 N. Y. Theatres' Take in '33, Bureau Says*

*(Continued from page 1)*

houses with receipts of $28,309,000 and payrolls of $7,093,000; Brooklyn had 130 picture houses with receipts of $18,197,000 and payrolls of $3,400,000; Bronx, 51 with receipts of $8,532,000 and payrolls of $1,461,000; Queens, 48 with receipts of $7,981,000 and payrolls of $1,445,000, and Richmond, nine with receipts of $863,000 and payrolls of $196,000.

Outside of New York, the leading theatrical cities were Buffalo, 39 picture houses with receipts of $1,401,000 and payrolls of $331,000 and eight picture and vaudeville with receipts of $1,803,000 and payrolls of $482,000; Rochester, 23 picture houses with receipts of $1,912,000 and payrolls of $436,000; Albany, 15 with receipts of $1,447,000 and payrolls of $310,000, and Syracuse, 14 with receipts of $1,268,000 and payrolls of $233,000.

Other important cities were Binghamton, 12 picture and combination picture and vaudeville houses with receipts of $725,000 and payrolls of $113,000; Yonkers, five picture houses with receipts of $694,000 and payrolls of $134,000; Mt. Vernon, four with receipts of $687,000 and payrolls of $123,000; Troy, nine with receipts of $618,000 and payrolls of $150,000; Schenectady, 10 with receipts of $613,000 and payrolls of $105,000; Utica, eight with receipts of $551,000 and payrolls of $124,000, and Niagara Falls, five with receipts of $435,000 and payrolls of $78,000.

# Rosenblatt May Get NRA Compliance Job

*(Continued from page 1)*

authoritative quarters as being imminent.

The assignment of Rosenblatt to a new job is expected to result in the promotion of Deputy Administrator William P. Farnsworth to the position of division administrator in charge of amusement codes.

Rosenblatt's selection for one of the most important positions in the NRA is said to have resulted from his handling of the film code, practically the only involved agreement which is working to the satisfaction of both the greater part of the industry and the government.

Living with the job from the day he took it, Rosenblatt developed the only vertical code secured by the Administration, promulgating an agreement which may be the model for code mergers which the Administration is now working on. Since adoption of the code, also, compliance has been at a higher level than has been secured probably with any other pact.

In his new job, Rosenblatt will be responsible for getting the business establishments of the country to give a greater degree of co-operation than they have heretofore offered.

While the changes could not be confirmed at the NRA, it is expected that official announcement will be issued early next week.

## *Cleveland Men Hit Clearance Secrecy*

Cleveland, Nov. 18.—Leading local independent circuit owners, in open meeting of the Cleveland clearance and zoning board, challenged the right of the board to draft a clearance and zoning schedule for Cleveland in executive session.

Claiming that Code Authority instructions state that distributors and exhibitors shall both be present to discuss disputed situations, exhibitors here are of the opinion that, following a hearing of their side of the case, they are entitled to hear and participate in the discussion by the board.

# Cleveland 10-Cent Rate to Be Argued

*(Continued from page 1)*

hood houses are anxious to maintain a 15-cent minimum, but a group of small independent neighborhood house owners in the poorer sections of the city claim their patrons cannot afford to pay more than 10 cents. They maintain that the protection agreement entered into Jan. 1, 1933, and effective until Jan. 1, 1935, provides that pictures may be exhibited for 10 cents 100 days after the close of the first run, and they want to enforce that clause. They further maintain that major distributors would sell them 10-cent contracts if pressure were not exercised to maintain a 15-cent minimum.

Among those most active in the move for dime shows are: Sam Barck, Market Square; Morris Israel, Erie; Max Kaplan, Grand Central; Maurice Kaplan, Arion; Victor Wolcott, Temple.

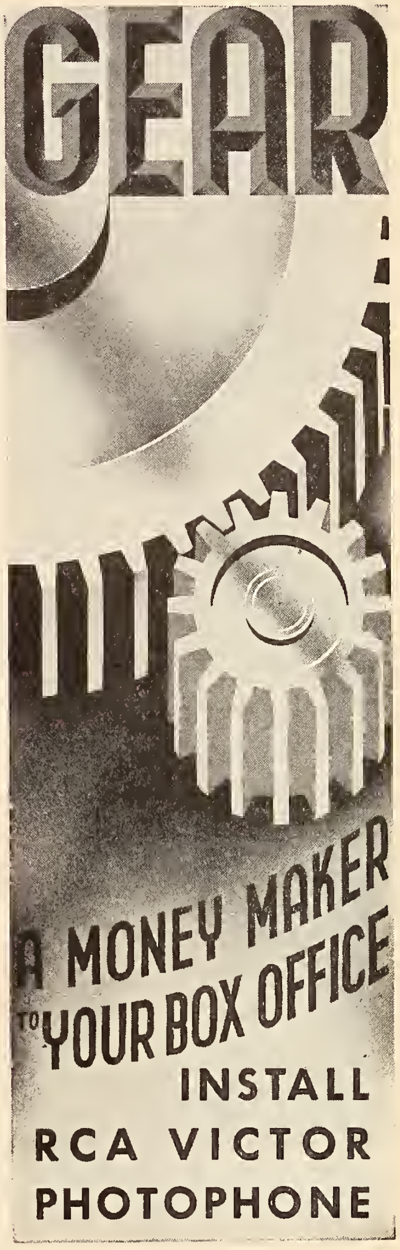
There is no discussion at the present time regarding the renewal of the present protection agreement. Local exhibitor attitude will depend upon the result of the clearance and zoning schedule now in the making.

## *Coast Opposes Jump In Operator Scales*

Los Angeles, Nov. 18.—A petition against the order certifying individual wage scales comparable to the union wage for projectionists will be forwarded by the I. T. O. of Southern California to Sol A. Rosenblatt in Washington, it was learned yesterday. The petition was set underway at a mass meeting of the exhibitor association Friday. Notice of the order has been served upon all independent exhibitors by Charles H. Cunningham, local NRA compliance chief. Many exhibitors assert they cannot meet advanced non-union scales.

## *Hear Harding May Quit*

Hollywood, Nov. 18.—Ann Harding is reported here to be seriously contemplating retirement from pictures upon the completion of her present Radio contract.



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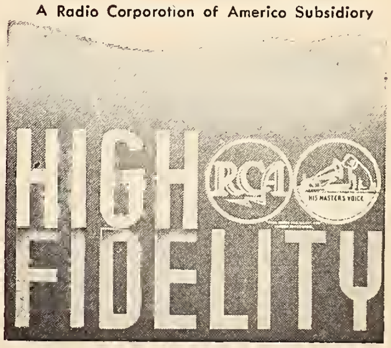

# Agreement on Eight of Para. Directors Set

(*Continued from page* 1)

& Co., Johnston is president of Chemical National Bank and Davison is chairman of the board of Central Hanover Bank & Trust Co.

There is a possibility that one additional candidate will be proposed for the initial membership of the board. The full membership of either 12 or 14, the maximum number not yet decided, will leave four or five vacancies to be filled at some future date as time and circumstance dictate.

The by-laws of the new Paramount company will stipulate that one-fourth of the board will be elected annually for terms of four years. The new board will be designated in the Kuhn, Loeb plan of reorganization and will present that plan to the court for public hearing early in December, according to present indications. Inasmuch as the board itself will be a part of the plan, ratification of its initial membership by the court will be necessary. Six of the initial eight candidates were designated as such by Motion Picture Daily on Oct. 10.

The board will designate from among its membership a finance committee which will be empowered to authorize the issuance by the new company of any securities in addition to those designated in the plan; its consent will be necessary for the making of any capital expenditure in excess of $500,000, to the making of any employment contract involving more than $100,000, to the making of any loans or financing of production in excess of $100,000 and to the sale of any property or business of a subsidiary.

### Change May Be Effected

Although all of the major claims against Paramount Publix, the settlement of which were essential to completion of the plan, were disposed of with the recent agreement on the Erpi claim, there are other major phases of it which may undergo changes prior to submission of the plan. Among these are the subscription rights of stockholders to new shares which, at present, embrace a $2 assessment. Likewise, some special provision remains to be made for Paramount employes who purchased the company's stock at approximately $50 per share. These considerations may delay submission of the plan so that, providing for public hearings and time for court consideration of it, the plan could not become effective much before Feb. 1 at the earliest.

According to present indications, the underwriting of the plan will be undertaken by a syndicate, rather than a single financial house.

The final plan of reorganization for Paramount Broadway Corp., holding company for the Paramount Bldg. and theatre, is scheduled for a hearing before Special Master John E. Joyce today, although it is regarded as likely that it will be postponed in view of the fact that the Broadway plan has cleared the creditor groups and has been made a part of the Paramount reorganization plan.

The Broadway plan provides for issuance of new bonds in place of the $8,875,000 principal amount of old bonds outstanding. They will be the obligation of the new Broadway company and will continue to be secured by the Paramount Bldg. The new issue will be entitled to 3 per cent interest and to additional interest of 2½ per cent annually out of income remaining after provisions for the sinking fund, up until one-half of the issue has been retired. Thereafter, interest will be 5½ per cent. A sinking fund for the new bonds will be payable out of income of the new company.

New leases on both the Paramount Theatre and office space are incorporated in the plan. Rental for the theatre is on a graduated percentage scale beginning at 15 per cent of gross receipts up to $1,750,000, with a maximum of 25 per cent of receipts over $3,250,000 annually. Office rental will be $188,147 annually for the first 10 years.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Romance in Manhattan"*

*(Radio)*

Hollywood, Nov. 18.—Here is a romantic comedy drama designed for any type audience in city, town or hamlet. In plot and theme it resembles "7th Heaven," but is confined to New York for locale where the actions and situations revolve around two present day, youthful lovers caught in the maelstrom of compromising circumstances common to many people of moderate means in any metropolitan city.

The simplicity with which the story is unfolded will arouse sympathy and provoke laughs for and from the characters who unrestrainedly express the emotions and moods as though living their parts. Near-poverty, although not as accentuated as in "7th Heaven," is made beautiful by the thoughts and actions of those involved.

The story concerns Francis Lederer, visioning a paradise in America, migrating here to find himself deported through lack of friends and insufficient capital to enter the country. Determining to stay forces his escape from the returning ship. With his two feet on Broadway and penniless, he is befriended by Ginger Rogers, a showgirl who acts as a mother to her younger brother. All three become pals, withstanding many natural obstacles thrust upon them by welfare workers and the law seeking conviction of Lederer for illegal entry into the country, but all develops into a humorous climax at the police court where Lederer and Miss Rogers are married, thus saving the younger brother, Jimmy Butler, from an orphan asylum.

Steven Roberts delivers a commendable piece of direction from an original by Norman Krasna and Don Hartman with Jane Murfin and Edward Kaufman on the treatment. The three principals are well supported by the balance of the cast. The photography is excellent. Previewed without code seal. Running time, 80 minutes. Classification: "G."

### *What the Symbols Mean*

**Reviews classified with a "G" are regarded as suitable for general entertainment.**

**Those with an "A" are regarded as suitable for adult entertainment.**

# Erpi Para. Claim Set at $1,200,000

(*Continued from page* 1)

a new Erpi domestic recording license agreement at a reduced rate, effective Dec. 1.

The agreement cleared the Paramount creditor groups which are cooperating with Kuhn, Loeb on the paramount reorganization plan last Friday. As a result, it will be incorporated in that plan of reorganization and the $1,200,000 claim adjustment undoubtedly will be satisfied by the preferred stock in the new company, although the agreement is still too recent to have been incorporated in the plan.

However, the general treatment proposed in the plan for claims of this kind provides that for each $1,000, plus allowable interest to Jan. 1, 1935, claimants shall receive $500 principal amount of new 20-year six per cent sinking fund debentures and five shares of new $6 first preferred stock.

## *Says Para. Reel to Use "Straight News"*

The future policy for Paramount Newsreel, according to Emanuel Cohen, its editor, will be a "straight all-news" one.

In a statement issued over the weekend, Cohen said: "Paramount News is designed only to serve as a news medium. It wants news—not propaganda or commentary."

The statement continued: "Paramount is not interested in blending its feature and short production departments with its newsreel."

## *Wants National Theatre*

Washington, Nov. 18.—Herman Gantvoort, New York legitimate producer, has placed before the Government a proposal to set up a national theatre to be financed by $1,000,000 in Federal funds.

# *Purely Personal*

Merle Oberon, who arrives here tomorrow on the *Paris,* will probably make personal appearances with her picture, "Broken Melody," when it plays Broadway.

Joseph and Mrs. Mankiewicz are en route here from the coast on the *Santa Elena* to spend the holidays with Mrs. Mankiewicz's family. She is the former Elizabeth Young.

George J. Schaefer and Edward Golden get back from Kansas City today. W. Ray Johnston and Tyree Dillard, Jr., will be on the same train.

Joe Penner will make a personal appearance with "College Rhythm" at the Chicago Theatre, Chicago, starting Friday.

Boris Thomashefsky has been signed by Jack Stillman, of Sov-Am Film Corp., for a Yiddish picture, "Bar Mitzvah."

Paula Gould's novel, "Love Is a Madness," will be published in January. It's the inside of the publicity business.

Antoinette Cellier, M-G-M contract player, is in town rehearsing for a role in the stage play, "Sixteen."

Bertram Millhauser has sold an original, "Terror by Midnight," to Paramount.

Ethel Merman has been signed by Samuel Goldwyn for a role in Eddie Cantor's next musical.

Ben Hecht and Rose Caylor have sold their play, "Man Eating Tiger," to Fox.

Division Administrator Sol A. Rosenblatt will be in town Thursday to attend the Campi session.

Clarence Brown and his wife, Alice Joyce, flew to the coast Saturday.

Sidney Samuelson is in Baltimore to attend the eastern Allied regional meeting today.

George T. Pardy is doing special press work for G-B's "The Iron Duke."

Morris Kinzler has quit smoking. Ditto for Sam Shane.

Mark Ostrer will be back again after the first of the year.

# FWC Sale Up Today For O.K. of McNabb

(*Continued from page* 1)

but this is a technical point. Signatures are expected to be affixed within the next week or 10 days.

Spyros, executive vice-president of National in charge of operations, plans to come here some time next month. Charles is executive vice-president of Fox West Coast Theatres Corp., new operating company to replace Fox West Coast Theatres. S. R. Kent heads both companies and W. C. Michel is a vice-president of both.

Contracts to be signed by the Skourases will supersede those held by them now and which are reported have until 1937 to run.

From all appearances, the rehabilitated circuit will be functioning in complete reorganized state on Jan. 1.

## HARRY E. HUFFMAN

Operates
8 theatres,
spends upward
of $200,000
annually for film.
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CAPITOL
NORMA SHEARER-FREDRIC MARCH
CHAS. LAUGHTON "BARRETTS
WIMPOLE STREET" BIG STAGE SHOW

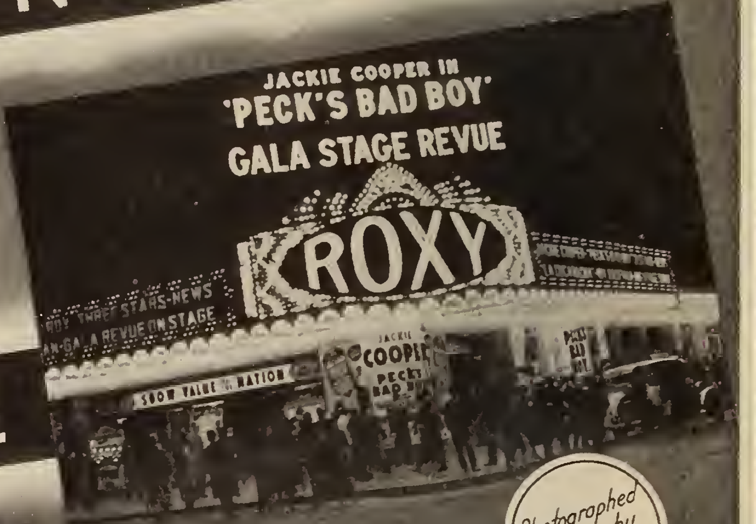
Photographed by WM. DANIELS

## BEHIND THE LIGHTS

## ON BROADWAY

Paramount
GARY COOPER · SHIRLEY TEMPLE ·
CAROLE LOMBARD "NOW AND FOREVER"
EDWARD PAUL & PARAMOUNT ORCHESTRA
GARY COOPER SHIRLEY TEMPLE CAROLE LOMBARD
NOW and FOREVER

Photographed by HARRY FISCHBECK


JACKIE COOPER IN
'PECK'S BAD BOY'
GALA STAGE REVUE
ROXY
COOPER
PECK'S BAD BOY

Photographed by F. B. GOOD

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# MOTION PICTURE DAILY

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VOL. 36. NO. 120 NEW YORK, TUESDAY, NOVEMBER 20, 1934 TEN CENTS

## Court Permits Leasing Deal On Music Hall

### 'ormal Move Sanctions Start from Sept. 1

The new lease agreement on the Iusic Hall, under which Rockefeller 'enter has an initial rent participation f $700,000 from the new leasing comany to be owned by Rockefeller Cener and RCA, has been approved by 'ederal Judge William Bondy.

No public hearing on the new lease greement was necessary, prior to the ourt's action, as RKO, the only comany involved which is under the urisdiction of the court, has no paricipation in the new leasing and operting corporation so none of its assets re involved, nor will RKO have any bligation even in the event of Music Iall losses. The new leasing company ill be known as the Radio City

(Continued on page 4)

## Iouse Committee to Take Up Tax Dec. 3

WASHINGTON, Nov. 19.—The speial committee on internal revenue axation of the House Ways and Ieans Committee will meet beginning Dec. 3 to consider the tax queson.

The first studies of the committee re expected to cover the adminisrative provisions of the present law, ollowing which any new levies which ight be desired by the President will e considered.

President Roosevelt thus far has iven no indication of what he may

(Continued on page 4)

## Veshner Gets First Runs Only in Phila.

David E. ("Skip") Weshner will ike charge of Warner first runs in 'hiladelphia, not the entire zone, delared Joseph Bernhard, general manger of the circuit, yesterday. His atement came by way of denial of e story published in MOTION PICURE DAILY on Saturday in which

(Continued on page 9)

## )hio Sales Tax Up Again in Assembly

COLUMBUS, Nov. 19.—With the proogued session of the General Assemy going into its initial session toight, legislative observers predict that e sales tax, defeated six times during e past 18 months, will be enacted as

(Continued on page 4)

## Rosenblatt Officially Named Compliance Director for NRA

Washington, Nov. 19.—Advancement of Division Administrator Sol A. Rosenblatt to be director of compliance of the NRA was officially confirmed today by S. Clay Williams, chairman of the National Industrial Recovery Board.

Sol A. Rosenblatt

Under official orders issued late today Rosenblatt will continue as division administrator in charge of amusements. Deputy Administrator William P. Farnsworth will continue as his assistant, it was announced.

Rosenblatt's new position will place him in charge of compliance work throughout the entire country. A staff of some 1,500 persons is engaged in this work.

Rosenblatt will also be the man in closest touch with the Department of Justice and the Federal Trade Commission, which two agencies will have charge of all formal proceedings against those who fail to comply with code requirements under the NRA.

## Para. Claims Set; Hearing Off to Dec. 3

With settlements of the Paramount-Broadway, Allied Owners and Paramount creditor banks' claims against Paramount Publix agreed on by both trustees and creditor groups and made a part of the pending Paramount reorganization plan, adjournments of hearings on all three were taken yesterday when called before Special Master John E. Joyce.

The Allied Owners' claim of $23,000,000 will be settled by the issuance to the company by reorganized Paramount of $2,500,000 of new debentures, 25,000 shares of new $6 first preferred stock, $150,000 in cash, purchase by Paramount of the Alabama Theatre, Birmingham, for $1,000,000, leasing of the Brooklyn Paramount for 20 years at $100,000 annually, leasing of the Paramount, Glens Falls, N. Y., for 20 years at $12,000 annually, and of the Paramount, Fremont, O., for 20 years at $15,000. The hearing before Joyce went over to Dec. 3, pending

(Continued on page 12)

## Say Hamm, Brewer, Dominates Circuit

MINNEAPOLIS, Nov. 19.—Reports here are to the effect that William Hamm, Jr., wealthy brewer, is heavily interested in the Minnesota Amusement Co., organized to replace the

(Continued on page 12)

## Code Bills Go Out Under New Payment Plan

The work of billing producers and distributors for code assessments for 1934 under the schedule recently adopted by NRA, and which is expected to produce about $85,000 from these two industry branches, was begun yesterday by Campi with the mailing of 200 assessment certifications to as many producer and distributor code assentors.

At the same time, invoices for second half assessment went out to 9,000 exhibitor code signatories. Exhibitors had paid a total of $83,500 for first half assessments up to Oct. 31. Approximately $90,000 is expected from this sources for the second half.

The assessment certifications to producers and distributors require each company to designate the assessment classification to which it belongs on the basis of gross receipts for 1933. When the classifications have thus been made and checked, the first assessment invoices will be mailed to

(Continued on page 12)

## Death Halts Action On K. C. Clearance

KANSAS CITY, Nov. 19.—Action on the revised clearance plan discussed with the local board late last week by a Campi delegation consisting of George J. Schaefer, Edward Golden

(Continued on page 12)

## Court Gives Approval of F. W. C. Sale

### Suing Objectors Brushed Aside by Court

LOS ANGELES, Nov. 19.—Sale of Fox West Coast Theatres to National Theatre Co., organized with the backing of Fox Film and Chase National Bank, was authorized today by Judge Earl E. Moss. Ten days were granted for appeals before a final decision is signed.

The hearing on the sale was presided over by Judge Moss. Referee S. W. McNabb was absent. Protests were filed by a legal battery representing the Marshall Square Theatre Co. and Harry L. Hartman, operators of the Orpheum Theatres, San Francisco and San Diego, respectively. Judge Moss decided the protests were based on flimsy grounds.

The protestants have filed an anti-trust suit against the F. W. C. trustees under the Sherman and Clayton

(Continued on page 4)

## Monogram May Tip Next List to 52

Expectations of increasing Monogram's 1935-36 production schedule to 52 pictures were voiced yesterday by W. Ray Johnston, president, on his return from studio conferences with Trem Carr, production head, and visits with branch managers en route.

Proposals for the increased schedule will be submitted to Monogram's next annual convention, to be held in Hollywood in April, Johnston said. If approved, the schedule of 52 would include two sets of westerns of eight pictures each. The company's current

(Continued on page 12)

## Poster Men Renewing Talk About Printing

Again the poster service renters are talking about printing their own posters. The talk was prevalent about six months ago when distributors attempted to ban the renters from

(Continued on page 4)

## ITOA Names Six to Study Organization

With Leon Rosenblatt as chairman, the I. T. O. A. has appointed a national organization committee of six to study national conditions. The committee will also look into Allied's

(Continued on page 4)

MOTION PICTURE
DAILY

(Registered U. S. Patent Office)

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## Legion Extends Film Campaign to Canada

TORONTO, Nov. 19.—The Legion of Decency has extended its activities to Canada, it was revealed today when an appeal was made to members of all religious groups to join a Dominion-wide boycott against objectionable films. Support for the movement was urged yesterday by Father W. D. Muckle of St. Michael's Cathedral here.

## Due from Europe Today

Joseph M. Schenck and George Arliss arrive from Europe on the *Majestic* today.

Merle Oberon, Lili Damita and Natacha Paley are passengers aboard the *Paris.*

Al Lichtman returned from Florida yesterday and is expected to be down at the pier greeting Schenck today.

## Willard Mack Passes

HOLLYWOOD, Nov. 19.—Willard Mack, author, actor and director, died suddenly last night of a heart attack at his home. He had been ill two weeks.

Mack is survived by his fourth wife.

## Carl Crawford Dies

BOSTON, Nov. 19.—Carl Crawford, manager of the First Division exchange, died suddenly late this afternoon.

## No Middle Level on Grosses—Hamrick

"Box-office grosses have no more middle levels," states John Hamrick, operator of 12 theatres in the midwest. He adds that pictures either "hit the top or bottom figures and there are no in-betweens."

"This condition seems to prevail all over the country," Hamrick declares. "At one time the exhibitor could get by when intakes figured at the middle level, but this is not the case any more."

Conditions are a shade better today than last year, the western showman holds. A pretty good sized picture will wake up the public, he asserts, while the poor ones just don't make the grade. He points to "The Gay Divorcee," which is running four weeks in Seattle and three in Portland, both Hamrick houses. "The Count of Monte Cristo" ran four weeks in one of his Seattle theatres, he says. These are the kind of pictures that get the money, he adds.

Hamrick operates four theatres in Seattle, five in Portland and three in Tacoma. He has just completed remodeling the Blue Mouse, Tacoma, which reopened last Thursday night with "The Gay Divorcee." A few weeks ago he added the Orpheums in Seattle and Portland to the circuit.

Accompanying Hamrick and his wife are B. F. Shearer and his wife. All four plan to leave Thursday for Seattle. Shearer is in the equipment business and recently attended a convention of supply dealers in New York. Hamrick is here on film deals.

## 20th Century to Do 10 of 22 from U. A.

Of the 22 pictures to be distributed by United Artists this season, 20th Century will produce 10, London Films, 4; Reliance, 2; British & Dominion, 2; Samuel Goldwyn, 3; King Vidor, 1.

The Vidor picture already has been released. It's "Our Daily Bread." Goldwyn's trio will consist of two Anna Sten and one Eddie Cantor vehicles. Douglas Fairbanks in "The Private Life of Don Juan" is one of the quartet from London Films. Charles Chaplin and Mary Pickford in all probability will be absent from this season's program.

## U. S. Interests in Dicker with Mexico

By JAMES LOCKHART

MEXICO CITY, Nov. 19.—The possibility of another American film enterprise establishing a studio and producing in Mexico is seen in the report of the Chamber of Commerce of Torreon, a large town in Coahuila, central Mexico, to the Ministry of Foreign Relations that it is gathering information requested by American & Latin Prod. of Hollywood regarding facilities the town and the state will grant it to do business there.

The chamber has asked the Coahuila government to grant the picture company a liberal concession and to assist it in its work. The chamber expects that A. & L. will start building a studio by Christmas. It is understood that the company will make Spanish language pictures and use Mexican players.

A building in Tiajuana has been leased as a studio by Los Angeles interests headed by Robert Tarpan, former Mack Sennett production manager, for making Spanish talkies.

## "U" Rejects Offers; To Make 'Show Boat'

HOLLYWOOD, Nov. 19.—Universal is understood to have repeatedly rejected offers from other studios for the rights to "The Show Boat." According to the studio, it has received two offers of $150,000 each for the talking rights and two others of $100,000 each.

Determined to produce the show, Universal has signed Zoe Akins to adapt the story and will start the picture early in January.

## "U" Casts Roger Pryor

HOLLYWOOD, Nov. 19.—Roger Pryor gets the male lead opposite Margaret Sullavan in her next Universal picture, "Next Time We Live," the story by Ursula Parrott.

## Para. Gets Helen Jepson

HOLLYWOOD, Nov. 19.—Paramount has signed Helen Jepson, radio singer and Metropolitan Opera soprano. Her film work will be in addition to her Metropolitan contract and her radio series with Paul Whiteman.

## Eastman Pfd. Jumps Three on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 37¾ | 37 | 37 | ..... | 300 |
| Consolidated Film Industries | 3⅝ | 3⅝ | 3⅝ | ..... | 500 |
| Consolidated Film Industries, pfd | 17⅜ | 17 | 17¼ | ..... | 1,900 |
| Eastman Kodak | 109¾ | 109¾ | 109¾ | + ½ | 200 |
| Eastman Kodak, pfd | 138 | 135 | 138 | +3 | 5,000 |
| Fox Film "A" | 13¾ | 13½ | 13⅝ | — ⅛ | 1,700 |
| Loew's, Inc. | 33⅞ | 33 | 33⅜ | + ⅞ | 15,200 |
| Paramount Publix | 4⅛ | 3⅝ | 3⅝ | — ⅜ | 6,100 |
| Pathe Exchange | 1½ | 1⅜ | 1⅜ | — ⅛ | 1,300 |
| Pathe Exchange "A" | 16½ | 15½ | 15¾ | — ⅜ | 4,300 |
| RKO | 2 | 1⅝ | 1¾ | + ⅛ | 4,300 |
| Warner Bros. | 5 | 4¾ | 4¾ | — ⅛ | 8,600 |

## Technicolor Trading Light on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 12⅞ | 12½ | 12½ | ..... | 400 |

## Warner Bonds Gain a Half

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 8¾ | 8½ | 8½ | + ⅝ | 5 |
| General Theatre Equipment 6s '40, ctf | 8½ | 8 | 8½ | + ¾ | 9 |
| Keith, B. F. 6s '46 | 64½ | 64½ | 64½ | + ½ | 4 |
| Loew's 6s '41, ww deb rights | 104 | 103¾ | 104 | + ¼ | 19 |
| Paramount Broadway 5½s '51 | 41¼ | 41¼ | 41¼ | — ¼ | 1 |
| Paramount F. L. 6s '47 | 58 | 57 | 57 | ..... | 12 |
| Paramount Publix 5½s '50 | 58½ | 58⅜ | 58½ | +1¼ | 4 |
| Warner Bros. 6s '39, wd | 59½ | 58¾ | 59½ | + ½ | 30 |

## Purely Personal

FAY WRAY arrives in town today and sails tomorrow on the *Washington* for London to make one picture for Gaumont British.

OMAR KIAM, fashion designer, arrived in town over the week-end and will fly back to the coast late this week.

SYLVIA FROOS started work yesterday in her second comedy of a series for Educational.

KETTI GALLIAN saw "Marie Galante" at the Mayfair last night with a party of friends.

GEORGE O'BRIEN and MRS. O'BRIEN, MARGUERITE CHURCHILL, arrive today from London on the *Paris.*

LANNY ROSS will be guest artist on the "Radio City Party" radio program Saturday night.

BEN BERNIE returns to the coast today to resume work at Paramount.

BESSIE BACON has sold her original story, "Lucky Me," to Warners.

## English Not Strong On Stars—Edington

English producers are not star-minded in the opinion of Harry Edington, Hollywood agent, who has just returned from a vacation abroad.

"British producers don't go in for the star system as we do," he said. "Theatre owners, however, like to build up their old favorites like Stanley Lupino and others."

Optimistic over show business abroad, Edington asserts that everyone is spending money in England and the theatres are doing a terrific business. As a matter of fact, he tried to get tickets for "Streamline," the new Charles B. Cochrane legitimate show and could not see it because none was available for two weeks. For other shows he had to wait several days for reservations.

"Everyone seems to be in a spending mood and optimistic abroad," he added.

Edington denied he went abroad to discuss a deal with an English producer for Garbo. He said she is under contract to M-G-M and for the time being she will continue with the company. Edington and his wife, Barbara Kent, leave for Hollywood tomorrow or Thursday. Meanwhile they will take in a number of new shows.

## Daughter to Downeys

A daughter was born to the Morton Downeys on Sunday at the Harbor Hospital. The baby will be christened Lorelle Ann and both she and her mother, the former Barbara Bennett, are reported doing nicely.

## Mrs. Barnett Very Ill

HOLLYWOOD, Nov. 19.—Mrs. Vince Barnett, wife of the comedian, was reported "holding her own" after a major operation over the week-end. Her condition, however, is considered serious.

## Warners Get Englishman

HOLLYWOOD, Nov. 19.—Warners have signed Errol Flynn, English stage star, to a long termer. The actor is expected at the studios shortly after the first of the year.

# WANNA BUY A DUCK?

**Four little words that have made a lot of bucks for the "quack" salesman. No wonder Joe is simply gaga over Goo-goo . . . and no wonder a million fans are gaga over both of 'em. Joe and his uncontrollable, flat-footed sweetheart are now getting the laughs—and the romancing of the singing and prancing dames—in**

# "COLLEGE RHYTHM"

**JOE PENNER · LANNY ROSS · JACK OAKIE · HELEN MACK**
**LYDA ROBERTI · MARY BRIAN · GEORGE BARBIER and the All-American Co-Eds**

**A Paramount Picture directed by Norman Taurog with plenty of words and lots of music by Gordon & Revel**

# Court Permits Leasing Deal On Music Hall

(Continued from page 1)

Music Hall Corp. and its stock will be subscribed for by Rockefeller Center and RCA to provide working capital.

The agreement is retroactive to Sept. 1. It provides for a first payment out of income of $26,000 per year to RKO and RCA jointly; then for Rockefeller Center's initial rent participation of $700,000; next, a second joint payment to RKO and RCA of $24,000, to be applied to retirement of RCA's advances for working capital for the Music Hall last year. Thereafter, additional provisions are made for participation in earnings beyond those amounts for all three companies. RKO's interest will be largely through RKO Service Corp., which will handle purchasing, insurance and other matters.

## *Court Allows Appeal For Fox Met. Quiz*

The U. S. Circuit Court of Appeals has granted Archibald Palmer, attorney for bondholders in Fox Metropolitan Playhouses, leave to appeal from an order of Federal Judge Julian W. Mack denying his motion for an examination of officers of the circuit's bondholders' committee.

Palmer contends the committee is dominated by allied financial interests and seeks to examine the officers to determine their affiliation and interests, he said. The court will hear his appeal Dec. 3.

## *Poster Men Renewing Talk About Printing*

(Continued from page 1)

buying posters and stills for rental purposes.

The poster service men contend distributors are again in a move to stop accessories which might fall into the hands of renters. To ward off the possibility of being completely shut off from getting accessories and subsequently put out of business, the poster men are taking precautions to avoid such an alleged freezeout.

## *ITOA Names Six to Study Organization*

(Continued from page 1)

affairs with a view to affiliating. In addition to Rosenblatt, the committee comprises Hyman Rachmil, Louis Nelson, Dr. Leon Greenfield, Al Cooper and Louis Schiffman.

A report on the Allied situation will be made by the committee for next Wednesday's meeting.

## *Picquet to Withdraw From His MPTO Post*

Charlotte, N. C., Nov. 19.—Charles W. Picquet, for 10 years president of the M. P. T. O. of North and South Carolina, Inc., plans to retire from that post this year. The organization will hold its annual meeting here Dec. 9-10.

# *Looking 'Em Over*

## *"Imitation of Life"*

*(Universal)*

Universal has a grand woman's picture here and one that looks like a winner.

Based on a yarn by Fannie Hurst, "Imitation of Life" tells the life story of two women, both mothers, one white and the other black. At the outset, this sounds like troublesome dramatic material. In hands other than John M. Stahl's, it might have been, but so skillfully, so sympathetically and so adroitly does he develop his characterizations that there is never any real issue confronting the results.

Claudette Colbert, widowed and with a baby on her hands, endeavors to maintain her husband's business of selling maple syrup. Into her life one day walks Louise Beaver, colored cook and mammy, willing to work for a roof and a room for herself and daughter. Never departing from the relationship, strictly maintained, of mistress and maid, Stahl takes both women through their lives.

He shows how Ned Sparks, wandering knight of the road, gives Miss Colbert the idea of marketing the pancake flour for which Louise holds the secret; the germ of that idea makes both of them wealthy; how Miss Colbert's daughter, white and sheltered, reaps the advantages denied Louise's girl and how, in their respective stations and in their individual social classes, the maternal instinct always dominates.

Miss Beaver's daughter, played effectively by Fredi Washington, seeks to hurdle the color line and, of course, meets with failure, but not before her defection results in her mother's death. Other threads of this interesting and extremely well-done story bring romance into the life of Miss Colbert via Warren William and a conflicting love thread involving her daughter with the same man. Implied tying of the knot between Miss Colbert and William concludes the picture.

Stahl's firm directorial hand is evident throughout. He exacted from his leads very competent performances. His method of drawing on the maternal instincts of the two women is telling as well as convincing. The patrician Miss Colbert does a fine job, but the story construction, in some sequences, results in virtually taking the picture away from her and landing it in Miss Beaver's lap.

Production values are good, as is photography by Merritt Gerstad. Production Code Seal No. 412. Running time, 110 minutes. "G."

KANN

## *"Waltz Time in Vienna"*

*(Ufa)*

Very much worthwhile. The music is gay, varied, and beautifully played. The story is sprightly, the settings on a scale that gives the film plenty of production value.

The story, being about the rivalry of two musicians, Joseph Lanner and Johann Strauss, furnishes a plausible background for the musical interpolations. Strauss, played by Adolph Wohlbrueck, is first violinist in an orchestra conducted by Lanner, played by Paul Hoerbiger. The drummer, Willy Fritsch, is in love with Lanner's daughter, Renate Miller.

Strauss is in the habit of writing Lanner's compositions on handkerchiefs, cuffs, or shirtsleeves. They are in the midst of a composition when Queen Victoria's court ballet master arrives with a dancer to learn the Viennese waltz. She hopes it will encourage the Prince of Saxe-Coburg Gotha to propose.

Strauss quits in a huff. While he is playing in a rival cafe he is engaged to go to England. He is kidnapped in England by Lanner's daughter. The drummer substitutes for him as leader at court and plays one of Lanner's waltzes. Back in Vienna the story ends in court with Lanner suing Strauss. The trial ends with the two composing a new march.

It has plenty of love interest to go with the music and some good looking girls to make its appeal general.

Viewed without production code seal at the 55th St. Playhouse. Running time, 75 minutes. "G."

## *"Madame Bovary"*

*(John S. Tapernoux)*

This adaptation of "Madame Bovary," produced in France by Nouvelle Societe de Films, does justice to Gustave Flaubert's masterpiece. Intense, sincere, moving, it is entertainment that intelligent minds should go for. Even without a command of French or without the aid of the English superimposed titles, the film would not be difficult to understand, thanks to the simplicity with which the story is told.

Perhaps the most impressive thing about the picture is its amazing

(Continued on page 9)

# Court Gives Approval of F. W. C. Sale

(Continued from page 1)

acts, claiming F. W. C. has conspired against them in getting first runs. Though they are not adjudicated claimants and not direct creditors of F. W. C., they feel the sale cannot not be completed until their claims for damages have been settled, as a judgment would take priority over general creditors.

Damages sought total $1,500,000 on the San Francisco house and $2,225,000 on the San Diego house. They say they intend to appeal to the U. S. Circuit Court of Appeals.

Judge Moss said that after many months of litigation the records of the trustees will prove they have not acted improperly. He expressed the opinion their work had been remarkably well done, in that they have pulled the organization up to the point where it can be sold to the satisfaction of all creditors.

Charles Skouras left on the Chief tonight for New York.

## *Ohio Sales Tax Up Again in Assembly*

(Continued from page 1)

a final gesture of the present administration. Sixty-eight House and 17 Senate votes are necessary.

Governor White, to whom Governor-elect Davey has pledged support to obtain approval of the measure by the retiring solons, tomorrow will recommend a bracket tax, with exemptions on sales of less than 10 cents; a one-cent tax from 10 to 40 cents; two cents from 40 to 70 cents, and three per cent from 70 cents to $1, with the lower bracket applications on fractional amounts over $1. An increase of one per cent in the utility excise tax, a personal earned income tax and reenactment of the liquid fuel impost will be urged.

Alternatively, the Governor's message will carry recommendation for repeal of that part of the nuisance tax which includes admissions, soft drinks and cosmetics. The impost on cigarettes and liquor will remain.

## *House Committee to Take Up Tax Dec. 3*

(Continued from page 1)

have in mind with respect to taxes. A number of the temporary levies, however, expire on Jan. 1, and it is anticipated the Administration will have a tax program for submission at the opening of Congress to make up the revenue which will be thus lost.

## *Fox Holds Miss Allwyn*

Hollywood, Nov. 19.—Fox have renewed an option on the contract of Astrid Allwyn. The actress' next assignment will be in "One More Spring."

## *Sign Parker, Campbell*

Hollywood, Nov. 19.—Dorothy Parker and her husband Allan Campbell, who have just wound up work on "Sailor Beware," have both been handed new contracts with options.

# CONTROL CORPORATION OF AMERICA ANNOUNCES:

A contract for the air-conditioning with Chrysler equipment and the heating and ventilation of Charles Segall's new 1000-seat Bromley Theatre, Philadelphia, has been signed by F. B. Warren's Control Corporation of America. Installation begins at once, concurrently with the erection of this handsome structure.

The Chrysler conditioning equipment is automatic in operation, maintaining economically the year around, ideal temperatures and regulated humidity so necessary for the comfort and enjoyment of patrons.

Mr. Segall, president of the Eastern Pennsylvania M. P. T. O. A. and one of the earliest participants in the development of the original Stanley Company of America, has dealt with F. B. Warren for twenty-five years, as did all of the Stanley founders then, and all of the survivors now. This contract represents a mature business choice, but we are glad to read into it a note of sentiment, as well.

The design and plans of the Bromley are by Thalheimer & Weitz, R. A., of Philadelphia and the construction by United Building Construction Corporation, Nicholas J. Brandolini, president; Control's planning and engineering by Andre Merle.

We invite theatre owners contemplating air-conditioning in all its phases to send us blueprints of their theatres for computation and estimates.

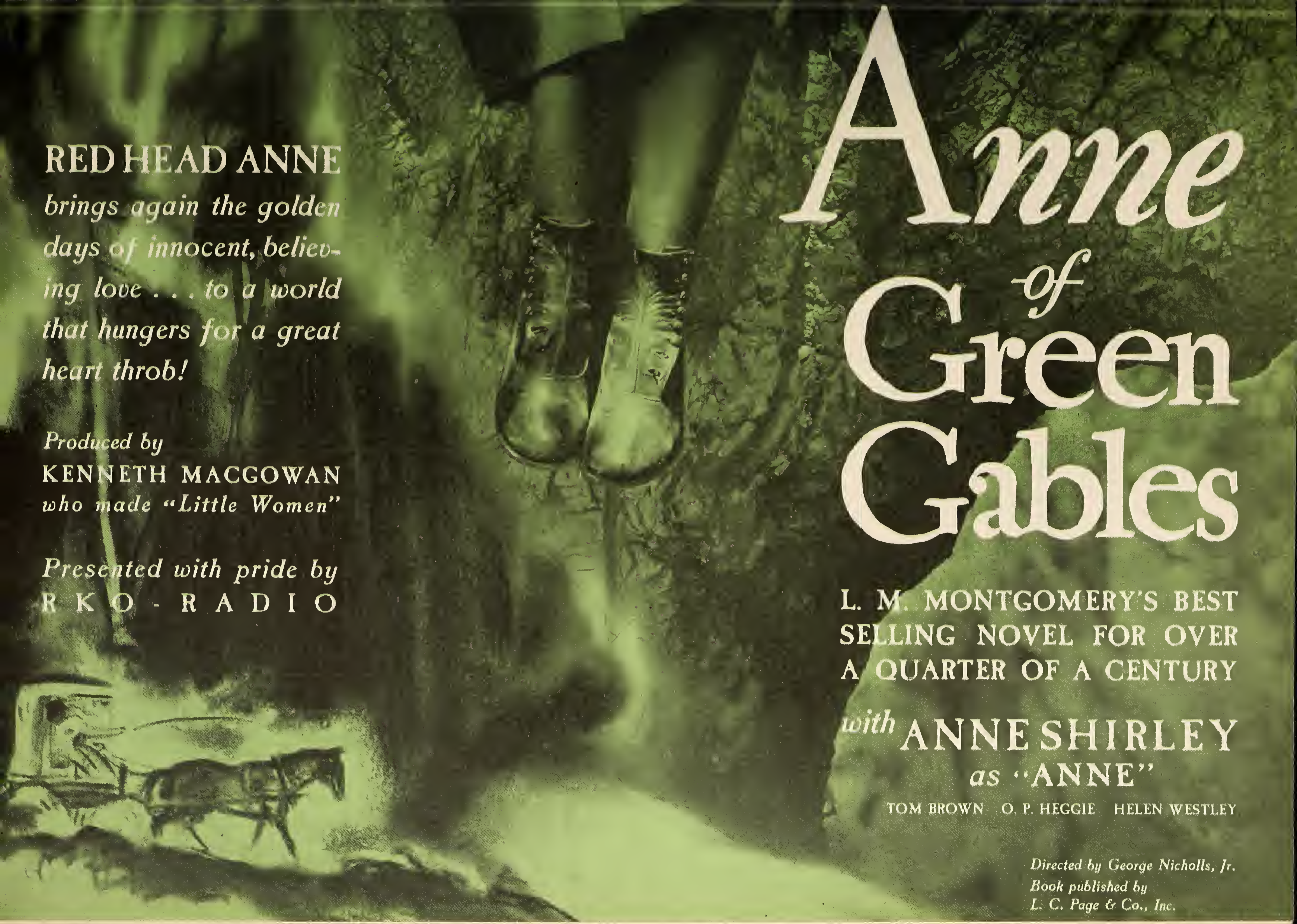
**Control**
**CORPORATION OF AMERICA**

**250 West 57th Street**
**New York City**

**TELEPHONE CIrcle 7-0077**

**Authorized by AIRTEMP INCORPORATED, World Distributors of Air Conditioning Products of Chrysler Motors**

The world shared its love with four
girls in "Little Women" . . . but will give
it all to one
. . . in



# Anne of Green Gables

L. M. MONTGOMERY'S BEST SELLING NOVEL FOR OVER A QUARTER OF A CENTURY

*with* ANNE SHIRLEY

*as* "ANNE"

TOM BROWN O. P. HEGGIE HELEN WESTLEY

*Directed by George Nicholls, Jr.*
*Book published by*
*L. C. Page & Co., Inc.*

RED HEAD ANNE

*brings again the golden days of innocent, believing love . . . to a world that hungers for a great heart throb!*

*Produced by*
KENNETH MACGOWAN
*who made "Little Women"*

*Presented with pride by*
RKO-RADIO

## "One Night" Is Cleveland Wow, $13,500

CLEVELAND, Nov. 19.—"One Night of Love" at the Hippodrome was the smash hit of the week. It built up from $200 to $400 daily, closing with a $13,500 gross as against a $6,000 house average. It was held. The 50,000 attendance at the Navy-Notre Dame football game cramped the opening, but the picture got into its stride on Sunday.

"Mrs. Wiggs," aided by Ted Lewis and his stage show, grossed around $20,000 at Loew's State. "The Merry Widow" had a swell hold-over at the Stillman at advanced prices, following the State engagement. Weather was clear. Football and bike races were the heaviest competition.

Total gross was $54,800. Average, with two stage shows, is $49,000.

Estimated takings for the week ending Nov. 16:

**"KENTUCKY KERNELS" (Radio)**

ALLEN—(3,300), 20c-30c-40c, 7 days. **Gross:** $2,800. (Average, $3,000)

**"ONE NIGHT OF LOVE" (Col.)**

WARNERS' HIPPODROME — (3,800), 30c-35c-44c, 7 days. **Gross:** $13,500. (Average, $6,000)

**"GIFT OF GAB" (Univ.)**

RKO PALACE—(3,100), 30c-40c-60c, 7 days. Stage: "Sidewalk Cafe." **Gross:** $12,500. (Average with stage show, $18,000)

**"MRS. WIGGS OF THE CABBAGE PATCH" (Para.)**

LOEW'S STATE—(3,400), 30c-40c-60c, 7 days. Stage: Ted Lewis and his company in "Happiness Follies of 1934." **Gross:** $20,000. (Average with stage show, $18,000)

**"MERRY WIDOW" (M-G-M)**

LOEW'S STILLMAN—(1,900), 30c-35c-44c, 7 days, 2nd week downtown. **Gross:** $6,000. (Average, $4,000)

## "Limehouse," Dual Leads Providence

PROVIDENCE, Nov. 19.—Top money for the week was garnered by the Strand, which caught $9,500 with a dual, "Limehouse Blues" and "Tomorrow's Youth." Not considered especially strong on paper, the bill, nevertheless, brought more money to the house than it has seen in many moons. The average take is $6,500.

Next in line was the RKO Albee, which drew $9,200 with "Wednesday's Child" on the screen and "Now and Then," a revue. Fays' was exceptionally strong at $8,800, but Loew's was under its usual par with "Evelyn Prentice," the take being only $9,500 as against the usual $12,000.

First run business was $46,100. Average is $40,500.

Estimated takings for the week ending Nov. 15:

**"WEDNESDAY'S CHILD" (Radio)**

RKO ALBEE—(2,300), 15c-40c, 7 days. Stage: "Now and Then" revue. **Gross:** $9,200. (Average, $7,000)

**"HAPPINESS AHEAD" (Warners)**
**"THE SCARLET LETTER" (Monogram)**

MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $7,800. (Average, $7,000)

**"LIMEHOUSE BLUES" (Para.)**
**"TOMORROW'S YOUTH" (Monogram)**

STRAND—(2,300), 15c-40c, 7 days. **Gross:** $9,500. (Average, $6,500)

**"365 NIGHTS IN HOLLYWOOD" (Fox)**

FAYS—(1,600), 15c-40c, 7 days. Stage: "Jerry and Her Baby Grands." **Gross:** $8,800. (Average, $7,000)

**"EVELYN PRENTICE" (M-G-M)**

LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $9,500. (Average, $12,000)

**"ONCE TO EVERY BACHELOR" (Levine)**

RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,300. (Average, $1,000)

## "Widow" Gets Twin Cities' High Money

MINNEAPOLIS, Nov. 19. — "The Merry Widow" was the money-maker of the week in both Minneapolis and St. Paul. At the State here it was $1,000 over average on a gross of $6,500 and at the Paramount across the river it was $700 up on a gross of $6,200.

"The Age of Innocence" was strong here at $6,000 in the Orpheum and "Chu Chin Chow" made a good showing at the World in its second week with a gross of $3,000. "Little Friend," another Gaumont British feature, was strong at $2,500 in the St. Paul World.

Total first run business in Minneapolis was $23,600. Average is $21,000. Total first run business in St. Paul was $18,100. Average is $16,000.

Estimated takings:

*Minneapolis:*

*Week Ending Nov. 15:*

**"MARIE GALANTE" (Fox)**

CENTURY — (1,000), 25c-40c, 7 days. **Gross:** $3,800. (Average, $4,000)

**"THE CASE OF THE HOWLING DOG" (Warners)**

LYRIC—(1,000), 20c-25c, 7 days. **Gross:** $1,800. (Average, $1,500)

*Week Ending Nov. 16:*

**"THE AGE OF INNOCENCE" (Radio)**

ORPHEUM—(2,900), 25c-50c, 7 days. Five acts of vaudeville. **Gross:** $6,000. (Average, $5,500)

**"THE MERRY WIDOW" (M-G-M)**

STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,500. (Average, $5,500)

**"WAKE UP AND DREAM" (Univ.)**

TIME—(300), 25c-35c, 7 days. **Gross:** $2,500. (Average, $2,500)

**"CHU CHIN CHOW" (Gaumont British)**

WORLD—(400), 25c-75c, 7 days, 2nd week. **Gross:** $3,000. (Average, $2,500)

*St. Paul:*

*Week Ending Nov. 15:*

**"THE MERRY WIDOW" (M-G-M)**

PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,200. (Average, $5,500)

**"PURSUIT OF HAPPINESS" (Para.)**

RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500)

**"SIX-DAY BIKE RIDER" (F.N.)**

ORPHEUM—(2,000), 25c-40c, 4 days. Five acts vaudeville. **Gross:** $2,500. (Average, $4,000 for the week)

**"A LOST LADY" (F.N.)**

ORPHEUM—(2,000), 25c-40c, 3 days. **Gross:** $1,500. (Average, $4,000 for week)

**"STUDENT TOUR" (M-G-M)**

TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,400. (Average, $1,500)

**"LITTLE FRIEND" (Gaumont British)**

WORLD—(300), 25c-75c, 7 days. **Gross:** $2,500. (Average, $2,000)

### *Miss Tobin Improved*

MONTECITO, CAL., Nov. 19.—The condition of Genevieve Tobin, who was injured in an automobile accident here Saturday, was reported better here today. The actress and her mother, who was riding with her, are both suffering from fractured collar bones.

### *Moore Film Did $9,600*

The first week's engagement of "One Night of Love" at the Garrick, Chicago, resulted in a gross of $9,600, and not $5,500 as published.

### *Cantor Grosses $51,000*

"Kid Millions" reached $51,000, a whopping gross for the Rivoli, in its first week.

### *Loose Again*

**Hollywood, Nov. 19.—The Four Marxes are at it again. Irving Thalberg has ordered them out of his bungalow with a curt, "Don't come back until called."**

**Seems as though the quadruplets busted up two typewriters and now Harpo has his eye on the blonde secretary.**

## "We Live" Is Frisco's Top With $12,000

SAN FRANCISCO, Nov. 19. — "We Live Again" was the outstanding draw of last week. It went to $12,000 at the United Artists, over average by $4,000.

"The Gay Divorcee" was still strong in its third week at the Golden Gate, getting $12,000. "We're Rich Again" and "Girl of the Limberlost" had a par $9,000 at the Orpheum.

Total first run business was $77,200. Average is $83,000.

Estimated takings:

*Week Ending Nov. 13:*

**"THE GAY DIVORCEE" (Radio)**

GOLDEN GATE—(2,800), 25c-35c-40c, 7 days, 3rd week. Stage, band. **Gross:** $12,000. (Average, $13,000)

*Week Ending Nov. 14:*

**"KANSAS CITY PRINCESS" (Warners)**
**"FIFTEEN WIVES" (Chesterfield)**

FOX—(4,600), 15c-30c-40c, 7 days. **Gross:** $9,500. (Average, $11,000)

**"HELL IN THE HEAVENS" (Fox)**
**"GENTLEMAN ARE BORN" (Warners)**

PARAMOUNT—(2,670), 25c-35c-55c-65c, 7 days. **Gross:** $10,500. (Average. $11,000)

**"THE MERRY WIDOW" (M-G-M)**

WARFIELD—(2,700), 25c-35c-55c-65c, 7 days, 2nd week. **Gross:** $17,200. (Average, $23,000)

*Week Ending Nov. 15:*

**"GIRL OF THE LIMBERLOST" (Monogram)**
**"WE'RE RICH AGAIN" (Radio)**

ORPHEUM — (3,000), 15c-30c-35c-40c, 7 days. **Gross:** $9,000. (Average, $9,000)

**"WHAT EVERY WOMAN KNOWS" (M-G-M)**

ST. FRANCIS—(1,400), 15c-35c-55c, 7 days. **Gross:** $7,000. (Average, $8,000)

**"WE LIVE AGAIN" (U.A.)**

UNITED ARTISTS—(1,200), 15c-35c-55c, 7 days. **Gross:** $12,000. (Average, $8,000)

### *Salt Lake House Burns*

SALT LAKE CITY, Nov. 19.—The old Hippodrome Theatre, originally the Grand, was swept by flames last night. Damage is estimated at $20,000 to the building and between $5,000 and $10,000 to the contents.

The blaze broke out just after the audience, which attended "Follies of 1935," had left the building.

Only the four walls are left standing today.

### *Wanger in Studio Deal*

HOLLYWOOD, Nov. 19.—Walter Wanger has made a new arrangement with Erpi to continue production at the General Service Studio.

### *Miss Sermolino on Reel*

Marie Sermolino, formerly of *Time's* editorial staff, has been assigned to the March of Time newsreel as head of the research department.

## "Widow" Gets Big $21,000, Philadelphia

PHILADELPHIA, Nov. 19.—In the first week of a price reduction "The Merry Widow" topped the field with $21,000 at the Boyd and was held.

"We Live Again" got off to a good $10,000 in its first week at the Aldine and "Marie Galante" brought the Fox take to $14,500. "The Barretts of Wimpole Street" had a good second run engagement at the Arcadia and "One Night of Love" ended its sensational three-week second run engagement at the Karlton with the handsome figure of $3,700.

Total first run business was: $83,900. Average is $73,100.

Estimated takings for the week ending Nov. 15:

**"WE LIVE AGAIN" (U.A.)**

ALDINE—(1,200), 35c-40c-55c, 6 days. **Gross:** $10,000. (Average, $7,000)

**"BARRETTS OF WIMPOLE STREET" (M-G-M) (2nd run)**

ARCADIA—(600), 25c-40c-50c, 9 days. **Gross:** $4,200. (Average, 6 days, $2,400)

**"THE MERRY WIDOW" (M-G-M)**

BOYD — (2,400), 35c-40c-55c, 6 days. **Gross:** $21,000. (Average, $12,000)

**"STUDENT TOUR" (M-G-M)**

EARLE — (2,000), 40c-55c-65c, 6 days. Stage: "Bowery Music Hall Follies." **Gross:** $13,500. (Average, $12,000)

**"MARIE GALANTE" (Fox)**

FOX—(3,000), 35c-55c-65c, 6 days. Stage: Lillian Shade, J. Fred Coots, Eddie Stanley, Three Swifts. **Gross:** $14,500. (Average, $12,000)

**"ONE NIGHT OF LOVE" (Col.) (2nd run—3d week)**

KARLTON—(1,000), 30c-40c-50c, 6 days. **Gross:** $3,700. (Average, $3,500)

**"THE SCARLET LETTER" (Majestic**

LOCUST—(1,300), 35c-40c-55c, 6 days. **Gross:** $2,500. (Average, $5,000)

**"THE GAY DIVORCEE" (Radio)**

STANLEY—(3,700), 35c-40c-55c, 6 days, 2nd week. **Gross:** $9,500. (Average, $12,000)

**"THE MENACE" (Para.)**

STANTON—(1,700), 35c-40c-55c, 6 days. **Gross:** $5,000. (Average, $6,000)

## "One Night" Pulls $5,200, Omaha Top

OMAHA, Nov. 19.—"One Night of Love" got off to a bad start at the Brandeis, due to a breakdown in the sound apparatus, but it built steadily to a gross of $5,200 on the week. Normal for this house is $3,500. The picture was held over.

"Evelyn Prentice" did a nice $8,500 at the Paramount, and the dual bills, "Madame DuBarry" and "Green Eyes" at the World and "The Affairs of Cellini" and "Kansas City Princess" at the Orpheum, were both over par.

Total first run business was $25,100. Average is $22,500.

Estimated takings:

*Week Ending Nov. 14:*

**"MADAME DU BARRY" (Warners)**
**"GREEN EYES" (Chesterfield)**

WORLD—(2,200), 25c-40c, 7 days. **Gross:** $3,600. (Average, $3,500)

**"EVELYN PRENTICE" (M-G-M)**

PARAMOUNT—(2,800), 25c-40c, 7 days. **Gross:** $8,500. (Average, $8,000)

*Week Ending Nov. 15:*

**"ONE NIGHT OF LOVE" (Col.)**

BRANDEIS—(1,500), 20c-25c-35c, 7 days. **Gross.** $5,200. (Average, $3,500)

**"THE AFFAIRS OF CELLINI" (U. A.)**
**"KANSAS CITY PRINCESS" (Warners)**

ORPHEUM—(3,000), 25c-40c, 7 days. **Gross:** $7,800. (Average, $7,500)

# "One Night" Tops Seattle Second Week

SEATTLE, Nov. 19.—"One Night of Love" ran away with the big business here in its second week at the Liberty, getting $6,800, over normal by $2,800.

Every other first run in town was below normal. "The Gay Divorcee" slipped to $3,300 in its third week at the Blue Mouse and "The Merry Widow" was down to $5,200 in its second week at the Fifth Avenue.

Total first run business was $34,050. Average is $36,500.

Estimated takings for the week ending Nov. 13:

**"THE GAY DIVORCEE" (Radio)**
BLUE MOUSE—(950), 25c-40c-55c, 7 days, 3rd week of extended run from Music Hall. **Gross:** $3,300. (Average, $4,000)

**"THE MERRY WIDOW" (M-G-M)**
FIFTH AVENUE—(2,450), 25c-40c-55c, 5 days, 2nd week. **Gross:** $5,200. (Average, 1st week, $7,000)

**"ONE NIGHT OF LOVE" (Col.)**
LIBERTY—(1,800), 15c-25c-35c-50c, 7 day 2nd week. **Gross:** $6,800. (Average, 1st week, $4,000)

**"I SELL ANYTHING" (F.N.)**
**"DANGEROUS CORNER" (Radio)**
MUSIC BOX—(950), 25c-35c-50c, 7 days. **Gross:** $3,150. (Average, $3,500)

**"HAPPINESS AHEAD" (Warners)**
MUSIC HALL—(2,275), 25c-40c-55c, 7 days. **Gross:** $5,400. (Average, $6,500)

**"KANSAS CITY PRINCESS" (Warners)**
ORPHEUM—(2,500), 25c-35c, 7 days. Vaudeville headed by Lowe and Hite. **Gross:** $5,200. (Average, $5,500)

**"WAGON WHEELS" (Para.)**
**"STUDENT TOUR" (M-G-M)**
PARAMOUNT—(3,050), 25c-35c, 7 days. Stage revue, "Artists and Models." **Gross:** $5,000. (Average, $6,000)

## *New Seattle Sunday Closing Move Balked*

SEATTLE, Nov. 19.—Again the local courts have ruled that Seattle theatres and amusement parks may remain open on Sundays, despite an obsolete closing law that has not been enforced in many years.

The latest showdown came this week when Superior Judge James Kinne denied a writ of mandate sought by Attorney A. D. Rosellini on behalf of two Seattle beer parlor operators who have been forced to remain closed on Sundays. It was his contention that the Sunday closing should apply to all interests.

In denying the writ, Judge Kinne said that the petitioners would have to cite specific instances of violation of the closing law. In reply, the beer vendors stated that they would probably single out an individual theatre and make such a complaint next week.

## *Court Upholds Ban On Cleveland Duals*

CLEVELAND, Nov. 19.—Common Pleas Judge Alva Corlett today upheld the permanent injunction against double features here by overruling a motion for a new trial in the case of the Family Theatre, operated by Henry Kaplan, against the Center Woodland Amusement Co., operated by M. B. Horwitz. A rehearing of the case was asked by Lawrence Rich, attorney for Morris Israel of the Erie Theatre, an interested party.

Martin Printz, manager of the Alhambra, reports first run duals are playing to capacity at his house.

# *Looking 'Em Over*

(*Continued from page* 4)

faithfulness to the atmosphere of the original. Its backgrounds and customs are so true to the period in which the story is set—around 1840—that the production strikes the spectator as one of realism. It is a pity that the photography is not always first-rate and that the recording at times makes the speech of the actors difficult to understand.

"Madame Bovary" tells the tragic story of a convent girl (Valentine Tessier) enmeshed in an unhappy marriage. Her husband (Pierre Renoir) is a country doctor, crude, unromantic, but slavishly faithful to her. Two lovers (Fernand Fabre and Daniel Lecourtois) play an important part in her life and are the indirect cause of her tragic end. When her extravagance threatens the loss of her home, she is driven insane trying to raise money. When the two men fail her, she sees no way out but suicide. The final scenes detail her slow, torturing death from poison.

Jean Renoir directed. No code seal. Running time, 100 minutes. "A."

### *"One in a Million"*

*(Chesterfield)*

There is considerable entertainment in this Invincible production. It tells a familiar story well and mounts it richly and tastefully. An added asset is the acting of the principals. Dorothy Wilson is oustanding, giving a simple, sincere performance that draws sympathy to the character she plays. In Charles Starrett she has a fine romantic foil.

Miss Wilson gets herself involved with the police when she pushes an official of the department store employing her off a balcony when the man tries to force himself upon her after inviting her to his apartment on the pretext of wanting to help her out of a theft charge, of which she is not guilty.

With Gwen Lee she hides out at the apartment of Starrett's fiancee, where Miss Lee has gone to deliver a trousseau. She meets Starrett and attempts to dampen his ardor. When he is jilted by his sweetheart, he presses his suit with Miss Wilson more than ever. His father, head of the store where Miss Wilson is employed, opposes the match, but in the end he gives his blessing when the girl is cleared by the revelation that the man who tried to attack her used her as a dupe to cover up his theft of lingerie from the store to present to his girl friends.

Holmes Herbert and "Big Boy" Williams are also in the cast. Frank Strayer directed. Code seal No. 189. Running time, 70 minutes. "G."

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

### *"Wicked Woman"*

*(M-G-M)*

HOLLYWOOD, Nov. 19.—Mady Christians, in her American film debut, visualizes the virtues, sacrifices and heartaches of a mother of four. The title must refer to her righteous action in murdering her husband, who carried on an unlawful trade, as otherwise she is a model woman.

Moving away from the scene of her crime with her brood, determined her children will grow up clean and honest, in a 15-year period she succeeds as a business woman with her children respected. In order to clear her name of the stigma, with remarriage in the offing, she returns to the bayou country and expiates her crime with the sudden appearance and dramatic testimony of the children acquitting her.

The production contains a mixture of genuine feeling and sentimentality. Miss Christians evidences histrionic ability. Jean Parker and Betty Furness play her daughters, William Henry plays the son with the same roles played as children by Marilyn Harris, Betty Jane Graham and Jackie Searl. Charles Bickford does a secondary role well.

The screen play by Florence Ryerson and Zelda Sears is from Ann Austin's book. Charlie Brabin directed well.

The picture will satisfy family neighborhood trade, being a good average feature. Previewed without code seal. Running time, 76 minutes. "G."

*"Gentlemen Are Born," tomorrow night's opener at the Strand, was covered by wire from the coast Oct. 13.*

*"Marie Galante," last night's preview at the Mayfair, was reviewed by wire from Hollywood on Nov. 10.*

*"Menace," tomorrow night's preview at the Rialto, was reviewed by wire from Hollywood on Oct. 3.*

# "Empress" and Waring Smash In Pittsburgh

PITTSBURG, Nov. 19.—It was an even break here last week, with three houses shooting well above average and three others skidding. The big noise was the Stanley where Waring's Pennsylvanians and "The Scarlet Empress," gave the house a great $27,000 for its best business since last March.

At the Alvin, "Hell in the Heavens" and a stage show went $2,500 over par at $12,500, while another winner was "Judge Priest," which in its second week gathered around $6,000 at the Fulton, counting in two extra days.

Otherwise, the week was just so-so. "We Live Again" never got started at the Penn, winding up with an ordinary $11,000, and at the Warner, the combination of "Kentucky Kernels" and "Ladies Should Listen" was unable to lift the house out of the doldrums, resulting in an indifferent $4,000.

Total grosses in six first runs were $64,800. Average is $55,000.

Estimated takings for the week ending Nov. 15:

**"HELL IN THE HEAVENS" (Fox)**
ALVIN—(2,000), 25c-40c, 6 days. Stage: Johnny Perkins, Four Trojans, Johnny Woods, Duffin and Draper, Perry Como, Streamline Alvinettes, Jerry Mayhall's orchestra. **Gross:** $12,500. (Average, $10,000)

**"JUDGE PRIEST" (Fox)**
FULTON—(1,750), 15c-40c, 8 days, 2nd week. **Gross:** $6,000. (Average, for 6 days, $4,500)

**"WE LIVE AGAIN" (U. A.)**
PENN—(3,300), 25c-50c, 6 days. **Gross:** $11,000. (Average, $12,000)

**"OVER NIGHT" (English)**
PITT—(1,600), 15c-30c, 6 days. Stage: Bob Nelson, Bernard and Kay, Marie and Ann Clark, Young Kam Troupe, Merman and Bronson revue, The Cevenes, Reo and West. **Gross:** $4,300. (Average, $4,500)

**"SCARLET EMPRESS" (Para.)**
STANLEY—(3,600), 25-60c, 6 days. Stage: Waring's Pennsylvanians. **Gross:** $27,000. (Average, $19,000)

**"KENTUCKY'S KERNELS" (Radio)**
**"LADIES SHOULD LISTEN" (Para.)**
WARNER—(2,000), 25c-40c, 6 days. **Gross:** $4,000. (Average, $5,000)

## *Weshner Gets First Runs Only in Phila.*

(*Continued from page* 1)

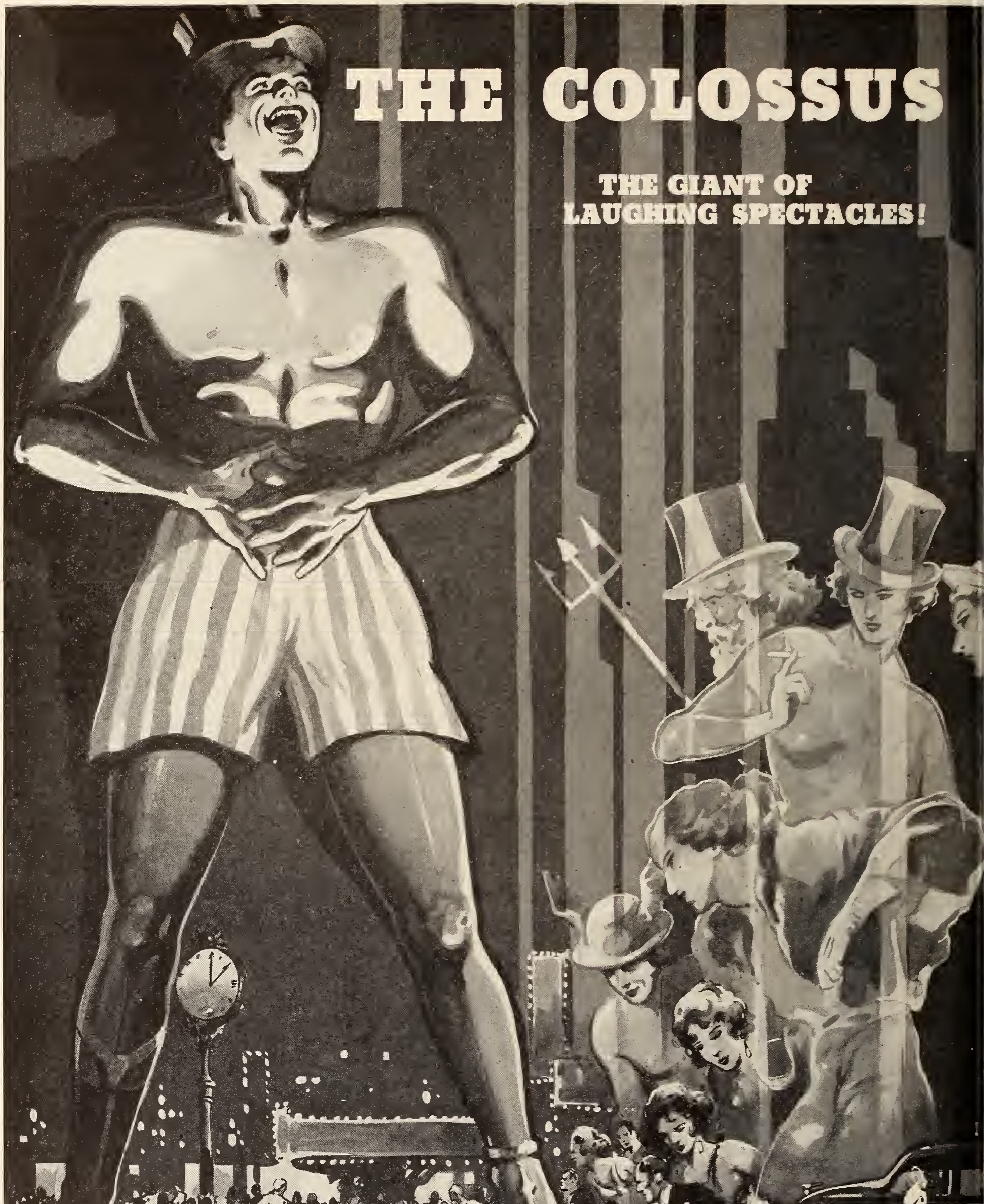
Milwaukee reported Weshner would handle the Eastern Pennsylvania zone.

"We have great plans for the Philadelphia zone," declared Bernhard. "Our system of classification of pictures for family and adult audiences recently inaugurated in this zone is already a great success. Our recent act of reducing admission prices for our theatres there has also met with the wide acclaim of the Philadelphia public.

"Realizing that Philadelphia is one of our most important theatre zones, we are constantly striving to strengthen the organization there. And bringing Weshner from Milwaukee to Philadelphia is in line with our plan of setting up the best men we can find in this territory. All activities in this zone are under the direction of Leonard Schlesinger, who continues as zone manager."

## *Sprague to Paramount*

HOLLYWOOD, Nov. 19.—Chandler Sprague has joined the Paramount writing staff and will adapt "Sacrifice."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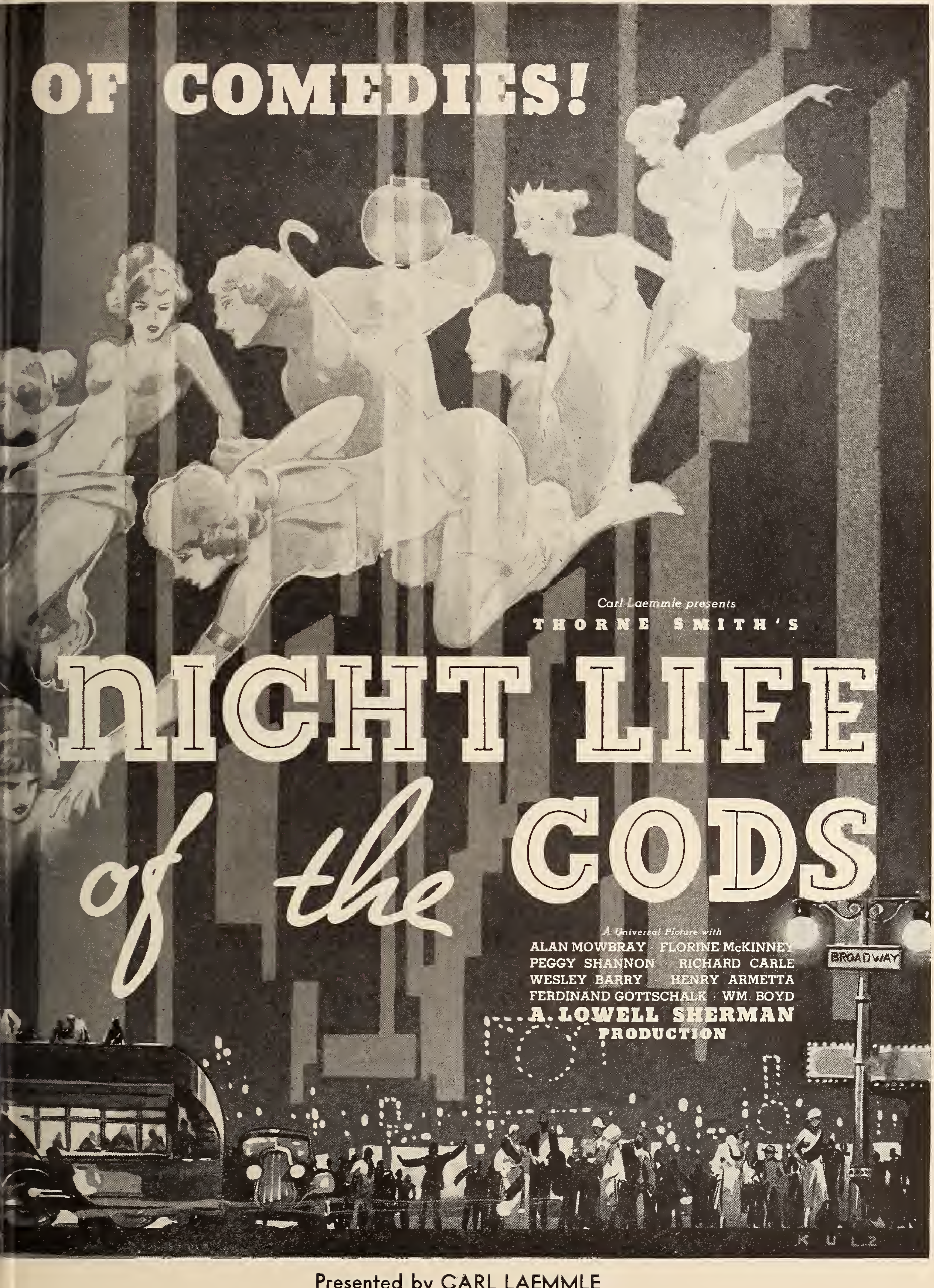
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A LOWELL SHERMAN PRODUCTION
BROADWAY
KULZ

Presented by CARL LAEMMLE

# Para. Claims Set; Hearing Off to Dec. 3

(*Continued from page* 1)

completion of the Paramount reorganization plan which will make the settlement effective.

The hearing on the trustees' motion in relation to the $13,300,000 Paramount creditor banks' claim was adjourned by Joyce to Nov. 26. This, too, probably will be stricken off as a result of the settlement of the claim with the creditor groups, now embodied in the Paramount reorganization plan. Under it, the banks receive $5,173,574 in cash and an adjustment of the $9,800,000 balance in new securities on the same terms as provided for general creditors. This settlement is also dependent for effectiveness on a final plan of reorganization for Paramount and upon action on the banks' motion to dismiss the proceedings before Joyce, which is now pending before Federal Judge Alfred C. Coxe and scheduled for hearing tomorrow.

Hearing on the Paramount Broadway claim was postponed to Dec. 3 by Joyce. The settlement of this $8,875,000 claim, described in MOTION PICTURE DAILY yesterday, is also a part of the tentative plan of reorganization for Paramount and will be automatically eliminated when the plan is made operative.

A scheduled hearing on a claim of the trustee of the Stanley Co. in the amount of $1,513,604 was also adjourned by Joyce to Dec. 3. It was revealed, however, that the claimant has agreed to a reduction of the claim to $32,500. Counsel for the Paramount Publix trustees, however, asserted that they believe the claim to be "without merit" and will file objections to it even in the reduced amount.

# Say Hamm, Brewer, Dominates Circuit

(*Continued from page* 1)

old Publix circuit. This interest amounts to control, say some.

The impression also prevails that the new setup will acquire more houses rather than relinquishing any wherever it is felt acquisitions are necessary to protect the company's buying power.

## *Holds Film Symposium*

LOS ANGELES, Nov. 19.—The Modern Forum, sponsored by local educational, civic, political and scientific leaders, tonight devoted its semimonthly meeting at the Philharmonic Auditorium to a symposium on film problems. Among those who took part in the discussions were Alice Brady, Irving Pichel and Gus McCarthy.

## *To Build at Norwalk, O.*

NORWALK, O., Nov. 19.—Jerry Steel, of the Appolo in Oberlin and William Selman film salesman formerly with U. A., are planning to build a de luxe house here. Fred Clary, formerly assistant manager of the Public Auditorium in Cleveland, and prior to that with Loew's, is slated to be manager.

# Monogram May Tip Next List to 52

(*Continued from page* 1)

schedule calls for 20 features and eight westerns.

Stating that Monogram has added 1,000 theatre accounts during the current season, Johnston cited the gain as a major reason for an increase in the schedule next year and as a vindication of the company's production trend to family-type entertainment, such as "Girl of the Limberlost" and "Keeper of the Bees." In line with a continuation of the policy, he said, Monogram had just acquired production rights to Richard Henry Dana's "Two Years Before the Mast," James Fenimore Cooper's "The Spy," and "Five Little Peppers."

Johnston visited exchanges at Seattle, Kansas City, Cleveland and Cincinnati en route east.

## *Code Changes Talked By Allied Directors*

BALTIMORE, Nov. 19.—Revision of the code in the interests of independent exhibitors and enactment of legislation to protect theatre owners against taxes on copyrighted music were discussed at a meeting of Allied regional directors at the Hotel Emerson here today.

Walter Littlefield presided. Sidney Samuelson, Abram F. Myers, and Herman A. Blum were among those in attendance.

Members of the M. P. T. O. of Maryland and a group of independents from Baltimore and other parts of the state joined the Allied men at a luncheon at which Frank A. Hornig, president of the Maryland exhibitor organization, presided. Among the guests were Mayor Howard Jackson of Baltimore and Herbert O'Conor, states attorney and state attorney general-elect.

## *Walsh Will Appeal San Francisco Ruling*

SAN FRANCISCO, Nov. 19.—Morgan Walsh, leader in the formation of the code, will appeal a reduced admission decision against him in a complaint filed by Joe Blumenfeld, operator of the American, Oakland.

The alleged cut was made at the T. & D. Theatre in Oakland. Blumenfeld contended Walsh's contracts with RKO, Paramount and Columbia specified that the T. & D. charged 20 cents admission. The house is now charging 15 cents for all seats except loges.

The grievance board ordered film service stopped.

## *Miss Molseed Helps Nebraska Code Study*

OMAHA, Nov. 19.—Miss Regina Molseed, secretary of the local code boards, has been selected as one of eight members of an executive committee representing 273 code workers in Nebraska, who will examine the present code setup and make recommendations for state laws to the new legislature for a self-governing organization.

Robert K. Straus, representing the NRA board at Washington, recommended to all local code officials that they group their executive functions in a single office.

# Death Halts Action On K. C. Clearance

(*Continued from page* 1)

and Tyree Dillard was today deferred until Wednesday by the death in Omaha of the mother of Elmer C. Rhoden, Fox Midwest division manager, who is a member of the zoning body. It is expected a definite vote on the recommended plan will be taken Wednesday, in time to apprise Thursday's meeting of Campi in New York.

While board members refused to divulge the recommendations left by the Campi emissaries on the ground they are only tentative, it is understood the trio instructed the board to include the protection bargaining principle in the clearance schedule. Whether this will be an out-and-out protection system or a modified form will be decided Wednesday, but it is learned on excellent authority the plan will include the inherent right of the exhibitor to ask for and the distributor to grant protection over an equally priced house.

It is also understood that, while the recommendations did not contemplate disturbing clearance periods, as favored by the board, certain revisions were instructed, including scrapping or modifying the variable admission clause whereby a theatre must maintain a fixed admission or be delayed in clearance. This provision was attacked by independents as illegal price fixing.

W. D. Fulton, acting for an independent group, today drafted a protest against protection to be forwarded to Campi.

Schaefer spent the week-end with

# Code Bills Go Out Under New Payment Plan

(*Continued from page* 1)

production and distribution companies. Major producers and distributors have advanced against their assessments a total of $100,500 to Campi, to date. No advances have been received from any independent company.

A provision of the producer-distributor assessment schedule makes it possible for a company which feels that the $120 minimum assessment would be unfair to it, to obtain individual adjustment subject to NRA approval.

## *Portland Wage Row Gets NRA Hearing*

PORTLAND, Nov. 19.—Exhibitors and operators today submitted data in the wage dispute here to Robert A. Gaven, deputy NRA administrator.

Operators claim $1 per hour under the code. Suburbans protest this is too high. A decision is expected by Dec. 1.

John Balaban in Excelsior Springs, Mo., delaying his departure until today. He left by plane.

Edward Golden, George Schaefer and Tyree Dillard returned to New York last night.

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# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 121 NEW YORK, WEDNESDAY, NOVEMBER 21, 1934 TEN CENTS

## Pennsylvania Hopeful Over Sunday Shows

### Democratic Gains Held Liberalizing Factor

Harrisburg, Nov. 20.—Chances of epeal of the Sunday blue laws of 794, which ban films and other musements on Sundays are vastly mproved as shown by analysis of reults of the Nov. 6 balloting in which he Pennsylvania Democrats elected a U. S. Senator for the first time in 76 ears; a governor for the first time in 4 years; wrested control of the lower ouse from the Republicans by a big margin, and reduced the Republican majority in the Senate.

While the fight for Sunday films, which has been waged with growing trength in every regular session of he legislature in the last couple of ecades, has not been along strictly arty lines, the Democrats have been

(Continued on page 8)

## M-G-M Takes Over Trailers Shortly

M-G-M will begin distribution of ts own trailers next month, the first o be made available being the trailer or "Biography of a Bachelor Girl," he Ann Harding and Robert Montomery picture which is set for national release Jan. 4, according to resent plans.

Although M-G-M has been making ts own trailers since early this year,

(Continued on page 8)

## To Organize Fight Against Censorship

Washington, Nov. 20.—All forms f film censorship will be opposed at conference on "civil liberties" called y the American Civil Liberties Union to meet here Dec. 8 and 9.

A tentative program made public oday discloses that picture censorhip will be one of the major subects, on which the meeting will adopt

(Continued on page 11)

## Allied Is Checking On Selling Policies

Allied is checking up on policies of distributors to determine whether the ales plans in New York are national or local, it was reported to members of the New Jersey unit yesterday.

Sidney Samuelson, who attended the astern regional of Allied directors in

(Continued on page 11)

## Purity Drive Justifiable, States Kent

### Says Films Became Too Strong and Sexy

By BRUCE ALLAN

London, Nov. 20.—The purity campaign in the United States was justifiable because films had gotten too strong and too sexy, S. R. Kent declared in a press interview here today.

He leaves for New York Nov. 28 on the *Berengaria* and, while ostensibly he came over in connection with the sale of Fox Film's 49 per cent interest in Gaumont British, he had nothing to say on that score today.

In touching on the patent problem in the States, Kent gave it as his

(Continued on page 5)

## Fight Won by ITOA On 306 Injunction

Albany, Nov. 20.—In a decision handed down today the New York Court of Appeals ruled the temporary injunction issued to Harry Sherman during his presidency of Local 306, I.A.T.S.E., ordering 14 members of the I.T.O.A. in New York City to re-employ 56 union members dismissed in August, 1933, was improperly granted. The court reversed the order with costs.

The theatre owners in their court

(Continued on page 5)

## North Dakota Wins Sunday Film Shows

Fargo, N. D., Nov. 20.—The statewide referendum on Sunday films for North Dakota has apparently been won by theatre interests, although the voting was so close that a recount was necessary.

With only three precincts uncounted, the tally shows a plurality of 1,090 votes for legalizing Sunday shows. Theatres will open on Sunday beginning Dec. 9 when the official count is completed. The issue lost by 372 votes at the last referendum two years ago.

## Price Stabilization In K. C. Is Jolted

Kansas City, Nov. 20.—Moves to stabilize prices here, which seemed successful several weeks ago, were seen headed for the rocks today with the announcement of a reduction in

(Continued on page 11)

## Bernerd May Obtain Radio Appointment

**London, Nov. 20.—Jeffrey Bernerd, now one of the top rank executives with Gaumont British, may join Radio Pictures here as managing director. Sol G. Newman held this post until his death recently.**

**If Jeffrey Bernerd joins Radio in England, the move would mean abrogation of his long contract with G. B. Originally, a seven and a half year deal, Bernerd still has six to go under the arrangement.**

**No word of such a switch was known at G. B. of America yesterday.**

**Ned E. Depinet, speaking for Radio, denied there was "anything to the report."**

**He added it was the company's intention of filling the Newman post from the ranks of the British distributing company.**

## Moves Impend On Clearance In N. Y., N. J.

New York and New Jersey will have clearance and zoning schedules within the next few months, according to prominent local exhibitors who are preparing to move on Campi for a rezoning of the territories. Philadelphia, which has had parts of the territory zoned, may have a complete shifting of areas, provided a contemplated petition is approved by Campi.

All three moves are contingent on adoption of the Kansas City clearance and zoning plan. George J. Schaefer and Edward Golden are back from a two-day visit to the midwest key center and the expectations are that they will bring back a plan which Campi is likely to accept. At least,

(Continued on page 5)

## Plunkett Advising Upon G. B. Scripts

London, Nov. 20.—Joseph Plunkett is on the Gaumont British payroll as a special advisor in the script department where he is aiding on six pictures. Plunkett's job is to give the American perspective to the half dozen stories which are being made with an eye to an international market.

## Kansas City's Clearance May Furnish Model

### Compromise on Theatre Scales Vital Issue

A tentative compromise agreement reached between George Schaefer and Edward Golden, Campi clearance and zoning members, and Kansas City exhibitors may serve as a guiding factor in national zoning, provided the K. C. factors approve the plan at a meeting today and it is also approved by Campi tomorrow.

The compromise embodies both protection and admission prices as dominating factors. The agreement provides that second and subsequent runs with identical admissions can play features simultaneously, but distributors retain the right to sell priority dates, if desired.

At the last Campi session, members of the board wanted to adopt the K. C. schedule on a geographical rezoning basis, but, one of the three members of the clearance and zoning committee

(Continued on page 5)

## Kuykendall Bangs Clearance Delays

Clearance and zoning, if left entirely by exhibitors to local boards and Code Authority, would "collapse from lack of interest," Ed Kuykendall, M.P.T.O.A. president and Campi member, states in a current bulletin released to M.P.T.O.A. members yesterday.

Kuykendall takes Code Authority to task for its inaction on clearance

(Continued on page 5)

## England Now Out of Depression—Schenck

England has recovered from the depression, Joseph M. Schenck, president of United Artists, asserted upon his return yesterday from a month's trip abroad.

Admitting Douglas Fairbanks had sold his interest in London Films, Schenck denied he had disposed of his

(Continued on page 5)

## "Black Ivory" Second FitzPatrick Feature

James A. FitzPatrick yesterday decided on "Black Ivory" as his second independent feature. It will be made all in three-process Technicolor and based on the life of H. M. Stanley, African explorer. FitzPatrick and his

(Continued on page 5)

MOTION PICTURE
DAILY
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## N. Y. Trade Shocked By Clark's Passing

New York exhibitor circles were shocked to learn yesterday of the death of R. M. Clark, for many years past the general manager of Griffith Amusement Co., Oklahoma City, and one of the most widely known exhibitors in the Southwest.

Clark, who was secretary of the M. P. T. O. of Oklahoma and an M. P. T. O. A. director, was 44 years old. He died Saturday of complications following on operation for appendicitis. Burial was at Oklahome City on Monday.

## Willard Mack Rites Set

HOLLYWOOD, Nov. 20.—Funeral services were held here today for Willard Mack. Burial will be in Salt Lake City to comply with one of the deceased's last wishes, for a few days ago he requested he be buried in that city, the scene of his first stage success.

## Charles Callahan Buried

RED OAK., IA., Nov. 20.—Funeral services were held today for Charles Callahan, 56, who died Saturday following a heart attack. For many years he was partner with Frank Good in the Iowana Theatre here.

## "Herbert" Gets $8,700

"Big Hearted Herbert" at the Mayfair garnered $8,700 on the week.

# Insiders' Outlook

THE lawyers in the case, and that means hordes of them, have been tussling with the November 14 reorganization plan for Paramount. Yesterday, however, they were reported to have finished their job of crossing additional letters and erasing superfluous commas in anticipation that, finally and conclusively, the plan will be submitted to Judge Coxe in Federal court here by Friday or Saturday of this week. These matters being what they are, this outpost urges against taking any odds that events will match the anticipation. . . .

▼

However, this is what it looked like last night through the eyes of factors in the situation who, if any do, know what they are talking about. Indicative of how the Paramount picture is changing its spots and pointing up as well the difficulty of following unexpected shifts in the balance are changes in the skeleton outline of the new directorate. For instance, on Saturday those regarded as set for posts were Adolph Zukor and George Schaefer, representing knowledge of the intricacies of film operation; Frank A. Vanderlip and Dr. Julius Klein, the debenture holders; Percy Johnston and George W. Davison, the banks; and Duncan A. Holmes and Maurice Newton, the common stockholders. . . .

▼

Last night the front had realigned itself along a slightly different tack with strong indications that the following seven men will have definite place among the either 12 to 14 or the 13 to 15 directors governing the reorganized company, if and when: Johnston of the Chemical and Davison of the Central Hanover for the banks; Gerald Brooks and Newton for the stockholders; Vanderlip and Klein for the debenture holders; Zukor on operation and what so far is known as Mr. X. Brooks is a man about town, identified with E. F. Hutton and Co. and is destined for the board as representative of a group of British insurance companies, including Royal, which owns a sizable chunk of the Paramount common and a more formidable array of bonds. . . .

▼

Mr. X., or the man yet to be named, is expected to rate through the suggestion—powerful—of Ralph Greve of Prudence Bonds which figured in Allied Owners, original claimant to the tune of $23,644,000 and now whittled down to $5,000,000 in new debentures, $150,000 in cash, the purchase of the Alabama in Birmingham and the leasing of Paramount theatres in Brooklyn, Fremont, O., and Glens Falls, N. Y. To put it another way Greve's company is the holder of the largest single claim, feels it is entitled to a director and undoubtedly will get it. . . .

▼

That covers eight of the 12 to 14 or the 13 to 15. Who will the others be? That's the question and a big one it is. Aside from Zukor, the seven, confidently believed to be agreed upon now, theoretically, at least, will take care of the financing and investment end of the rejuvenated company. Manifestly, something should be done to round out the board with men who know their celluloid do's and don'ts. The "but" in the case or the fly in the ointment, if you prefer, is the attitude of certain of the banking and investment interests

(*Continued on page* 11)

## Eastman Pfd. Up 5 on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 37 | 37 | 37 | ..... | 100 |
| Consolidated Film Industries | 3½ | 3½ | 3½ | — ⅛ | 500 |
| Consolidated Film Industries, pfd | 17 | 16⅞ | 17 | — ¼ | 800 |
| Eastman Kodak | 110 | 109½ | 110 | + ¼ | 600 |
| Eastman Kodak, pfd | 143 | 140 | 143 | +5 | 2,000 |
| Fox Film "A" | 13½ | 13⅜ | 13½ | — ⅛ | 1,500 |
| Loew's, Inc. | 34 | 33⅛ | 34 | + ⅝ | 10,900 |
| Loew's, Inc., pfd | 101 | 100¼ | 101 | + ¾ | 200 |
| Paramount Publix, cts | 3¾ | 3¼ | 3½ | — ⅛ | 19,000 |
| Pathe Exchange | 1½ | 1⅜ | 1⅜ | ..... | 2,500 |
| Pathe Exchange "A" | 15¼ | 15 | 15¼ | — ½ | 900 |
| RKO | 7⅞ | 1⅝ | 1¾ | ..... | 4,200 |
| Warner Bros., pfd | 4⅞ | 4⅝ | 4⅝ | — ⅛ | 900 |

## Technicolor Advances 3/8 on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 12⅞ | 12⅝ | 12⅞ | + ⅜ | 1,000 |

## Bond Market Has a Bad Day

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 8¾ | 8⅜ | 8⅜ | — ⅛ | 37 |
| General Theatre Equipment 6s '40, ctf | 8½ | 8 | 8¼ | — ¼ | 8 |
| Loew's 6s '41, ww deb rights | 104 | 104 | 104 | ..... | 1 |
| Paramount Broadway 5½s '51 | 41 | 41 | 41 | — ¼ | 1 |
| Paramount F. L 6s '47 | 57⅜ | 57 | 57 | ..... | 9 |
| Paramount Publix 5½s '50 | 57⅜ | 56½ | 56½ | —1¼ | 40 |
| Warner Bros. 6s '39, wd | 59 | 59 | 59 | — ¼ | 5 |

# ◂ Purely Personal ▸

HAROLD RAIVES, who operates the Rialto, East Rochester, and Temple, East Fairchild, N. Y., returns upstate either tomorrow or Friday after visiting friends and relatives. He says business is not so bad these days.

HARRY SHIFFMAN and LEE OCHS are captains of the exhibitor division of the M. P. Club bowling team. JOE HORNSTEIN is captain of the supply dealers' division.

HARRY GOLD is in Dallas. As soon as he returns to New York, CHARLES STERN will make the round of exchanges under his supervision.

FANNIE HURST, author of "Imitation of Life," will see the picture version of her story for the first time today at a private screening.

SIDNEY SAMUELSON returned from Baltimore yesterday and in the afternoon held the regular meeting of Allied of New Jersey.

FAY WRAY, who leaves for England today, will return in time to play a featured role in "Cardinal Richelieu" with GEORGE ARLISS.

HELEN HOERLE and MAURICE MARKS have organized a publicity service under the name of Hoerle-Marks.

WILLIAM GEDRIS of Ideal Seating Co., Grand Rapids, arrived yesterday and leaves Friday for the furniture city.

DAVE LEVY, New Jersey branch manager for M-G-M, leaves Dec. 21 for a month's vacation in Miami.

BEN LYON and BEBE DANIELS are registered at the Lombardy, but spent the week-end in Baltimore.

WILLIAM BRANDT, after five days in bed with the grippe, is up and around again.

LANNY ROSS has been signed to an exclusive Brunswick record contract

PRESTON FOSTER is in from the coast and is at the Warwick.

LYDA ROBERTI has been given a new Paramount contract.

WILLIAM SCULLY is in Boston. Returns Friday.

## Ampa's Star Lineup

Jeanne Aubert, Fred Stone, Eva L Gallienne, Eleanor Smith, Arthur Tracy, Jimmy Savo, Roy Atwell, Ned Wayburn, Dorothy Gish, Barbara Kent, Harry Edington, Sam Wood Myrtle Leonard, Blossom Seeley Harry Green, Eddie Peabody and Roy Ford's orchestra will be Ampa guests tomorrow.

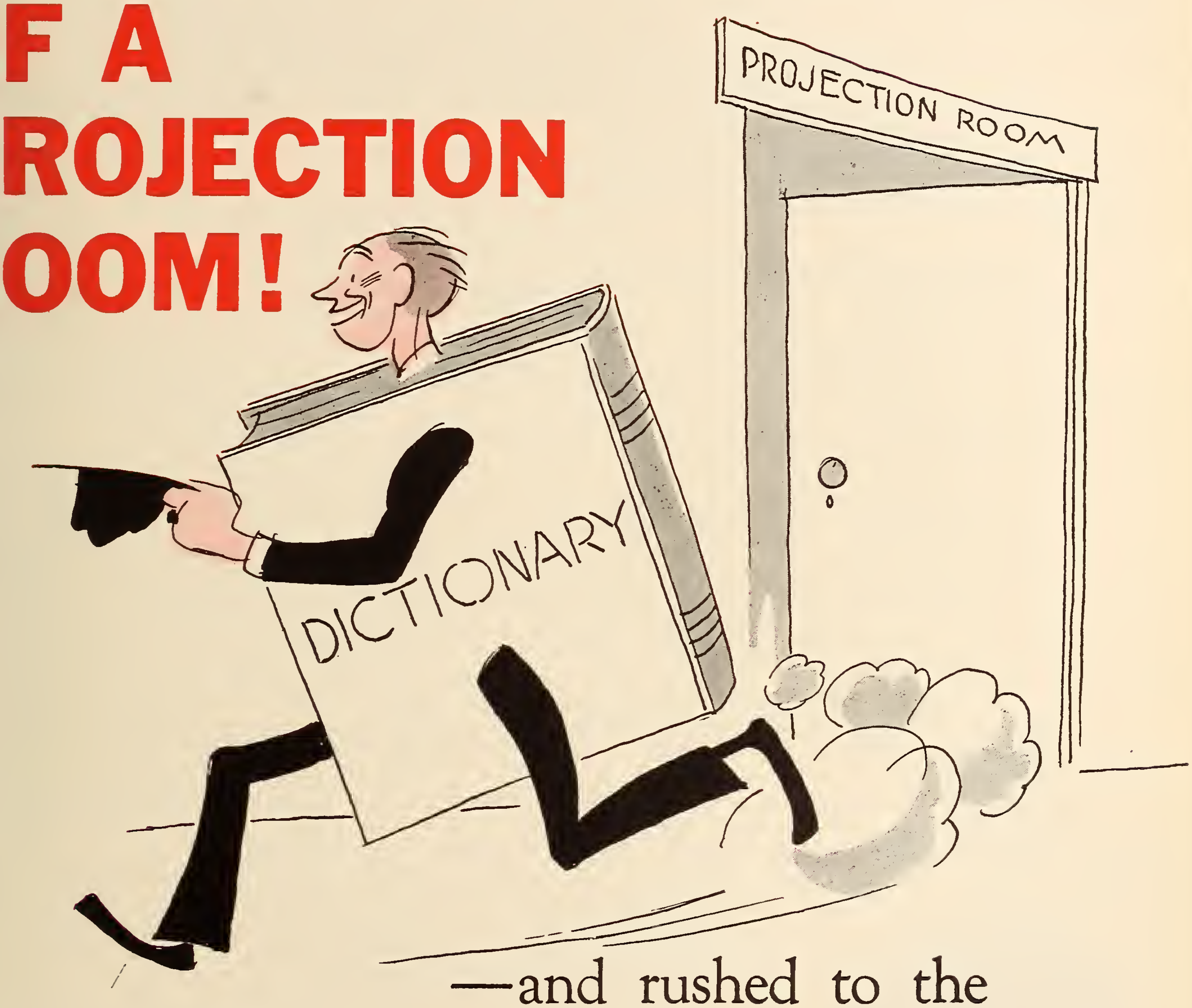
## Mrs. Grainger Better

Mrs. James R. Grainger, wife of Universal's general sales manager, is gaining ground steadily following a serious illness. Her condition, earlier regarded as critical by her doctors has improved sharply. She is now off the danger list and in the recuperative stage.

## Reade Considers Miami

Walter Reade will decide late this week on plans to build a $125,000 theatre in Miami. He plans to leave for the southern resort sometime next month, or in January.

# THE DICTIONARY THAT CAME RUNNING OUT OF A PROJECTION ROOM!


PROJECTION ROOM
DICTIONARY

—and rushed to the telegraph office so that 60 of the World's Foremost Critics could blanket the globe with the good news—

*(next page is* JOYFUL*!)*

# The telegraph wires are flashing it to every corner of the waiting world—

# GARBO's GREATEST!

## (Quick! Put these reviews into your lobby!)

" 'PAINTED VEIL' is a truly fine picture. GARBO is more beautiful and more sincere than ever before . . ."
—Dan Thomas, NEA (*Syndicated to 700 daily newspapers*)

"A most striking picture that will be popular everywhere. GARBO is at her best . . . "
—Rosalind Shaffer, *Chicago Tribune Syndicate* (*Syndicated to 500 daily newspapers*)

"GARBO retains her magic. GARBO as lovely as she looked in '*The Torrent.*' In 'PAINTED VEIL' GARBO has life, charm and unforgettable beauty . . ."
—Mollie Merrick, *No. American Newspaper Alliance* (*Syndicated column in 50 metropolitan dailies*)

" 'PAINTED VEIL' is fine as a production and affords GARBO full sway of her emotional talents of which she takes full advantage. It presents a greater, more beautiful and sympathetic GARBO . . ."
Warren Stokes, *Associated Publications*

"GARBO's performance is truly magnificent . . ."—Jerry Hoffman, *Los Angeles Examiner*

" 'PAINTED VEIL' is great. GARBO is more vitally human, more fascinating than ever before. MARSHALL is superb . . ."
—William Mooring, *Daily Express Film Weekly, England*

" 'PAINTED VEIL' presents tense drama with human appeal. From beginning to end the performances of GARBO and MARSHALL superb in emotional delicacy. . . "
—Colonel Duckworth-Ford, *Reuters* (*all papers throughout British Empire*)

"GARBO surpasses GARBO in 'PAINTED VEIL . . ."—Paula Walling, *L'Intransigeant, Paris*

"GARBO is more beautiful than ever before. 'PAINTED VEIL' as a picture is superb . . ."
—Ruth Waterbury, *Editor Movie Mirror*

"GARBO at her best. MARSHALL fine..."—Dorothy Donnel Calhoun, *Western Editor Motion Picture Pub.*

"GARBO again proves her great superiority. . . "
—Leonard Clairmont, *Film Jurnalen Sweden*

"Blessed by GARBO's magic presence 'The PAINTED VEIL' is distinguished and powerful. You will enjoy it. . ."
—Katherine Dougherty, *Editor Photoplay*

" 'PAINTED VEIL' presents first lady of the screen in all that is first in fine entertainment . . ."
—Regina Cannon, *Western Editor Modern Screen*

"Never before has GARBO been more appealing than in 'PAINTED VEIL . . ."
—Toto Davidson Ecran *of Chile Sintonia Argentina,*

"In 'PAINTED VEIL' GARBO gives convincing flawless performance. There is a new quality in her voice and acting and most appealing mellowness with a tinge of the mysteriousness of the land which is the locale of the story. 'PAINTED VEIL' is undoubtedly her greatest achievement . . ."
—Dr. Albin Peterson, *Swedish Tribune News*

"GARBO more human than ever before in a really interesting story. MARSHALL and BRENT fine in support . . ."
—J. D. Spiro, *Cleveland Plain Dealer*

"GARBO's work finer than ever before. Her performance offers greater versatility . . ."
—Edwin Schallert, *Los Angeles Times*

"GARBO more alluring and fascinating than ever before . . ."
—Elizabeth Wilson, *Western Editor Silver Screen*

"This picture brings to screen a different GARBO. She is more human, more fascinating than ever before . . ."
—John Mitchell, *Western Editor, New Movie*

"A greater GARBO and a truly great picture. It should do a great deal to enhance her popularity the world over . . ."
—Eugene Chrisman, *Western Editor, Fawcett Publications*

"A new and more human GARBO. 'PAINTED VEIL' is her most entertaining picture..."
—James Fidler, *Western Editor, Screenland*

# Get ready for the GARBO SMILE!

# Kansas City's Clearance May Furnish Model

(*Continued from page* 1)

suggested conferring with Kansas City exhibitors before passing the plan. At the same time admissions were ruled out. Schaefer and Golden were elected to visit Kansas City in an effort to clear the plan for immediate approval.

With the compromise, exhibitors are victorious in their fight to retain admissions as guiding factors in clearance to a certain degree. That is, until one exhibitor outbids the next for protection.

Distributors also gained a point when the clause was inserted in the tentative compromise that an exhibitor can be sold a priority run despite admission.

Campi has insistently refused to adopt any of the many schedules which have come before it for approval because admission price clauses have automatically relieved distributor of the right to sell protecton. Ths has been pointed out from time to time in MOTION PICTURE DAILY.

Exhibitors, however, have held that prices are the only means by which clearance can be set up. The compromise in Kansas City takes in both viewpoints, and in face of the protracted delay in getting a plan in force, indications are that Campi will put its official okay on the modifications tomorrow.

Attending the Kansas City hearing last week were W. Ray Johnston, Harry H. Thomas, Charles Reagan, western division sales manager for Paramount; John Balaban and R. C. LiBeau in addition to Schaefer, Golden and Tyree Dillard, Jr., code legal aide.

## Objections Creep In

KANSAS CITY, Nov. 20.—With exhibitors prepared to meet Wednesday to discuss the compromise agreement on the local schedule, it is understood objections have been raised to the tentative plan whereby distributors can sell priority runs to theatres charging similar admissions.

If the local board and Campi veto the compromise, little hope is held that Code Authority will adopt a clearance plan. According to some, the belief is that distributors do not want new clearance and zoning schedules and desire to continue selling as they are presently.

# *Cases Against Reade Ruled on Tomorrow*

Two overbuying cases against Walter Reade were heard by the New York grievance board yesterday. Deliberation and decision was postponed until tomorrow. The first case was that of the Liberty, Freehold, N. J., against the Strand, same city. The second was the Liberty, Plainfield, against the Strand, Oxford and Paramount, same city.

Leo Justin acted for Reade in both instances. Reade listened to both cases as they were presented yesterday. He didn't seem much concerned about them.

# Moves Impend On Clearance In N. Y., N. J.

(*Continued from page* 1)

that is the hope with which the men left New York last week.

In asking for schedules for New Jersey and Philadelphia, the move is designed to break up the Warner zoning dominance in these territories, it is said. The New York move is designed to upset the Loew protection and clearances against independents in zones where the circuit is heavily entrenched.

Nathan Yamins may make the proposal for the New Jersey plan, since a petition by Allied of New Jersey has been before Campi and tabled. The New York schedule will most likely be broached by Charles L. O'Reilly, president of the T.O.C.C., Harry Brandt, head of the I.T.O.A., recently stated that as soon as the local union situation is straightened out his unit would sign the code and the first demand would be a clearance schedule.

# Kuykendall Bangs Clearance Delays

(*Continued from page* 1)

and zoning, the sole subject to which the current five-page bulletin is devoted.

"The code provision for establishing openly negotiated and published clearance and zoning schedules," he writes, "was hailed as the principal benefit the individual subsequent run exhibitor would receive from the code. More legal expense was incurred probably in drafting this clause than any other in the code. But what has happened? The code, signed by President Roosevelt Nov. 27, 1933, has not resulted in establishing a single maximum clearance and zoning schedule as yet. A few minor, individual complaints have been disposed of, but no general plan has been approved for any city or territory."

The bulletin closes by urging exhibitors to demand of local boards, Code Authority and distributors "an honest, practical solution" of the clearance and zoning problem.

# *Campi Appeal Body Gets Four Plaints*

Four grievances were heard by Campi's appeal committee yesterday consisting of Austin C. Keough, chairman, William Sussman and Joseph Seider. The cases were:

Denham Theatre, Inc. and International Amusement Co., against General Theatres, Inc., Aladdin Theatre Corp. and Centennial Theatres, Inc., on distribution of automobiles; Roy Parry, Oriental, Indianapolis, against Roosevelt, same city, on country store nights; Barton R. McLendon, State, Clarksville, Tex., against F. L. Wolf and O. A. Englebrecht, Colonial, same city, on overbuying; R. E. Martin, Texas, Memphis, Tex., against M. Boren and Mrs. Max L. McClure, Palace and Ritz, same city, on overbuying.

# Fight Won by ITOA On 306 Injunction

(*Continued from page* 1)

fight against the injunction submitted nine questions, but only that as to whether the writ was properly granted was answered. In its ruling the appeals tribunal held the other questions remained unanswered because they were unnecessary to the decision.

An opinion written by Judge Leonard Crouch accompanied the decision, in which all the judges of the court concurred.

# *Rigney Stops Last Bank Night in K. C.*

KANSAS CITY, Nov. 20.—Using cessation of film service as its weapon, the local grievance board has won its fight to persuade J. F. Rigney to discontinue bank nights at his Westport Theatre. Rigney has filed a certificate of compliance.

The board's final desist order, upheld by Campi on appeal, was served on Rigney, Oct. 18, but he continued to defy the board until he found he would soon be without product.

Bank nights have now been abolished entirely in Kansas City. Two city exhibitors who had contracted for the service canceled their contracts when it was made clear the board was determined not to permit the practice here. Another theatre quit when stoppage of film service was threatened.

The practice, however, is going strong in the territory, the Dickinson circuit having just signed contracts with R. W. McEwan, territorial distributor, for its entire string of 19 theatres.

A unique twist to the situation is that Dickinson had filed four bank night complaints against competitors. Upon signing for the service, he asked the board to hold three of the cases in abeyance, and it is understood they are to be dismissed. The fourth complaint, against C. B. McAleer, Orpheum, Parsons, Kan., was determined in Dickinson's favor and later appealed.

# *Poll on Gifts Planned*

MILWAUKEE, Nov. 20.—That the question of giveaways is to be put to a vote in Milwaukee County was learned today when the local clearance board defined that territory as the area within which the Hollywood Theatre here stands. The request to define the proper area under the code was made to the board by the theatre.

# *Thomas Reaches Dallas*

DALLAS, Nov. 20.—Seeking new distribution territory, Harry Thomas, head of First Division Exchanges, has arrived here after spending Saturday and Sunday in Kansas City. Thomas said he may open new exchanges and was also contacting prospective distributors for the new March of Time newsreel.

# *Bromberg to Celebrate*

Arthur C. Bromberg, head of distribution for Monogram in the south, celebrated his 25th anniversary in the industry this month. He has always been an independent distributor and for the past 20 years has been associated with W. Ray Johnston, president of Monogram.

# Purity Drive Justifiable, States Kent

(*Continued from page* 1)

opinion that the issue involved processes and not basic principles.

He also divulged that Fox planned to increase its output of one-reelers and to drop two reelers and cited a company plan of reissuing "Cavalcade" here next Armistice Week. Periodically, the film will be revived, added Kent.

Educational furnishes the bulk of the Fox short subject program. Earle W. Hammons, president of the company when asked to comment on the London report outlining Kent's plan, said yesterday he could not credit it.

"As a matter of fact," explained Hammons, "we have done just the opposite for the new season and have trimmed the approximate 100 single reelers released last season to 52 for the new season. Correspondingly, we have increased the output of two-reelers to 62 for 1934-35."

# *England Now Out of Depression—Schenck*

(*Continued from page* 1)

own interest in either London Films or British & Dominions. He said the former would make four this season and Alexander Korda, production executive of the company, will be here in three weeks.

Schenck stated no arrangements had been made to release here the Winston Churchill feature on the London Films schedule. He said it may be broken up into shorts for American distribution. The U. A. head also stated the company does not contemplate adding theatres abroad at this time. He added that a number of the French cast of "Folies Bergere" were on the *Paris* enroute to the coast to appear in the French version of the film Darryl Zanuck will make with Maurice Chevalier and Merle Oberon.

George Arliss, on the *Majestic* with Schenck, declared that he had no plans set after he completes "Cardinal Richelieu" for Zanuck and two Gaumont British films. Arliss plans to leave for the coast in two weeks. He said business conditions, particularly in the picture industry, are extraordinarily good in England.

# *"Black Ivory" Second FitzPatrick Feature*

(*Continued from page* 1)

Technicolor unit leave for Africa after the first of the year for native background material.

Following "Black Ivory," FitzPatrick will go to Hollywood and make a feature based on "The Loves of Franz Liszt." M-G-M in all probability will release the feature as well as the 12 Technicolor "Traveltalks" next season.

# *Fox Signs Dinehart*

HOLLYWOOD, Nov. 20.—Alan Dinehart, currently appearing in Fox's "Lottery Lover," has been signed to a long term acting-writing-directing contract by the company.

# TOMORROW NIGHT'S

## Polls Open From Coast to Coast at 8 P. M

*(Eastern Standard Time)*

**THIS MUST STOP!** Here's what happened when Frank and Milt Britton's mad musicians joined the big Burbank argument over relative merits of the two "Sweet Music" theme songs. To avoid further carnage, studio officials asked Rudy to put the problem up to the public—and tonight's vote is the result. (Of course our alert cameraman caught this musical massacre, and it'll be one of the smashing scenes in 'Sweet Music').

# ELECTION NIGHT!

arp!

# VOTE

**for your choice of theme songs for**

# RUDY VALLEE'S "SWEET MUSIC"

Warner Bros. can't decide which of two swell theme songs to use as the title number of "Sweet Music." So Rudy Vallee will play them both on his Fleischmann program tomorrow night, November 22nd, and ask his millions of ollowers to vote for the one they want used on the screen!

*Just one of dozens of national advance plugs for "SweetMusic."*
*Just a hint of the high-pressure ballyhoo we're lining up for*

# "THE BIG SHOTS" FROM WARNER BROS.

**DICK POWELL & RUBY KEELER in "FLIRTATION WALK"°**

**IRENE DUNNE in "SWEET ADELINE"***

**MUNI in "BORDERTOWN"***

**JAMES CAGNEY & PAT O'BRIEN in "DEVIL DOGS OF THE AIR"***

**"GOLD DIGGERS OF 1935"°**

**VALLEE in "SWEET MUSIC"***

**AL JOLSON & RUBY KEELER in "GO INTO YOUR DANCE"°**

**PAUL MUNI in "BLACK HELL"°**

**MAX REINHARDT'S "MIDSUMMER NIGHT'S DREAM"***

**"ANTHONY ADVERSE" with ALL-STAR CAST**

*A Warner Bros. Picture °A First National Picture Vitagraph, Inc., Distributors

# Pennsylvania Hopeful Over Sunday Shows

(*Continued from page* 1)

its most ardent champions. The huge gains of the Democrats in the elections this month, therefore, are generally accepted as auguring well for the success of the cause not only of Sunday movies, but of a generally liberal Sunday program in the new Legislature which will assemble the first of the year.

Strength is added to this conviction by a post-election statement by Joseph F. Guffey, Democratic U. S. Senator-elect, and recognized leader in the determination of the party's policies in the state, in which he reiterated his party's intention to promote liberal measures under the New Deal.

"We have in our fold," said Guffey in a recent Pittsburgh speech, "a vast majority of the liberals and progressives of the state. We Democrats are pledged to new ideals in political life, and we want not only the vote but the counsel and the aid of every liberal in Pennsylvania."

### Democratic Gains Heavy

Exact figures on the Democratic gains in the legislature show an increase from a minority membership of 66 in the old lower house to a majority membership of 119. Total membership is 208. In the new Senate, the total membership of which is 50, the Democrats will have 17 seats to 33 for the Republicans, whereas in the old Senate the party alignment was only seven Democrats to 43 Republicans. Already there are intimations that sufficient Republican Senators will line up with the Democrats, on a compromise basis, to assure the success of many of the measures that are to be introduced with the backing of Democratic Governor-elect George H. Earle.

It is significant, too, that in the last regular session—Republican controlled—many Republican Senators were in favor of more liberal Sunday laws. This was made evident in the action of the Legislature in adopting, with Democratic sponsorship, the present law which legalizes Sunday baseball in communities which vote for it on the local option basis.

In fact the Legislature's recent adoption of the Sunday baseball law, which repealed some features of the 1794 blue laws against Sunday amusements, was viewed as an opening wedge likely to be followed by the removal of the Sunday film ban in the coming legislature, even if the friendly Democrats had not made their impressive gains.

## *Loew Boston Net $93,185*

Boston, Nov. 20.—Loew's Boston Theatres Co. had a net income after depreciation and other charges of $93,185, equal to 60 cents a share on 155,249 shares for the year ending Aug. 31. Last year the company reported a net loss of $14,970.

## *Watts Editing Reviews*

The new *Literary Digest* review department is being edited by Richard Watts, Jr., of the *Herald-Tribune*, under the pen name of "Argus."

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"One Hour Late"*

(*Paramount*)

Hollywood, Nov. 20.—Light romantic comedy with music, giving Joe Morrison, known for his introduction and popularizing of "The Last Roundup," ample opportunity to bring out his vocal qualities in conjunction with fine acting which should establish him as potential starring timber.

The principal action takes place in a stalled elevator in a metropolitan city building, where Stenographer Helen Twelvetrees can't decide between Morrison, a clerk, and Boss Conrad Nagel. Miss Twelvetrees contemplates week-ending at the boss' house. Morrison proposes to the office girl, but when all concerned, including the boss' wife, get trapped in the elevator, the strain of becoming marooned brings everyone around to the right track. Husband and wife start anew, with Miss Twelvetrees and Morrison condescending to become one after he gets an offer from a radio broadcasting concern.

Clever situations, plus a large cast and catchy songs, manage to keep the offering moving fast and furious, with laughs, pathos, suspense and surprises.

Ralph Murphy's excellent direction milks every situation dry with the aid of the expert acting of the cast. The film is from Libbie Block's original, with treatment by Paul Gerard Smith and Katharine Scola. Ben Reynold's photography, handicapped by the limited range of the backgrounds, is excellent.

Code seal No. 373. Running time, 75 minutes. "G."

## *"The Fighting Trooper"*

(*Ambassador Pictures*)

Hollywood, Nov. 20.—Maurice Conn's initial effort as an independent in his proposed series of eight James Oliver Curwood stories for the state right market is a creditable job in an outdoor picture of the Northwest Mounted type.

The story centers around Kermit Maynard, Charles Delaney, two mounties, and a wrongly accused bandit, LeRoy Mason, whose sister is Barbara Worth. They deliver convincing portrayals of their respective roles, woven into an unusual plot sustaining suspense and supplying plenty of action from beginning to end. The story upholds the loyalty and determination of the mounties with situations and action falling into the natural groove of the story without force or liberties of logic.

Aside from capable action of the entire cast, photography of the natural Northwest country is beautiful and the way Ray Taylor has handled the direction is commendable, particularly in building up the hair-raising anti-climaxes. Production as a whole should please all lovers of outdoor action pictures. No code seal. Running time, 58 minutes. "G."

# *Looking 'Em Over*

## *"House of Danger"*

(*Sam Efrus*)

Commonplace and outmoded in treatment, this Peerless production must take its chances on double feature programs. The acting does little to retrieve the film from mediocrity. An exception is Onslow Stevens and maybe one or two others. The whole business has about it the appearance of a hasty pudding.

While Stevens and his pal (James Bush) are returning to the States after 10 years in the South Seas, their ship blows up. The latter is hurt, but begs Stevens to go on and pass himself off as Bush in order to protect the girl he loves (Janet Chandler) against the scheming of a relative (William Farrell), who is suspected of having had a hand in the death of his father.

The expected happens: Stevens falls in love with his pal's gal. He is for making a clean breast of it, but, under urging, he decides to continue the masquerade until Farrell and the butler (Desmond Roberts), the hired assassin who did away with Bush's father, are brought to justice. The police are kept out of the case when the guilty duo are killed when their car overturns during their getaway. The romantic angle is solved when Miss Chandler chooses Stevens to Bush.

The direction is by Charles Hutchison. No code seal. Running time, 67 minutes. "G."

(*Additional review on page* 11)

# M-G-M Takes Over Trailers Shortly

(*Continued from page* 1)

distribution has continued to be through National Screen Service under the contract with that company which does not expire until next month. Linking of M-G-M's trailer production and distribution service for the actual start in December has engaged company executives for some time past and final arrangements are now being made.

Nicholas M. Schenck will give some attention to the company's trailer activities during his current coast trip, it is said, as will Felix F. Feist, general sales manager, on his return to Culver City from a Honolulu vacation trip. Fred Quimby, short subject sales manager; Si Seadler, of the M-G-M advertising department, and Oscar Doob, of Loew's advertising and publicity, also conferred on M-G-M's trailer activities during their recent studio visits. Alan Cummings, of the home office distribution department, has been visiting exchanges and holding regional meetings for the past several months on trailer booking and physical distribution arrangements.

## *Penn MPTO for 15% Trailer Price Cut*

Philadelphia, Nov. 20.—A 15 per cent reduction in the blanket rates of National Screen Service is urged in the current issue of "Contact," the weekly bulletin of M.P.T.O. of Eastern Pennsylvania, Southern New Jersey and Delaware, because of the inception of M-G-M's own trailer service next month, in addition to the same service by Warners.

The individual M-G-M and Warner trailer service, the exhibitors' publication states, will reduce the value of National Screen's blanket service to 75 per cent on trailers for major company product. Allowing 10 per cent for trailer service on independent pictures, the bulletin declares that there should then be a 15 per cent reduction in National Screen's charges.

## *Weeks Appoints More*

George W. Weeks, general sales manager of Gaumont British, has appointed four more to his sales staff. They are L. C. Montgomery, new salesman in Dallas; Lee Scamahorn, added to the staff in Los Angeles as salesman, Harry Goodwin as booker and Paul De Outo is the new sales manager there.

## *Plan Livingstone Film*

London, Nov. 20.—Gaumont British plans a film based on the life of David Livingstone and has offered the part to George Arliss. Voters in a press ballot selected him as best fitted for the part.

## *Preview for Charity*

"Jack Ahoy," Gaumont British musical, will be shown at a special preview for the benefit of the Traveler's Aid Society at the Ritz-Carlton Dec. 3 at $10 a head.

## *Wray Opposite Hurlbert*

London, Nov. 20.—Fay Wray's contract with Gaumont British calls for the lead opposite Jack Hurlbert in "Alias Bulldog Drummond."

# 142 out of 150

Western Electric Sound Systems—installed seven years ago—operate today in the same theatres, with unmatched quality.

★

*Unit design—highest possible standards of manufacture—ERPI Service—have made this possible.*

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**SOUND SYSTEM**
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*Distributed by*
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250 West 57th Street, New York

# "Widow" Gets $18,000 2nd Boston Week

Boston, Nov. 20.—While Boston grosses dropped a bit under the previous week, business was well above the general average, led by the "Merry Widow" at Loew's State. Held over for a second week, after being high for the previous week, it grossed $18,000, $2,000 above average with $37,000 for the two weeks.

"Limehouse Blues" at the Metropolitan held the high mark for the week, up $4,000 from average, while "The Age of Innocence" at Keith's was $3,000 above average for that house.

Total first run business was $106,000. Average is $94,000.

Estimated takings for the week ending Nov. 15:

**"BY YOUR LEAVE" (Radio)**
BOSTON—(2,900), 25c-50c, 7 days. Vaudeville. **Gross:** $18,500. (Average, $16,000)

**"ST. LOUIS KID" (Warners)**
**"ELINOR NORTON" (Fox)**
FENWAY—(1,800), 30c-50c, 7 days. **Gross:** $9,500. (Average, $9,000)

**"THE AGE OF INNOCENCE" (Radio)**
KEITH'S—(3,500), 25c-65c, 7 days. **Gross:** $19,000. (Average, $16,000)

**"MERRY WIDOW" (M-G-M)**
LOEW'S STATE—(3,700), 35c-50c, 7 days, 2nd week. **Gross:** $18,000. (Average, $16,000)

**"LIMEHOUSE BLUES" (Para.)**
METROPOLITAN—(4,350), 30c-65c, 7 days. Frances Arms Revue. **Gross:** $32,000. (Average, $28,000)

**"ST. LOUIS KID" (Warners)**
**"ELINOR NORTON" (Fox)**
PARAMOUNT—(1,800), 30c-50c, 7 days. **Gross:** $9,000. (Average, $9,000)

# "One Night" Gets $9,400, Portland

Portland, Nov. 20.—"One Night of Love" was the outstanding attraction, holding the spotlight at the Paramount and securing $9,400, over normal by $4,400.

The opening of the new Mayfair was most gratifying, "Lady by Choice" bringing in $4,000, or $1,000 over normal.

"The Gay Divorcee" was held over for a fourth week. It secured another normal take of $2,000 in its third.

"Big Hearted Herbert," together with a stage show featuring Edward Arnold, drew $4,500 at Hamrick's Orpheum, $1,500 over the usual gross.

Total first run business was $31,900. Average is $25,000.

Estimated takings for the week ending Nov. 16:

**"OUTCAST LADY" (M-G-M)**
**"I SELL ANYTHING" (F. N.)**
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $4,700. (Average, $5,000)

**"THE LAST GENTLEMAN" (U. A.)**
ORIENTAL—(2,040), 25c, 7 days. **Gross:** $2,500. (Average, $2,000)

**"BIG HEARTED HERBERT" (Warners)**
HAMRICK'S ORPHEUM—(1,700), 25c-35c-40c, 7 days. Stage show. **Gross:** $4,500. (Average, $3,000)

**"THE GAY DIVORCEE" (Radio)**
MUSIC BOX—(1,000), 25c-35c, 7 days, 3rd week. **Gross:** $2,000. (Average, $2,000)

**"LADY BY CHOICE" (Col.)**
MAYFAIR—(1,700), 25c-35c, 7 days. **Gross:** $4,000. (Average, $3,000)

**"ONE NIGHT OF LOVE" (Col.)**
PARAMOUNT—(3,008), 25c-35c-40c, 7 days. Stage show. **Gross:** $9,000. (Average, $5,000)

**"TRANSATLANTIC MERRY-GO-ROUND" (U. A.)**
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $4,800. (Average, $5,000)

## *Hollywood Personals*

Hollywood, Nov. 20.—Pat O'Brien's parents visiting him from the east. . . . Tom Buckingham's widow, Jane Buckingham, gets a role in "North Shore" at Warners. . . . Ray Jones has moved his still camera to Columbia. . . . Richard Dix host to a party at Levy's Tavern. . . . Louis B. Mayer, who usually wears dark suits, now appearing in grey. . . . Evelyn Venable chirping about her new contract with Paramount. . . . Margaret Hamilton started life as a kindergarten teacher. . . . Max Baer's brother, Buddy, is here to visit Max. . . . Ann Sothern has acquired a cottage in Palm Springs. . . . Jean Arthur partied the cast and crew of "Passport to Fame" at Columbia with her winnings on the Stanford-U.S.C. game. . . . Earle Kenton's father, "Pop" Kenton, is playing a role in "Feud" at Columbia. . . . Valerie Hobson gets her first film lead in "Rendezvous at Midnight" at Universal. . . . Albert DeMond has been assigned to write an original for Columbia titled "Mistaken Identity." . . . Maureen O'Sullivan's pa is in town from England. . . . Thelma Todd is building an annex to her beach restaurant where she will serve grouse and partridge cooked in wine and stuff like that. She calls it the Joya. . . . Lewis Stone spotted in "West Point of the Air" at M-G-M. . . .

# 'Every Woman' And Ellington Capital's Top

Washington, Nov. 20.—"What Every Woman Knows," starring Washington's own Helen Hayes, together with Duke Ellington and his orchestra on the stage, brought Loew's Fox to the top of the Capital's pile last week with a gross of $23,100, or $2,600 over average.

A return engagement of "Judge Priest"—making the third downtown week—took Loew's Columbia over par by $2,400 with a gross of $5,500.

Buddy Rogers and his band, in combination with "Gentlemen Are Born," was worth only $18,400 to the Earle, $800 over par.

"One Night of Love," playing its fourth and final week at the Metropolitan—and its fifth downtown week—faded out on a neat $4,800 to make a grand total of $58,100 for 37½ days, beating the 36-day run of "It Happened One Night" by $3,100.

"The Merry Widow" took the toboggan in its second week, sliding from $20,000 the first week to $7,900 in its second. Despite the drop, the Chevalier-MacDonald opus is marked for Loew's Columbia the week beginning Nov. 23.

The week's total was $68,200, down $3,000 from a par $71,200.

Estimated takings, exclusive of tax, for the week ending Nov. 15:

**"GENTLEMEN ARE BORN" (Warners)**
EARLE—(2,218), 25c-77c, 7 days. Stage: Buddy Rogers and orchestra, with Emily Van Loesen, Jack Douglas, Jeannie Lang, Three Rhythm Rascals. **Gross:** $18,400. (Average, $17,600)

**"JUDGE PRIEST" (Fox)**
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement). **Gross:** $5,500. (Average, $3,100)

**"WHAT EVERY WOMAN KNOWS" (M-G-M)**
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Duke Ellington and band, with Four Blazers, Ivie Anderson, Earl Tucker. **Gross:** $23,100. (Average, $20,500)

**"THE MERRY WIDOW" (M-G-M)**
LOEW'S PALACE—(2,370), 35c-77c, 7 days, 2nd week. **Gross:** $7,900. (Average, $14,500)

**"ONE NIGHT OF LOVE" (Col.)**
METROPOLITAN—(1,591), 25c-40c, 7 days (return engagement, 4th week). **Gross:** $4,800. (Average, $4,100)

**"LADY BY CHOICE" (Col.)**
RKO-KEITH'S—(1,836), 25c-55c, 7 days. "La Cucaracha" added. **Gross:** $8,500. (Total for nine-day run, $12,000.) (Average, $11,400)

# "Prentice" Is Kansas City's $11,000 High

Kansas City, Nov. 20.—"Evelyn Prentice" was the leader in a dull week, topping average at the Midland by $1,000 for a take of $11,000.

Total first run business was $35,940. Average is $36,100. Estimated takings:

### *Week Ending Nov. 14:*

**"LIMEHOUSE BLUES" (Para.)**
NEWMAN—(1,800), 25c-40c, 7 days, plus Saturday midnight show. **Gross:** $6,300. (Average, $7,000)

**"PECK'S BAD BOY" (Fox)**
UPTOWN—(2,000), 25c-40c, 6 days. **Gross:** $2,840. (Average, 6 days, $3,100)

### *Week Ending Nov. 15:*

**"THE CAPTAIN HATES THE SEA" (Col.)**
MAINSTREET—(3,100), 25c-35c-45c, plus tax, 7 days, plus Saturday late show. Stage: "Bowery Follies," with Wilson Bros., Mayfield Trio, Georgia Hall, Mickey Carroll, Chuck Connors' Band, Andy Anderson. **Gross:** $8,000. (Average, $9,000)

**"EVELYN PRENTICE" (M-G-M)**
MIDLAND—(4,000), 25c-40c, 7 days, plus Saturday midnight show. **Gross:** $11,000. (Average, $10,000)

**"HOUSEWIFE" (Warners)**
TOWER—(2,200), 25c-35c, 7 days, plus Saturday midnight show. Stage: "Parisian Gayeties," with Sibyl Bowan; Barry, Breen & Wyler; Three Burke Sisters; Al Mardo; The La Rues; Paul Spor, m. c. **Gross:** $7,800. (Average, $7,000)

# "Prentice" Strong Indianapolis Draw

Indianapolis, Nov. 20.—"Evelyn Prentice" pulled the heavy money here last week by garnering $6,000 at the Palace, over the line by $1,500.

Total first run business was $28,250. Average is $25,000.

Estimated takings for the week ending Nov. 17:

**"PECK'S BAD BOY" (Fox)**
APOLLO—(1,171), 25c-40c, 7 days. **Gross:** $3,250. (Average, $2,500)

**"LIMEHOUSE BLUES" (Para.)**
CIRCLE—(2,638), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

**"THE PURSUIT OF HAPPINESS" (Para.)**
INDIANA — (3,133), 25c-40c, 7 days. **Gross:** $6,500. (Average, $7,000)

**"ST. LOUIS KID" (Warners)**
LYRIC—(1,896), 25c-40c, 7 days. Vaudeville. **Gross:** $8,500. (Average, $7,000)

**"EVELYN PRENTICE" (M-G-M)**
PALACE—(2,431), 25c-40c, 7 days. **Gross:** $6,000. (Average, $4,500)

# "Widow" Hits High $20,000 On the Loop

Chicago, Nov. 20.—Outstanding in a week of spotty business, "The Merry Widow" piled up $20,000 at the Roosevelt, going over the normal take by $9,000.

At the same time "Straight Is the Way," helped by a stage show at the Oriental, grabbed a fine $19,000, over the line by $4,000, and "One Night of Love," in its fourth week at the Garrick, was $3,000 up on an $8,000 gross. "The Gay Divorcee," also in its fourth week, held up to $22,500 at the Palace.

Total first run business was $135,500. Average is $129,600.

Estimated takings:

### *Week Ending Nov. 13:*

**"THE MERRY WIDOW" (M-G-M)**
ROOSEVELT—(1,591), 25c-35c-50c, 7 days. **Gross:** $20,000. (Average, $11,000)

### *Week Ending Nov. 15:*

**"PECK'S BAD BOY" (Fox)**
CHICAGO—(4,000), 25c-35c-68c, 7 days. Stage: Jackie Cooper in person, Ann Greenway, The Yacopis. **Gross:** $30,000. (Average, $34,600)

**"ONE NIGHT OF LOVE" (Col.)**
GARRICK—(900), 25c-35c-40c, 4th week, 7 days. **Gross:** $8,000. (Average, $5,000)

**"STRAIGHT IS THE WAY" (M-G-M)**
ORIENTAL—(3,940), 25c-40c, 7 days. Stage: Benny Davis & revue. **Gross:** $19,000. (Average, $15,000)

**"THE GAY DIVORCEE" (Radio)**
PALACE—(2,509), 25c-35c-50c, 4th week, 7 days. Stage: Polly Moran, Carl Freed, Maurice Colleano and family. **Gross:** $22,500. (Average, $22,000)

### *Week Ending Nov. 16:*

**"TRANSATLANTIC MERRY-GO-ROUND" (U. A.)**
UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days. **Gross:** $16,000. (Average, $17,000)

**"THE ST. LOUIS KID" (Warners)**
APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $7,000. (Average, $12,000)

### *Week Ending Nov. 17:*

**"LIFE OF VERGIE WINTERS" (Radio)**
**(Third Loop Week)**
STATE-LAKE—(2,776), 20c-25c-35c, 7 days. Stage: Verne Buck, Moore & Revel, Eve Maria revue. **Gross:** $13,000. (Average, $15,000)

# "Crime" and Show Lead in Oklahoma

Oklahoma City, Nov. 20.—Helped by a stage show, "Crime Without Passion" ran up to $2,400 in four days at the Liberty. This is $400 over a normal take for a week.

"Evelyn Prentice" reached a par $5,000 at Warners, but business elsewhere was away off.

Total first run take was $12,300. Average is $13,500.

Estimated takings for the week ending Nov. 17:

**"EVELYN PRENTICE" (M-G-M)**
WARNERS—(1,900), 10c-20c-36c-41c-56c, 7 days. **Gross:** $5,000. (Average, $5,000)

**"HELL IN THE HEAVENS" (Fox)**
MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $2,600. (Average, $4,000)

**"365 NIGHTS IN HOLLYWOOD" (Fox)**
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $1,800. (Average, $2,500)

**"CRIME WITHOUT PASSION" (Para.)**
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. Stage show. **Gross:** $2,400. (Average, week, $2,000)

**"GAMBLING" (Fox)**
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $500. (Average week, $2,000)

## *Kennedy Quits Seattle*

Seattle, Nov. 20.—Arthur J. Kennedy, recently appointed advertising manager for the Jensen-Von Herberg circuit, has resigned and is returning to Los Angeles to re-enter studio publicity work.

# Insiders' Outlook

*(Continued from page 2)*

which figure so importantly in Paramount's rapidly-forming, new framework. . . .

▼

There are those who fail to cheer over the record of the earlier Paramount management. They argue the board might better be comprised of outside men and not managerial appointees who, by their presence on the board, might find it more or less simple to approve deals of their own making. There are others who recall some of the eventually disastrous theatre deals with which Paramount had to grapple subsequent to that memorable fall of '29. They are believed to incline away from appointments drawn too closely from the management, fearing a recurrence of the near debacle of several years ago. . . .

▼

On the other hand, substantial factors in the maze fail utterly to see how the company can successfully proceed without a substantial representation on any board of men who know the ins and outs of the business. These interests, when they unburden themselves in conversation, recognize that the bankers have built up no illustrious record for themselves in this field and that the harm they have done has far outweighed the good. Designating the first eight in order to move the reorganization closer to its consummation may be necessary, since it is the new board, or part of it, which must present the plan for the court's consideration, but the aftermath is important, too. Any film man, of course, knows what the bankers have failed to do in the past. Those who wish Paramount the best may well hope and hope hard, therefore, that this time downtown won't dominate too completely. . . .

▼

February 1, incidentally, looms stronger and stronger as the date on which the newly-born company will begin to function. Several weeks may be required by Judge Coxe to study the plan, the anticipation being that he will view it as satisfactory, less a few minor changes. The procedure calls for a hearing, the lodging of complaints of which there may be some, perhaps many, and finally approval by individual stockholders and bondholders themselves. This latter step will prove lengthiest in point of time, but the machinery is moving in wholesale through the creditor, stockholder and debenture holding groups which have been working for months through their organized committees. . . .

▼

Some of the skeptics now want to know how Fox Theatres, whose principal assets in receivership are a common stock ownership in Fox Metropolitan, itself in bankruptcy, is going to carry to a conclusion that anti-trust action filed against Erpi in Federal court here. The litigation, if pressed, would take years to conclude, and money. Fox Theatres, a defunct holding company, was itself made a defendant in an action by the Philadelphia Mortgage Guaranty Co. last week to recover $389,436 for alleged property and tax defaults. . . .

KANN

# Looking 'Em Over

## "In Old Santa Fe"

(*Mascot*)

Average Ken Maynard western. The story is the usual thing—that of the hero coming to the rescue of the heroine's father as one way of winning the girl. Maynard with his pal, Gene Autry, meets Evalyn Knapp on the road as she is en route to her father's resort in the mountains. Kenneth Thomson and his aide, Wheeler Oakman, are after H. B. Warner's property in addition to his gold mine.

Thomson frames Maynard on several occasions and almost succeeds in his designs, but the hero pulls the last straw, which happens to climax the villain's chance.

Juveniles may be a trifle disappointed. There's not as much gun play and hard riding as in previous Maynard outdoor thrillers, but a definite redeeming factor for the youngsters is "Tarzan." The horse is around pretty much. The photography by Ernie Miller and William Nobles is very good.

No production code seal when caught. Running time, 63 minutes. "G."

## Allied Eyes Three Convention Cities

Allied is eying three key centers for its national convention in January. The spots in mind are New York, Washington and Chicago.

Decision will be made on the city after the two-day national directors' meeting in New Orleans on Dec. 11-12. Abram F. Myers in all probability will be chairman of the New Orleans session.

From present indications Washington may be the focal point of Allied's annual talkfest because of the legislative plans in view.

## Allied Is Checking On Selling Policies

*(Continued from page 1)*

Baltimore on Monday, reported that this unit was making a comparison of sales policies. M-G-M and Paramount were the two companies discussed.

It was revealed that most companies' policies are not as stringent out of town as in New York. One of the companies which had been insisting on weekly payments for shorts whether used or not was said to be relenting on this plan.

## Garbo Going Abroad

Hollywood, Nov. 20.—It is reported here that Greta Garbo is sailing for Sweden for the Christmas holidays. but the exact date of her departure is not known.

## New Marquee for Savoy

Walter Reade will put up a new $14,000 marquee at the Savoy within the next few days.

## To Organize Fight Against Censorship

*(Continued from page 1)*

a policy of opposition to proposals for Federal censorship, either through the code or by creation of a new authority, or state censorship, with a demand that control be left exclusively to the industry, to agencies representing the audience and, in extreme cases, criminal prosecution.

The organization also plans to go on record as opposed to radio censorship or any censorship of the press or mail.

The object of the conference, it was declared by Roger Baldwin, director of the Union, will be to "unite all available forces in support of measures in Congress and by the Administration directed against repressive practices relating to the radio, motion pictures and the press."

## Price Stabilization In K. C. Is Jolted

*(Continued from page 1)*

Loew's Midland balcony prices. Upon the heels of the announcement came word that the Tower, independent first run, had decided to slash from a 35-cent top to 25 cents for all seats, beginning Friday. On the same day, starting with "Kid Millions," the Midland cuts its balcony prices from 40 to 25 cents nights and from 25 to 15 cents afternoons until 6 P. M.

The Mainstreet's slash last week from 50 to 40 cents is generally credited with starting the price-cutting wave as the house deviated from the agreement adopted by circuit heads at the start of this season to maintain higher first run prices. Other first run cuts are expected shortly, but the Publix Newman will stay as is for the time being, it is understood.

## Berlin Is Engaged For Radio Musical

Hollywood, Nov. 20.—B. B. Kahane today signed Irving Berlin to do the score for a Radio musical extravaganza called "Top Hat." All the leading players in the cast of "Gay Divorcee" will be used in the film, with Fred Astaire and Ginger Rogers co-starred.

Berlin starts work tomorrow, collaborating with Pandro Berman and Mark Sandrich on preparations for the picture.

## Omaha World Lease Acquired by Blank

Omaha, Nov. 20.—The 99-year leasehold on the World Theatre has been purchased by the A. H. Blank Tri-States Theatre Corp., from the World Realty Co., headed by Ralph Goldberg, manager of the Town and Avenue theatres.

Blank has been operating the house on a rental basis for a number of years. The house will be closed Dec. 5 for redecoration, including replacement of 2,200 seats and new sound equipment. It will be opened on Christmas day, with a new marquee, exterior sign and new name. The World is the third of Blank's first runs, the others being the Paramount and Orpheum.

Included in the deal was an agreement with Goldberg to close the State permanently, a downtown second run house which will be turned into a commercial business house.

## Hornstein on His Own in Equipment

Joe Hornstein, who recently resigned as head of Continental Theatre Accessories, Inc., a Warner subsidiary, has formed Joe Hornstein, Inc., to handle theatre supplies. Offices will be opened within the next few days.

William Glick, who was with Hornstein when the latter was in business for himself and also as local manager for National Theatre Supply, again has lined up with Hornstein in the new enterprise.

## Salt Lake Trade Up 17.2% for October

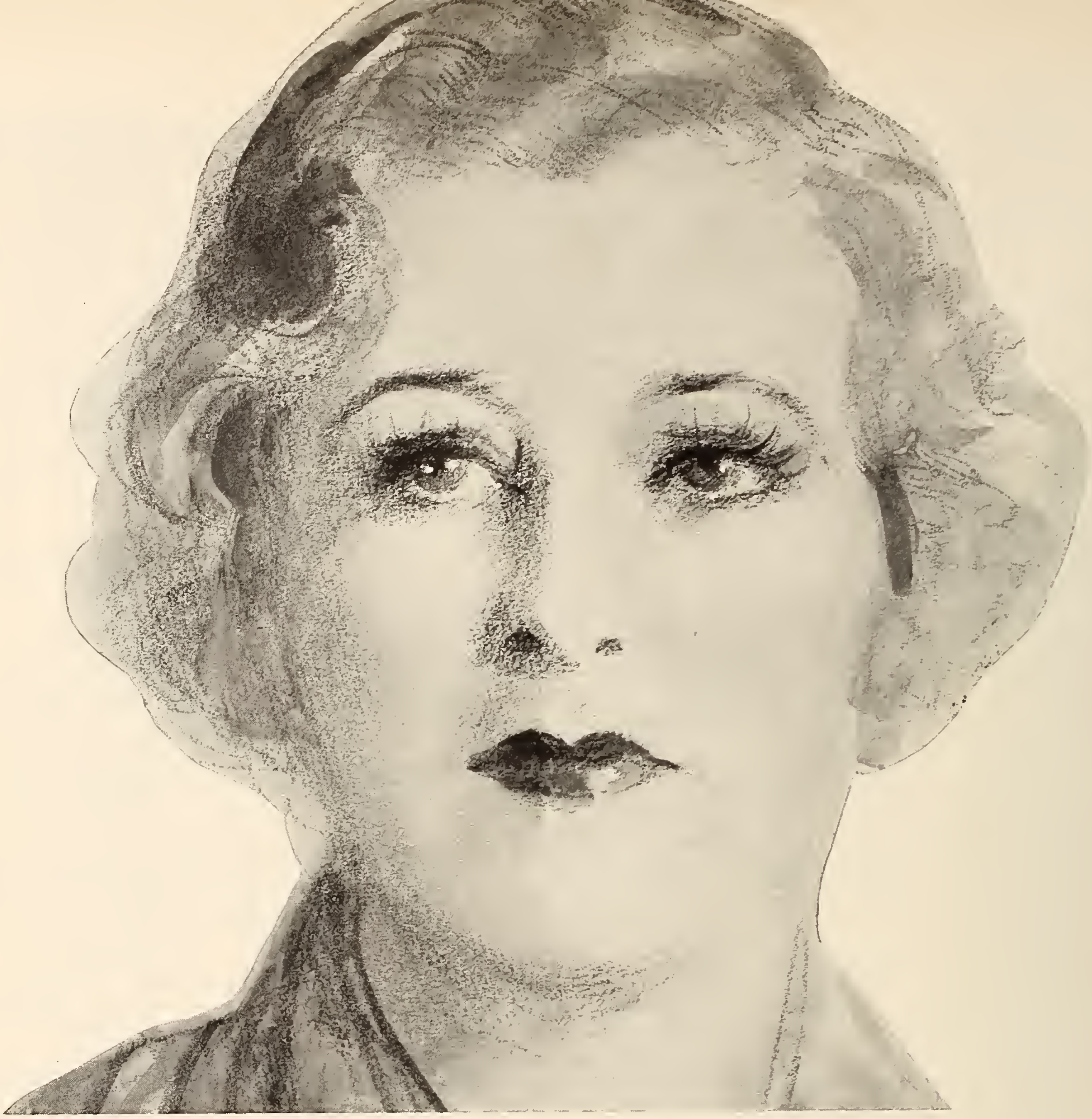
Salt Lake City, Nov. 20.—Retail trade here for October was 17.2 per cent greater than for the same period last year, according to a survey of the Federal Reserve Bank of San Francisco.

For the entire Twelfth District sales were up 20 per cent over October last year. Spokane topped the list and Seattle made the poorest showing with a gain of 10.4 per cent.

## $25,300 Pledged to Chest

Hollywood, Nov. 20.—Pledges totaling $25,300, representing 11.2 per cent of the quota for the industry, were reported today at the first committee meeting of the film division of the Community Chest at the offices of the M. P. Producers' Ass'n. Subcommittees were named for each studio, with the drive officially getting underway tomorrow.

WAR FILMS
EVEN MORE SENSATIONAL THAN SHOWN IN PUBLICATIONS
FORGOTTEN MEN
LIKE A BLAST FROM HELL!
Booked by First Division Exchanges in East.
Jewel Productions—723 7th Ave., N.Y.C.



## REGINA'S BUSINESS IS REVIEWING MOVIES . . . . AND SHE KNOWS HER BUSINESS LIKE NOBODY'S BUSINESS!

*From the* **American** *. . . To All America . . . Regina Crewe speaks—*
*Here's what she says about* "EVENSONG" NOW AT THE ROXY:

"Exquisite entertainment, romance, comedy, drama and tragedy are knit together with threads of golden song . . . Evelyn Laye has a voice to charm the birds from the trees, princes from their thrones, and audiences from their seats . . . You'll leave the theatre after an exhilarating evening of delightful music, moonlit romance and touching, poignant drama. It is a first rate film . . . 'Evensong' rivals 'One Night of Love.'"

*—Regina Crewe, N. Y. American*

GB

**COMING . . . GEORGE ARLISS in THE IRON DUKE**

A GAUMONT BRITISH PRODUCTION • PHYSICAL DISTRIBUTION • FOX EXCHANGES • CANADA, REGAL FILMS, LTD.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 122 NEW YORK, THURSDAY, NOVEMBER 22, 1934 TEN CENTS

# Para. Plan in Few Days Now Is Indicated

## *Adjournment of Hearing On Suit Significant*

Completion of the Paramount Publix reorganization plan and the prospect of its being submitted to the Federal court here for hearings within a matter of days was reflected yesterday in the consent of counsel for Paramount Publix trustees to an adjournment to Dec. 3 of their action against the $13,300,000 Paramount creditor bank group.

Counsel for the trustees has consistently opposed adjournments of the action before Federal Judge Alfred C. Coxe in the past on the ground that the Paramount reorganization plan, embodying a settlement of the banks' claims, was too remote to relieve the trustees of their duty of

(*Continued on page* 6)

## *Seek License Bans On Free Broadcasts*

Restrictions in broadcasting licenses to end free shows to large crowds are to be sought by the legitimate theatre code authority. This is a new angle of a move started several months ago, following which committees were named both by the film and theatre code bodies to study the problem.

No report has been made as yet and the theatre authority contends the unfair competition of both the NBC and CBS networks is retarding theatre recovery.

## *George Dawes Made Farnol's Successor*

George Dawes yesterday was appointed Samuel Goldwyn's publicity representative in New York, succeed-

(*Continued on page* 6)

### *Cold Storage Stuff*

**Kansas City, Nov. 21.—Marquee advertising on "The Return of the Terror" at Dubinsky's Liberty provoked some chuckles. The sign read: "Swell entertainment —It will grow icicles on your heart."**

*Ship film by National Film Carriers, Inc., and be certain of on time delivery.—Advt.*

# *Fox Interests in G. B. May Pass to Lord Beaverbrook*

London, Nov. 21.—Sale of Fox Film's 49 per cent in Gaumont British is being discussed by S. R. Kent with Lord Beaverbrook and no longer with John Maxwell of British International, Motion Picture Daily heard today on reliable authority.

Beaverbrook was a factor of importance in the original holding company. It was he who sold the Provincial Cinematograph Theatres, Ltd., big English circuit, to Gaumont British, thereby furnishing the latter with the hub of its subsequently developed theatre chain throughout Britain.

If the negotiations with Beaverbrook are closed, he would become virtually a 50 per cent partner and remove from G. B. interests foreign to Great Britain as partners. Beaverbrook definitely is interested if the question of price can be arranged. Lord Lee of Fareham, who for long presumably held the two per cent of G. B. stock controlled neither by Fox nor Gaumont, and so the balance of power, is interested in keeping the company all-British.

# Conferences Here to Iron FWC Details

Remaining details of operation of Fox West Coast Theatre Corp. under the reorganized plan recently approved by the U. S. District Court in Los Angeles on Nov. 19 will be completed between Charles Skouras and Chase National Bank next week.

Skouras, accompanied by Edward Zabel, his secretary; James Davidson, statistician, and Ralph S. Harris, of Hughes, Schurman and Dwight, arrive tomorrow for the conferences.

First meetings will be held Monday with Herman G. Place, vice-president of Chase. The sessions are expected to last two weeks, during which Skouras will sign the joint 10-year

(*Continued on page* 6)

## Columbia Up 70% In Europe—Cohn

Columbia's business in Europe has increased 70 per cent in the last two years, Jack Cohn, vice-president, stated yesterday upon his return on the *Conte di Savoia*. He was away a month surveying the company's exchanges in England, Italy and France.

"Business in England is terrific," Cohn asserted. "Italy is intensely interested in its own situation and is anxious to make better pictures," he said. "The producers there are now in a move to get American players and try for international appeal."

He signed no production talent

(*Continued on page* 4)

# British Will Censor Parts Of Newsreels

By BRUCE ALLAN

London, Nov. 21.—Under the arrangement by which all films shown in British theatres must be certificated by the British censors, an exception has heretofore been made in favor of "photographs of current events."

This immunity has now been modified by new "model conditions" issued by the Home Office to apply only to scenes showing "actual events recorded in the press at or about the time of the exhibition."

The aim of the new rule is to control composite films showing past events and to subject to censorship

(*Continued on page* 4)

## Schulberg to Make Films on New Basis

Hollywood, Nov. 21.—His contract with Paramount nearing its expiration, B. P. Schulberg, it was learned today, will proceed to produce independently, releasing through as many distributors as may want his product.

Schulberg's plan is to offer eight pictures yearly, each made independently of the others and presented upon completion to major distributors for examination. The one offering the best terms will receive that individual film with no advance arrangement for succeeding releases. On the other

(*Continued on page* 4)

# K. C. Approves Campi Zoning Modifications

## *See Acceptance of New Plan by Campi Today*

Kansas City, Nov. 21.—Protection bargaining and practically all other recommendations laid down by George J. Schaefer and Edward Golden on their visit to Kansas City last week as official representatives of Code Authority have been incorporated in a new draft of the local clearance and zoning schedule completed by the board here tonight. The new plan returns this area to the protection system for the first time in four years.

The draft is being rushed to New York by air mail in time for the Campi meeting there tomorrow. The schedule is now in Campi's lap.

While the board is keeping the provisions of the schedule secret until

(*Continued on page* 4)

## *Thirty Appeals Set For Campi Hearings*

Thirty appeal decisions are on tap for Campi approval today. These include clearance and zoning and grievances of every nature. In addition, Code Authority will act on six amendments to the vaudeville section of the code. These involve actor-labor relations in vaudeville.

Deputy Administrator William P. Farnsworth will substitute for Division Administrator and Code Compliance Head Sol A. Rosenblatt. Ed Kuykendall, who yesterday blasted

(*Continued on page* 4)

## *Industry Measures Seen in 43 States*

Introduction of numerous state and national measures affecting the industry is anticipated with the scheduled opening in January of 43 state legislative sessions and that of the national Congress.

Virtually all state governments are

(*Continued on page* 6)

### *Bernerd Denies*

**London, Nov. 21.—Jeffrey Bernerd today entered a definite denial of reports that he would resign from Gaumont British to become managing director here of Radio Pictures.**

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(Registered U. S. Patent Office)

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## Stair Fall Injures 16 in Quebec Hall

QUEBEC, Nov. 21.—Sixteen children were injured when a stairway leading to a second-floor hall collapsed under the load of 150 juveniles as they crowded to see a film under religious auspices in St. Saveur Parish. St. Peter's Hall, where the accident occurred, was built 36 years ago and, according to ex-Alderman Arthur Drolet, two of whose children were casualties, the place had never been inspected.

Theatre managers will now probably make another attempt to secure revision of the Quebec Moving Picture Act which prohibits admission of children under 16 to regular theatres, yet allows juveniles to attend shows in church halls without proper exits and with makeshift projection equipment.

The restriction on theatres was a result of the Laurier Palace disaster in Montreal on Jan. 9, 1927, when 78 children were killed on the stairs leading from the balcony.

## Novarro on His Own

HOLLYWOOD, Nov. 21.—Following the completion of his current picture for M-G-M, Ramon Novarro plans the production of an independent feature from his own story for the Spanish market. It will be called "Against the Current" The old Tiffany Studios will be used.

## Washington Allied Opposes Dog Races

SPOKANE, Nov. 21.—A definite stand against dog racing has been taken by Allied of Washington. Arthur H. Bishell, vice-president, presided at a meeting here at which action was taken.

It was also decided to oppose continuance of the occupational tax on theatres whch amounts to one and one half per cent of the gross. A petition will be presented to the legislature to have the tax reduced to one half of one per cent to conform with that now imposed on retailers.

Unfair competition being given by colleges and schools and double billing were discussed. It was also disclosed that many houses in the territory are showing a profit.

## Baer Accepts Offer To Do Mexican Film

By JAMES LOCKHART

MEXICO CITY, Nov. 21.—Max Baer has accepted the offer of James N. Crofton, ex-proprietor of a Tia Juana resort who is now running the Casino at Cuernavaca, a tourist center near here, to play a role in his proposed picture, according to Ancil Hoffman. The picture will be based on Carleton Beal's novel, "Black River," which deals with the oil fields of Tampico.

Crofton has also made offers to Dolores Del Rio, Mona Maris and Don Alvarado and hopes to start production here in the near future.

## Lease Bucyrus House

BUCYRUS, O., Nov. 21.—William P. Newman and Cliff A. Scaufele, local theatre men, have leased the Bucyrus Opera House for musical shows this winter, the first to be presented on Nov. 23 by the Hollywood Players.

It is planned to wire the house and later include pictures.

## Hornstein Closes Deal

First deal of Joe Hornstein, Inc., since Hornstein's return to the independent theatre equipment field is with Max Cohen for reseating the Stadium, 119th St. and Third Ave., seating 1,202.

## Roxy Incorporates For Phila. Venture

DOVER, Nov. 21.—Roxy-Philadelphia Corp. has been chartered here, listing capital stock of 1,000 shares, no par value. The incorporators are L. H. Herman, D. O. Newman and Walter Lenz of Wilmington.

March of Time, Inc., has been incorporated to deal in all kinds of films, records, upon which voices, music or other sounds are recorded, listing a capital of $200,000. The incorporators are Russell A. Smith, Jackson Heights, L. I.; Henry G. Walter, Elmhurst, L. I.

The first named is the organization through which S. L. Rothafel will operate the Mastbaum, Philadelphia, and the second is the new newsreel to be sponsored by *Time*.

## Phila. Police Out For Roxy Job Rush

PHILADELPHIA, Nov. 21.—Police reserves were needed to handle over 2,000 applications for jobs as ushers for Roxy at the Mastbaum today. Roxy advertised for inexperienced youths for a noon hearing. The line began forming at 8 A.M., Roxy is refusing boys with previous experience. He says he wants to train his own crew.

## W. H. Carrier Wins Medal

The medal of the American Society of Mechanical Engineers for 1934 has been awarded to Willis H. Carrier of Newark for research in air conditioning, it has been announced by the society.

Carrier is past president of the American Society of Refrigerating Engineers and of the American Society of Heating and Ventilating Engineers.

The award will be presented during the annual meeting of the society, beginning Dec. 2, in the Engineering Societies Building.

## Loew in London Soon

LONDON, Nov. 21.—Arthur M. Loew is due here from South America on Nov. 26. He may determine M-G-M's future policy in Germany while here.

## Columbia Up 2 on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 39 | 36 | 39 | +2 | 1,900 |
| Consolidated Film Industries | 3⅝ | 3⅝ | 3⅝ | + ⅛ | 200 |
| Consolidated Film Industries, pfd | 17⅛ | 16¾ | 17⅛ | + ⅛ | 1,200 |
| Eastman Kodak | 111¾ | 110 | 111¾ | +1¾ | 900 |
| Eastman Kodak, pfd | 142 | 142 | 142 | —1 | 10,000 |
| Fox Film "A" | 13⅝ | 13½ | 13⅝ | + ⅛ | 500 |
| Loew's, Inc. | 34¼ | 33¼ | 33¾ | — ¼ | 8,100 |
| Loew's, Inc., pfd | 101 | 101 | 101 | ..... | 100 |
| Paramount Publix, cts | 3¾ | 3⅜ | 3⅝ | + ⅛ | 16.400 |
| Pathe Exchange | 1⅜ | 1⅜ | 1⅜ | ..... | 1,200 |
| Pathe Exchange "A" | 15⅛ | 15 | 15 | — ¼ | 700 |
| RKO | 1⅞ | 1¾ | 1⅞ | + ⅛ | 3,100 |
| Warner Bros. | 4¾ | 4⅝ | 4¾ | + ⅛ | 1,900 |

## Trans Lux Advances ⅛ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13 | 12½ | 12½ | — ⅜ | 600 |
| Trans Lux | 1⅞ | 1¾ | 1⅞ | + ⅛ | 200 |

## Para. Bond Issues Make Heavy Gains

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 8½ | 8¼ | 8½ | + ⅛ | 10 |
| General Theatre Equipment 6s '40, ctf | 8¼ | 7⅝ | 8 | — ¼ | 10 |
| Keith B. F. 6s '46 | 64 | 64 | 64 | — ½ | 10 |
| Loew's 6s '41, ww deb rights | 104 | 103¾ | 103⅞ | — ⅛ | 12 |
| Paramount Broadway 5½s '51 | 43½ | 42⅞ | 43 | +2 | 19 |
| Paramount F. L. 6s '47 | 60¾ | 56¾ | 59¾ | +2¾ | 150 |
| Paramount Publix 5½s '50 | 60¾ | 57¼ | 60 | +3½ | 250 |
| Warner Bros. 6s '39, wd | 59½ | 58½ | 58½ | — ½ | 10 |

## Purely Personal

ELEANOR POWELL and BILL ROBINSON have left for the coast to report to Fox. MISS POWELL will be in "George White's Scandals," and ROBINSON in "The Little Colonel."

NEIL AGNEW and MILT KUSELL at the Tavern yesterday. Others spotted included BOB GOLDSTEIN, GEORGE O'BRIEN, JAMES A. FITZPATRICK, and ABE SCHNEIDER.

R. K. HAWKINSON, Latin American manager for RKO, is on his way home after a two months' trip in Central America.

ABE MONTAGUE is excited over "Passport to Fame," the EDDIE ROBINSON picture for Columbia. Says that's all the studio is talking about.

H. LEOPOLD SPITALNY, Chicago musical director, will be guest conductor at the Roxy for a week starting tomorrow.

MERLE OBERON left yesterday for Hollywood to start work in "Folies Bergere de Paris."

HARRY EDINGTON and BARBARA KENT leave for the coast today.

BUD BARSKY left yesterday for the coast.

REBECCA of Rebecca and Silton, coast agents, is in town.

JACK COHN busy shaking hands at the Tavern yesterday.

## RKO Closes Three Deals

RKO has closed deals for the entire 1934-35 lineup with M. A. Lightman's circuit in Arkansas and Tennessee and the Crescent Amusement Co. of Tennessee, Kentucky and Alabama. The Lightman deal was handled by Cresson Smith, RKO western and southern district manager, and Page Baker, Memphis branch manager. The Crescent deal was handled by Hubert M. Lyons, Atlanta RKO manager, and Tony Sudekem for Crescent.

Asta Films of Bucharest has also taken the entire lineup for Rumania. This deal was handled by H. W. Leasim, Paris manager. Leasim is at present in Turkey.

## ITOA Discusses Victory

Chief discussion at the I.T.O.A. regular meeting yesterday was the victory over Local 306 by the exhibitor organization. On Tuesday the New York Court of Appeals ruled that a temporary injunction granted Local 306 was improper.

No report was made by the committee on Allied affiliation. The session broke up early due to Harry Brandt's hasty departure.

## Clark Represents Union

Members of Local 95, Theatre & Amusement Employes Union, early yesterday elected Robert Clark to represent employes of Harlem theatres in negotiations with owners for a new contract embodying provisions for a closed shop, minimum wages and maximum hours. A strike vote in the affected theatres in the event of a failure of the negotiations by Friday was carried.

# THE PICTURE OF THE MONTH

Never has a story brought back so gloriously the good old days when flaming youth went to town on a bicycle-built-for-two—or more. That's Papa in the rumble-seat...but where's his shot-gun?

For the Christmas Stockings of a Hundred Million Film Fans, We Give You Warner Bros.' Magnificent Picturization of the Stage Triumph That Made America Young Again—

# IRENE DUNNE in "SWEET ADELINE"

Brought to the Screen After 63 Weeks — Count 'em, 63 — on Broadway, With Its Immortal Melodies and Romance That Take Us Happily Down Memory Lane, Dashingly Guided by Director MERVYN LEROY

We'd like to take up the merrie olde custom of slipper-drinking ourselves—just to toast that grand trio of fun-makers—Hugh Herbert, Ned Sparks, Joe Cawthorn—and all the delicious dancing girls who are too numerous to name—but too sweet *not* to mention.

* * *

Ever whistle "Why Was I Born?", "Here Am I", and "Don't Ever Leave Me"? Well, this is the show that made them famous! Now you'll hear these and other great Jerome Kern hits sung and danced as never before—all because Warner Bros. finally lured dance-director Bobby Connolly of "Ziegfeld Follies" fame to Hollywood.

And while the orchids last, let's toss a load of them to irresistible Irene Dunne, and Donald Woods and Louis Calhern for their brilliant telling of a great love story; to Mervyn LeRoy for his superb direction; to Phil Regan for his delightful tenor; and to Jerome Kern and Oscar Hammerstein II for authoring December's grandest show!

Starting today-this advertisement will appear
in 11 national magazines, opening Warner Bros!
6-week campaign in advance of the Christmas
Week release of "Sweet Adeline"

# K. C. Approves Campi Zoning Modifications

(*Continued from page 1*)

Campi accepts or rejects it, Motion Picture Daily learned authentically that some provisions in the earlier plan attacked by the independents have been stricken out or revised in line with the recommendations of the Campi emissaries. It was said that, with only two or three changes, the clearance between runs remains the same as in the plan previously proposed.

It is understood the new plan eliminates the clause requiring subsequents to maintain a fixed admission or be delayed 14 days in availability. The clause preventing subsequents from making price changes sooner than every 30 days is understood eliminated, while the minimum and maximum availability periods between runs have been retained.

The Loew's Midland price reduction effective Friday caused some board members to demand lower protection than the stipulated 35 days in the event first runs fail to maintain a 40-cent night price. While the board made no provisions to this effect in the schedule, it adopted a supplementary resolution recommending that Campi modify first run protection in the event of price revisions.

Approval of the modifications in the Kansas City clearance schedule by factors in that territory indicates Campi will put its stamp of approval on the setup when it comes up for consideration before it today, it is understood.

Campi's action is said to depend largely on the attitude of the Kansas City exhibitors toward the plan. For a while it seemed the theatremen would turn it down. Now that they have accepted the schedule Campi's approval is considered a matter of course.

George J. Schaefer and Edward Golden, who went to Kansas City on the plan as Campi's representatives, will ask for its acceptance at today's meeting of the authority.

## *See Schenck Taking Up Producer Lineup*

Hollywood, Nov. 21.—Nicholas M. Schenck, here for conferences on forthcoming M-G-M product, was reported today to be taking up production assignments and producer personnel involving some 15 executive and associate producers.

He is said to have conferred yesterday with David O. Selznick regarding the latter's attitude on remaining with the company, but those closely associated with Selznick believe he is determined on carrying out his independent production project.

## *Seeks Drama for Young*

Havre de Grace, Md., Nov. 21.—Development of community and school dramatics to save children from the influence of objectionable films was advocated here today by Mrs. A. H. Reeve of Philadelphia in an address at the 19th annual convention of the Maryland Congress of Parents and Teachers.

## *Hollywood Personals*

Hollywood, Nov. 21.—Sam Goldwyn and Mrs. Goldwyn are at Palm Springs for a short vacation. . . . Charles LeMaire has arrived from New York to design the costumes for George White's "Scandals" for Fox. . . . Bert Wheeler and Robert Woolsey off on a personal appearance. . . . Paramount wants Hugh O'Connell for the leading role in "The Milky Way." . . . H. M. Harwood, author of "Cynara," and Hans Wilhelm, famous German writer, have arrived in town to begin writer's contracts at M-G-M. . . . Edmund Lowe is limping after dropping a 30-pound diver's shoe on his foot during scenes for "The Depths Below" at Columbia. . . . Fred Keating has dismissed the detectives hired to locate his dog. Fred found the pooch himself. . . . Preston Foster will play the lead in "Behind the Green Lights" for Mascot.

# Columbia Up 70% In Europe—Cohn

(*Continued from page 1*)

while abroad and added Joseph Seidelman, head of the foreign department, shortly will make another trip abroad. No date has yet been set.

As soon as he cleared the customs, Cohn made a bee line for the Astor where a trade showing was being held on "Broadway Bill."

M. A. Schlesinger, head of DeForest Phonofilms, returned on the same boat. He went over and came back with Cohn and stated he negotiated some "important business" while in London but would not disclose the nature of it at this time.

Ben Miggins, head of the European Fox Movietone News division, also arrived on the Italian liner. He is here for his annual visit and plans to stay until after the holidays. His headquarters are in Paris.

### Many See "Broadway Bill"

Prominent exhibitors and circuit buyers as well as a number of bankers were present yesterday at a preview of Columbia's "Broadway Bill" at the Astor. About 1,000 attended.

## *Hearing on Move to Sell 4 in Phila. on*

Philadelphia, Nov. 21.—Hearing on the advisability of selling four theatres belonging to the William Friehofer and Fred Nixon - Nirdlinger estates started today at the City Hall before John Blessing, Jr., and Donald Hamilton, masters appointed by the court.

Lionel Friedman, real estate broker, testifying on Warners' bid for the houses with the offer expiring Feb. 1, said he had been negotiating for a sale for a year and a half. He declared if the executors refuse the offer they will not receive a penny from the properties because assessments and rentals are so high he had been unable to get another buyer.

## *Frank Nirdlinger Passes*

Philadelphia, Nov. 21.—Frank Nirdlinger, 69, well known theatre man and a former partner of the late Fred Zimmerman, is dead here. He is survived by his widow, Mrs. Sally Nirdlinger; a daughter, Virginia, and a nephew, Samuel F. Nirdlinger.

## *Knox on Buffalo News*

Buffalo, Nov. 21.—Charles Victor Knox, formerly connected with the Fawcett magazines, now is doing the film column for the *Buffalo Evening News.*

# Schulberg to Make Films on New Basis

(*Continued from page 1*)

hand, one company may release one, some or all of the product on a competitive bidding basis.

Included in the plan is said to be a possible tieup for exclusive first choice of New York publishers' complete output of novels. A strong possibility also looms of a tieup with a New York play producer, with Schulberg sharing part of the responsibility of a show and the producer assuming an interest in the picture production.

All proposed pictures, it is reported, will be based on subjects having positive exploitation values, with the dramatic content of each hinging on some phase of national or international drama, current either as news or fiction.

## *Thirty Appeals Set For Campi Hearings*

(*Continued from page 1*)

Campi's inaction on clearance and zoning, will be absent at today's session. Walter Vincent will alternate for him.

Report of George J. Schaefer and Edward Golden on the Kansas City clearance and zoning schedule will be taken up, but action depends on the results of a session held by local exhibitors yesterday.

## *Coast Board Again Bans a Bank Night*

Los Angeles, Nov. 21.—Despite the return of four appeals on bank night cases by Campi the local grievance board has ruled against another bank night. The complaint was by the Oceanside Theatre against the Escondido. A rehearing of the four cases returned from New York is scheduled for next Tuesday.

## *Dismiss Lease Charge*

Albany, Nov. 21.—Sitting as an Industrial Adjustment Agency, the grievance board has dismissed the Fayette Theatres, Inc., Utica, charge against Kallet Theatres, Inc., Oneida, in which it was alleged the latter company had interfered with negotiation of a lease.

## *Gardel to Make 2 More*

Carlos Gardel has been engaged to make two more Spanish musicals for release by Paramount International Corp. Both will be made by the Exito Corp. at Eastern Service Studios, Astoria. Production will start shortly after the turn of the year.

# British Will Censor Parts Of Newsreels

(*Continued from page 1*)

commentaries on such films, which may be of a "mendacious" character. It follows recommendations to this effect in the recent report of the B.B.F.C.

The H.O. letter, obviously referring to scenes of the Marseilles assassinations recently shown in news reels also includes a warning that the prohibition of films "likely to be offensive to public feeling" applies to newsreels which are thus indirectly brough under censorship.

* * *

Eddie Cantor is negotiating wit George Black of the Palladium for a stage engagement at that house early in 1935. The Palladium is a Genera Theatres property, controlled by Gaumont British.

* * *

J. B. Priestly, author of "The Goo Companions," will probably write a original story for George Arliss a the vehicle of the latter's second fo Gaumont British.

* * *

A strike of electricians held up production on three pictures at the British and Dominions studio for a da before differences arising out of th interpretation of a working agreemen were settled.

* * *

Charles ("Buddy") Rogers ha been signed by British Internationa to star in "Dance Band" at Elstree This is a musical in which it is proposed to feature instrumental music o a "biggest ever" scale. Marce Varnel, who recently completed "Girl Will Be Boys," for B.I.P., is t direct.

## *Pope Bans Own Picture*

Vatican City, Nov. 21.—It was reported here last night that Pope Piu XI has refused to permit pictures o himself or his sacred functions to appear on theatre screens.

He was quoted as saying: "It i unthinkable that pictures of Christ Vicar or his sacred functions shoul appear on the very screens on whic films offending the fundamental principles of Christian morals and common decency are projected."

## *Drive Hard on Writers*

The drive against objectionabl films is putting scenario writers t the test by necessitating a greate display of ingenuity in getting aroun risky situations, said Joseph L. Mankiewicz, scenario writer, upon his arrival in town from the coast yesterda accompanied by his wife. The resul he added, is better pictures.

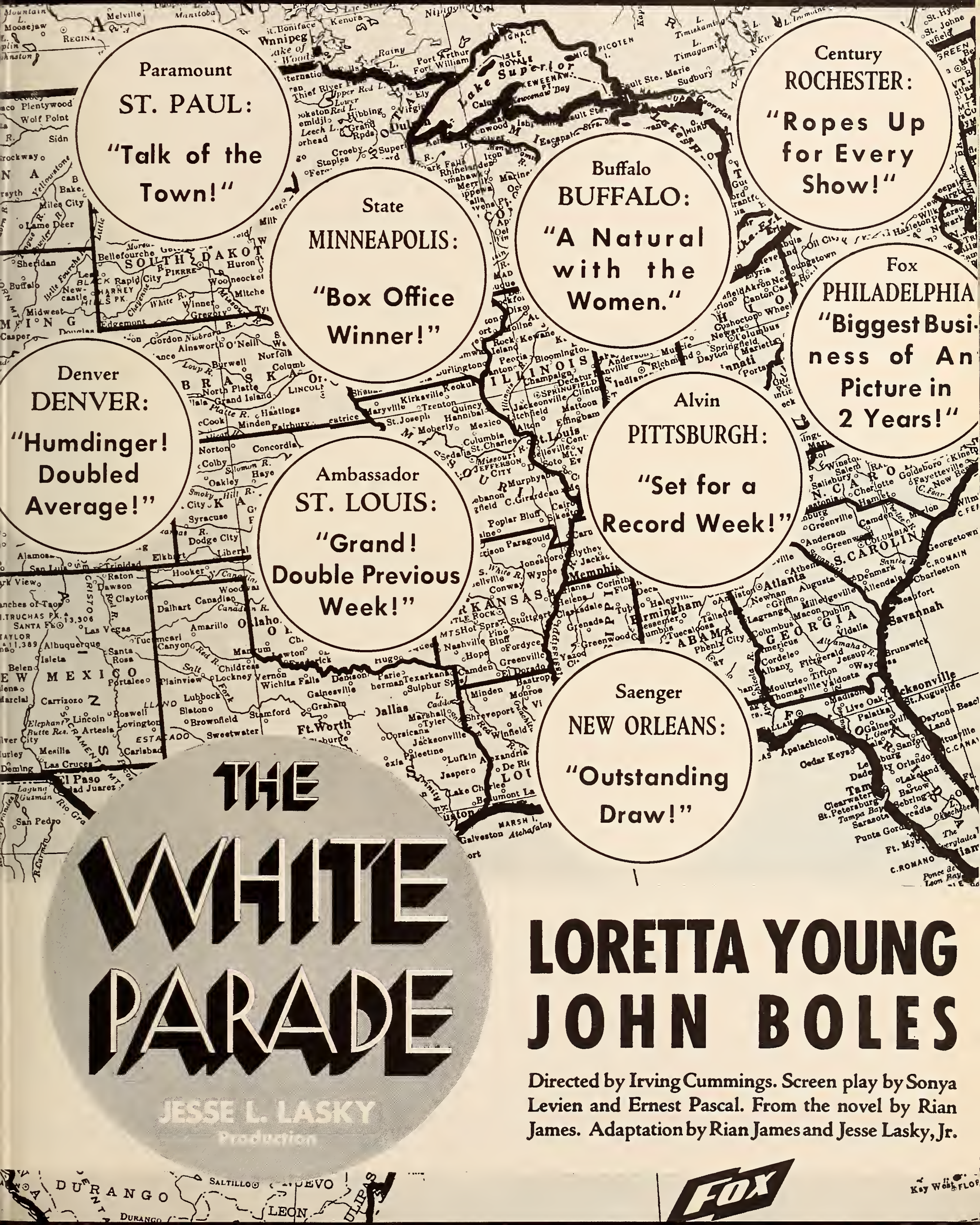
## *Radio Assigns Corrigan*

Hollywood, Nov. 21.—Lloyd Corrigan has been assigned to direc "Buzzle of the Pepper Tree," a Radio. The film will top spot Edn Mae Oliver and James Gleason.

## *Warners Sign McCrea*

Hollywood, Nov. 21.—Warner have signed Joel McCrea for two pictures, starting Jan. 1.

# *Everywhere* CROWDS ARE FLOCKING TO "THE WHITE PARADE"



Paramount
**ST. PAUL:**
"Talk of the Town!"

State
**MINNEAPOLIS:**
"Box Office Winner!"

Buffalo
**BUFFALO:**
"A Natural with the Women."

Century
**ROCHESTER:**
"Ropes Up for Every Show!"

Fox
**PHILADELPHIA**
"Biggest Business of An Picture in 2 Years!"

Denver
**DENVER:**
"Humdinger! Doubled Average!"

Ambassador
**ST. LOUIS:**
"Grand! Double Previous Week!"

Alvin
**PITTSBURGH:**
"Set for a Record Week!"

Saenger
**NEW ORLEANS:**
"Outstanding Draw!"

# THE WHITE PARADE

JESSE L. LASKY
Production

## LORETTA YOUNG
## JOHN BOLES

Directed by Irving Cummings. Screen play by Sonya Levien and Ernest Pascal. From the novel by Rian James. Adaptation by Rian James and Jesse Lasky, Jr.

FOX

# Para. Plan in Few Days Now Is Indicated

(Continued from page 1)

contesting the claims. Yesterday, Arthur A. Ballantine, of trustees' counsel, consented to the further adjournment asked by Morton G. Bogue, of counsel for the creditor bank group, without objection.

"The representation that the filing of a reorganization plan is imminent is satisfactory to us," Ballantine said, "If the plan is ready we don't want to press our action. If it isn't forthcoming, as represented, in the very near future, we can consult on new procedure against the defendant banks."

An original agreement to adjourn only until Nov. 28, presumably with the expectancy of the reorganization plan being filed prior to that date, was changed to Dec. 3 because of the nearness of the first date to the Thanksgiving holiday. There was some indication that the plan might be filed with Judge Coxe on Saturday, as disclosed yesterday in Motion Picture Daily.

In the meantime, in preparation for the anticipated withdrawal of the trustees' action, counsel for the bank group will prepare a stipulation agreeing to the withdrawal of their objections, without prejudice for renewal, to examination of officers of the defendant banks by trustees' counsel. This will merely place the trustees in a position where their motion asking the examination may also be withdrawn later.

Federal Judge Henry W. Goddard today will hear creditors' attorneys and counsel for the trustees on the recent report and recommendation of Special Master John E. Joyce which reduced the applications for fees aggregating more than $700,000 to approximately $370,000. The report was referred to Judge Goddard yesterday by Federal Judge Robert P. Patterson. It involves the allowances to the trustees, their counsel, special counsel and accountants for services rendered during the Paramount bankruptcy.

### Zirn Move Defeated

Albany, Nov. 21.—The Court of Appeals here affirmed without opinion today the ruling of the Appellate division in New York denying to petitioning Paramount Publix bondholders represented by Samuel Zirn authority to institute actions against directors and officers of the company for recovery of assets independent of actions brought by trustees of the company.

Zirn, asked to comment yesterday on the Court of Appeals ruling, described it as "inconclusive" except on the question of his clients' right to sue former Paramount directors if they first obtain a judgment. In other respects, he maintained, his case is unchanged by the higher court's ruling.

## *Feist Lands Today*

San Francisco, Nov. 21.—Felix F. Feist arrives from Honolulu tomorrow and will repair to the M-G-M studio for a couple of weeks.

# *Looking 'Em Over*

## *"The Battle"*

*(Leon Garganoff)*

This film leaves the reviewer with a series of mixed impressions. Viewed as a straight piece of entertainment, it is exceptional. The drama of the story is built up with cold logic, the tempo shifting and gaining pace until it reaches a climax in a stirring naval battle and tapering off to an end which finds both the principal characters—an English and Japanese naval officer—dead. One is killed in battle, the other a suicide.

The story is concentrated on the sinister fatalism of a Japanese officer who is ready to sacrifice his wife's honor to gain secrets from a British naval attache. At the height of the battle the Japanese officer is wounded, the Englishman takes command and is killed, and the Oriental commander ceremoniously kneels before an altar robed in white and stabs himself. Back on land a new type of Madame Butterfly waits, knowing that her husband will not return.

The naval scenes are thrilling. The work of Charles Boyer as the Japanese officer, of John Loder as the Englishman and of Merle Oberon as the Japanese wife is splendid. The picture was directed in France by Nicolas Farkas with the dialogue in English.

But some angles that stir this reviewer's curiosity are: Was it timed to fit with the insistent Japanese demand for naval parity at the London conference? Was the fact that the Englishman took command tinged with any deeper meaning? Was there any purpose in making the targets of the Japanese guns American warships with the familiar basket masts?

This picture, intentionally or not, seems to get into the field of international relations at their most sensitive point.

Every big navy man and armament maker will think it's a film masterpiece; others with no interest in these angles will think it an interesting piece of entertainment. But how a Japanese victory will set with the American public is something else to engage the consideration of exhibitors here.

No code seal. Running time, 87 minutes. "G."

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Father Brown, Detective"*

*(Paramount)*

Hollywood, Nov. 21.—"Father Brown, Detective," is a story of a small town parish priest whose knowledge of human nature arouses his uncanny detective instinct in regenerating a shrewd jewel thief, a novel twist that should command attention.

The picture gets away from the formula of ordinary detective dramas, adding down-to-earth human interest which is made impressive by the fine characterizations of the principals.

Walter Connolly, as the priest, arouses sympathy and feeling as Paul Lukas, the crook, and Gertrude Michael, an heiress, are enmeshed in a delicate romance that pulls the heartstrings.

Contrary to the bangup, fast continuity found in the usual detective yarn, this moves slowly, playing more for an understanding of the characters, yet never becoming boresome. It contains many surprising situations in a battle of wits between the crook and priest.

Connolly's final reformation of the crook does not clear Lukas from the law, but it leaves a pleasant impression that through his regeneration Lukas' sentence may be reduced, enabling him to return to his waiting sweetheart.

The production is artistically mounted, contrasting modern Paris environment with lavish settings photographed well by Theodore Sparkuhl under the able direction of Edward Sedgwick from Gardner Sullivan's treatment of Gilbert K. Chesterton's original. Production Code Seal No. 374. Running time, 65 minutes. "G."

*"College Rhythm," tonight's preview at the Paramount, was covered from Hollywood by wire on Oct. 29.*

*"Imitation of Life," being previewed tonight at the Roxy, was reviewed on Nov. 20.*

## *Tries Huge Invitations*

Los Angeles, Nov. 21.—Invitations to a preview of "The Mighty Barnum" have been Barnumized by Harry Brand, publicity head of 20th Century here. They are one sheets in blue and red. The studio gateman will wear stilts so he will not be buried beneath them when the guests unfold the sheets.

# Conferences Here to Iron FWC Details

(Continued from page 1)

contract with his brother Spyros as the other signer. Spyros also will play a part in the meetings. S. R. Kent, president of National Theatres Corp., new holding company, and head of Fox West Coast, will not return from England for another three weeks and will not attend the downtown meetings. Charles is vice-president and general manager of Fox West Coast.

Bert Shipman, attorney for Chase, who accompanied Skouras when the latter left for Los Angeles two weeks ago, returns in about three days. He is cleaning up several incidental matters in connection with the reorganization.

Wisconsin Amusement Co., which is the name for the reorganized Fox Midwesco of which H. J. Fitzgerald is head, was taken out of receivership about a year ago. Fox West Coast will be all set to go about Jan. 1 from present indications.

## *National Receives No Word from MPTO*

National Screen has not as yet received word from the M.P.T.O. of Eastern Pennsylvania, Southern New Jersey and Delaware, which is reputed to be in a move to urge a reduction of 15 per cent in the blanket rates for service.

The denial came from Morton Van Praag, general sales manager, when queried by Motion Picture Daily yesterday on the story. Van Praag said that this was the first he had heard of it.

## *George Dawes Made Farnol's Successo*

(Continued from page 1)

ing Lynn Farnol, who resigned recently to become associated with th advertising firm of Donahue and Coe handling its Music Hall account Dawes will work in association wit Hal Horne, United Artists publicit and advertising chief, in the exploitation of Eddie Cantor and Anna Ste productions.

Dawes comes from the newspape field. For the last four years he ha been connected with the *World-Telegram* here and with other Scripps-Howard papers.

## *Industry Measures Seen in 43 State*

(Continued from page 1)

in need of new taxation to finance relief programs and recoup deplete treasuries, indicating that the introduction of new industry tax measure may be expected from many quarter Regulatory measures are also believed likely to be introduced with th opening of the legislative season as result of the widespread publicity accorded the church decency campaig during the past year.

## *Reissuing Arliss Films*

London, Nov. 21.—Warners are reissuing all of the Arliss pictures her

Out today

*The story of* $496,240,000
*at the box office—where it*
*comes from in* 12,500 *theatres,*
*by state and by city—and*
*where it goes in operation*
*of the show business—the first*
*real, official, authentic*
*box office statistics of the*
*industry—now presented in*
*complete and analytical form*
*exclusively in*

MOTION PICTURE HERALD

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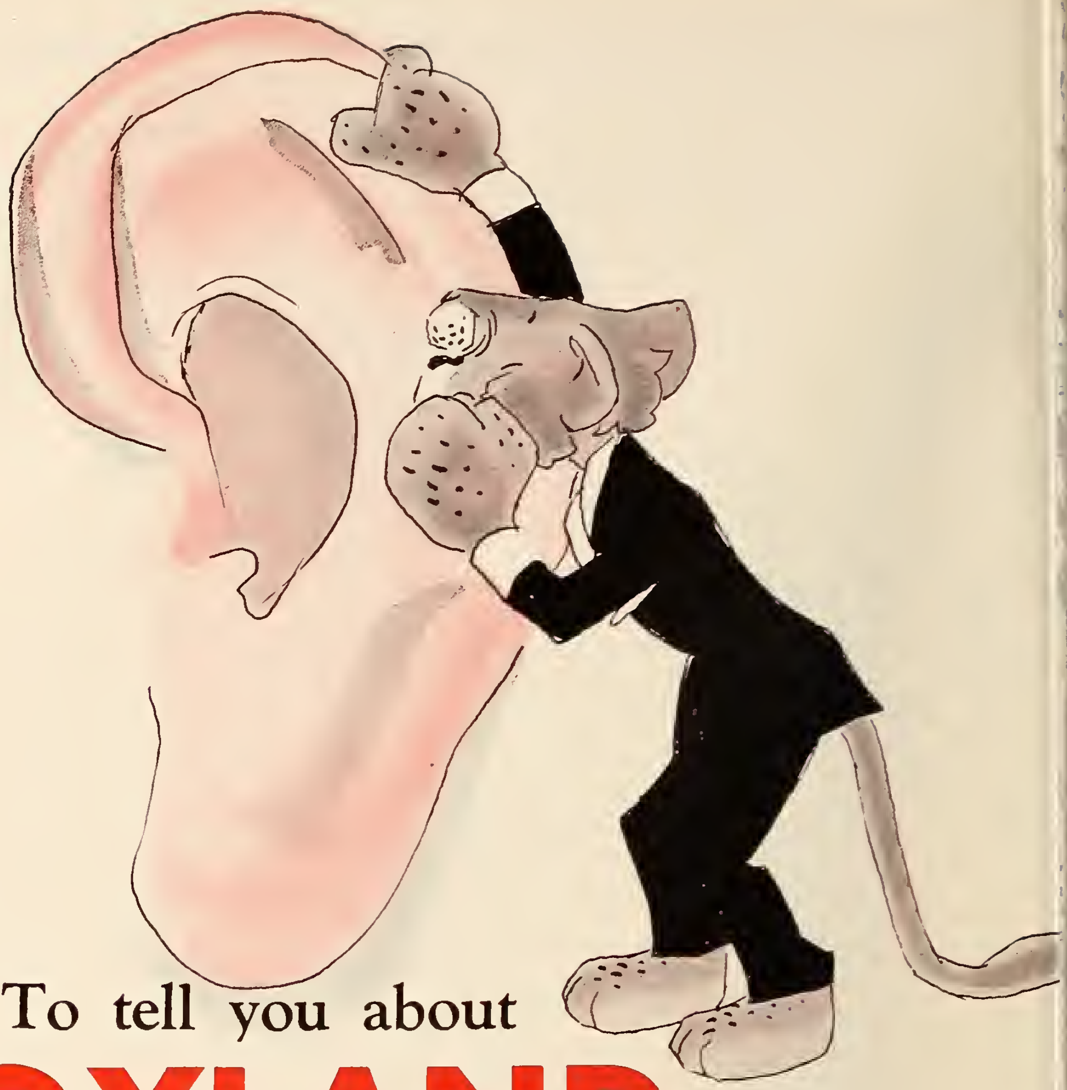

To tell you about

# TOYLAND BROADCAST

**1** — A Single Reel (*filmed in magnificent color*) that makes screen history!

**2** — Cleverly presenting in holiday fantasy many radio stars (*Bing Crosby Kate Smith, Four Mills Brothers, Paul Whiteman, etc.*) charmingly caricatured at a toyland broadcast.

**3** — One of M-G-M's brilliant series of Happy Harmonies produced by Harmon-Ising, one reel each, blending gorgeous color and music.

**4** — Film Daily says: "*A swell holiday special.*" Motion Picture Daily says "*Exceptionally fine cartoon. Tremendous appeal.*"

**5** — It's so good, M-G-M has prepared a Special Campaign Book, available free at your branch.

**6** — "TOYLAND BROADCAST" on your Christmas program is the happiest holiday gift you can give your patrons. Act now and thank M-G-M later

The Leading
Daily
Newspaper
of the
Motion
Picture
Industry

# MOTION PICTURE DAILY

Alert,
Intelligent
and
Faithful
Service to
the Industry
in All
Branches

VOL. 36. NO. 123 NEW YORK, FRIDAY, NOVEMBER 23, 1934 TEN CENTS

## Hearing Begun On Phila. Dual Contract Suit

### *Monopoly Angle Figures In First Testimony*

PHILADELPHIA, Nov. 22.—As the hearing in the Harry Perelman double featuring case began here today before Judge George A. Walsh in Federal court, the sentiment of local exhibitors was that monopoly charges against the major distributors would feature the dual ban testimony. The suit is for an injunction against dual bans in contracts.

The presence of Edward Golden, I. E. Chadwick, Jack Bellman and Irving Mandel, independent exchange men, who conferred frequently with Benjamin M. Golder, attorney for the plaintiff, lent color to the theory.

The theory was also strengthened by a hypothetical question put to Charles Stieffel, South Philadelphia exhibitor, by Golder, who wanted to

(*Continued on page* 6)

## *Court Permits Pathe Stockholder Session*

An order authorizing an extraordinary meeting of stockholders of Pathe Exchange, Inc., for the purpose of voting upon a plan of reorganization has been issued by the N. Y. Supreme Court. The meeting will be held at 2:30 P. M. March 4, 1935.

Lack of quorums at regular and special meetings called for this purpose forced company officials to apply to the court for permission to hold an extraordinary meeting in accordance with Section 52 of the N. Y. Stock Corporation Law.

## *H. S. Brown in New Code Budgets Post*

WASHINGTON, Nov. 22.—Appointment of Hiram S. Brown as special assistant to the administrative officer to act on all matters pertaining to code authority budgets was announced today bv the National Recovery Administration.

Brown was for three years president of RKO. He is an honorary life member of the I. A. T. S. E.

## *Warner Nirdlinger Bid Is $1,645,000*

PHILADELPHIA, Nov. 22.—A total bid of $1,645,000, with a maximum cash settlement of $240,000, was the

(*Continued on page* 14)

## *K. C. Clearance Is Delayed; Campi Adjourns Until Tuesday*

**Failing to receive the modified Kansas City clearance and zoning schedule by airmail yesterday, Campi recessed until next Tuesday when another meeting will be held to pass on the plan. Delay in sending the schedule is responsible for the adjourned hearing, inasmuch as K. C. interests were working on the plan until late Wednesday night.**

**Ten of the 30 pending appeals were disposed of yesterday in addition to adoption of six vaudeville actor-labor amendments. No mention was made of the recent Ed Kuykendall blast at Campi's procrastination on clearance.**

**A petition signed by 30 studio employes asking amendment to the clause dealing with relatives being employed as extras was turned over to the production committee consisting of S. R. Kent, Harold S. Bareford, W. Ray Johnston and J. Robert Rubin.**

**Attending the session were Deputy Administrator William P. Farnsworth, Walter Vincent, Charles L. O'Reilly, Nathan Yamins, George J. Schaefer, Johnston, Bareford, Joe Vogel and Willard McKay.**

## Say Operator Ruling Clears Up Section 7A

Unions having no direct connection with a particular controversy cannot claim any rights under Section 7A of the National Industrial Recovery Act in New York under the terms of the ruling of the Court of Appeals in the Local 306-I.T.O.A. suit just decided in Albany.

Unions not "directly affected" are "outside unions" by the terms of the decision. Only employes "directly affected" have standing under this portion of the act.

According to Milton C. Weisman of Weisman, Quinn, Allan & Spett, who

(*Continued on page* 10)

## Warning Is Issued On Admission Tax

WASHINGTON, Nov. 22.—Sharp warning that the Government expects admission taxes to be paid on the basis of "established price" rather than any

(*Continued on page* 14)

## New Hurdle Rises Over Price Cuts

KANSAS CITY, Nov. 22.—First run slashes in admission here today created a new hurdle for the proposed Kansas City clearance schedule to meet.

While the schedule, as drafted by the local code board, probably will be approved by Campi, the question of what to do about Loew's Midland and the Tower, which the other day cut prices, is troublesome. Some board members now believe Campi should impose clearance penalties on first runs not maintaining price scales.

The latest local view has it that

(*Continued on page* 10)

## National Theatres Chartered in N. Y.

ALBANY, Nov. 22.—Hughes, Schurman & Dwight, attorneys for Fox West Coast, have filed papers with the secretary of state incorporating

(*Continued on page* 14)

## *Grosses Maintain Levels Lower Than in September*

November grosses seem to have struck a level somewhat lower than those prevailing early in September and to be staying there. For the second week of the month the take in 133 houses in 22 key cities was $1,389,743. This was only $3,007 higher than the previous week.

Eleven of the 22 cities reporting

(*Continued on page* 6)

## New Plan for Para. Ready; Speed Sought

### *Expected to Go to Court Early Next Week*

Urging the desirability of an immediate reorganization of Paramount Publix and stating that prolongation of the bankruptcy is seriously affecting the operation of the company's subsidiaries, a new and nearly complete draft of the Kuhn, Loeb plan of reorganization, dated as of Nov. 21, made its appearance in reorganization circles yesterday.

The latest draft embodies a number of important revisions in and additions to the Nov. 14 printing, the most important of which provides for making the plan effective with the reduction of claims to $65,000,000, instead of $50,000,000 as formerly. It also eliminates completely the provisions for the effectiveness of the plan contingent upon the issuance to creditors of a maximum of $32,500,000 of new debentures and stock, which

(*Continued on page* 6)

## Counsel Ask Boost In Paramount Fees

Describing the approximately $370,000 of fees recommended by Special Master John E. Joyce for payment to the Paramount Publix trustees, their counsel, special counsel and accountants as "unjust" and "inadequate," counsel for Paramount Publix bondholders and stockholders' protective committees urged more liberal allotments at a hearing on the special master's report before Federal Judge Henry W. Goddard yesterday. Judge Goddard reserved final decision on the awards to be made.

Samuel Zirn, attorney for a small group of bondholders, raised the only

(*Continued on page* 6)

## *Paramount Expects To Release Full 64*

Paramount expects to release all of the 64 features being sold during the 1934-35 season, despite the fact that during 1933-34 the company turned out only 58 of the 64 promised.

For the present season, two outside producers will contribute about 12 of the 64 scheduled. Hecht-MacArthur are slated to do from four to six, while Walter Wanger is listed for six. This leaves 52 to be turned out under supervision of Emanuel Cohen.

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## "White Parade" At $16,000 2nd Week

"White Parade" at the Paramount for a second week tallied $16,000 and "The First World War" at the Rialto petered off to a $9,000 take on its second stanza. Both are Fox films.

The Roxy gross on "Evensong" was fair with $25,000. "Evelyn Prentice" at the Capitol garnered $28,900, which is good for a second week. "Imitation of Life" opens today at the Roxy for a two-week run.

## Hamrick, Shearer Leave

John Hamrick and B. F. Shearer, Seattle circuit owner and theatre equipment dealer, respectively, left for home yesterday after two weeks here. They are accompanied by their wives.

Before leaving yesterday Hamrick stated he had a nice time and would not return until next spring.

## Junior Laemmle Ill

Carl Laemmle, Jr., may be compelled to postpone his trip abroad, due to an attack of the flu which has confined him to his rooms at the Pierre. Earliest emergence date is set for Monday.

## "Death" for Criterion

Topical Films has booked "Dealers of Death" into the Criterion for an extended run starting Dec. 5.

# Insiders' Outlook

SALES managers around the town are studying the statistical fabric woven into a nicety for them by the Census Bureau on where and what theatre grosses of 1933 were. It was common knowledge, of course, that New York State nurtured the largest percentage of all the states, but a surprise to many at that to learn the bracket was nearly 25 per cent. Throughout the state, 820 houses grossed $85,150,000 and 29 picture and vaudeville houses, $4,850,000. Since the picture, not the show's the thing, the combined total, or the correct total for practical calculation becomes $90,000,000. The bureau also stresses that 424 of the 820 picture houses are in New York City; that 382 ran straight films and grossed $63,882,000 and 13 "combo" houses bulked $2,578,000, or a total in the metropolitan area of $66,460,000. . . .

▼

Diligent search into the box-office records maintained by MOTION PICTURE DAILY went a bit further yesterday and discovered $11,201,123, or slightly more than one-fifth of the New York City total, sprang from seven Broadway houses. The Music Hall, naturally, led the field with $3,973,661. The Capitol, a poor runner-up but ahead of the occupant in third place, ended at $2,130,901. The Paramount filled third niche with $1,880,435; the Roxy, fourth with $1,108,188; the Strand, fifth with $1,081,341; the Rialto, closed five weeks as it was in the winter of '33, sixth with $545,200, and the Mayfair, seventh with $481,396. Because this business has been notoriously lax in reducing fancy to figures, the government figures take on the air of authoritative value. But don't let them fool you. They tip the grosses, not the losses. . . .

▼

Intrigued by his supervision of the dramatically exciting, if not the box-office exciting "Gabriel Over the White House" of another day, Walter Wanger's second foray into more or less the same field makes swell, melodramatic entertainment. What this publication thought about "The President Vanishes" was covered by wire some days back from the coast. Yesterday, this forum had a chance to see it with some of the higher uppers of the Hays office and Paramount, interspersed with a sprinkling of press association reporters, and found itself mightily entertained for 85 minutes. . . .

▼

In his latest, which happens to be his first independently-made attraction for Paramount, Wanger takes a direct crack at brown, black and other kinds of shirts and a lusty slap at munitions makers, and patriots who stay that way as long as it makes their bank balances sweeter. He also includes social and economic implications which tinge his picture with vitality and a generous smattering of guts. In other words, "The President Vanishes" has considerably more real substance than the average Hollywood conception, all tied together with a fantastic, but always interesting, story of the White House and a scenario writer's idea of that which may happen inside those portals some day. . . .

▼

How coast agents work and producers continue to snarl themselves is evidenced, complete unto itself, by a new Paramount contract handed out to Claudette Colbert. That handsome young woman of the beautiful and shapely stems has signed for six pictures over a period of two years with a return to her of approximately $450,000. Less than a year ago, when Hollywood, or parts of it, went screwier than ever, Miss Colbert's per-picture stipend was $60,000, whereupon some hopefuls had an idea the end of the tether had been reached. For confirmed Gold Coast natives, they entirely overlooked the truth that Hollywood knows no limits. . . .

▼

Joe Bernhard enters the record with the statement that the Warner film classification plan, now in vogue in Philadelphia, has been a great success. Yet, hesitancy still marks the circuit's decision about extending the identical idea into other territories where it operates houses. The logical question, of course, is: Why in Philadelphia, but not in Milwaukee, Los Angeles, Hollywood, Memphis and some points in between? The answer is: Because designation of pictures suitable for families, it is feared, may keep away adults, those grown-ups figuring family pictures are namby-pamby pictures and not worth their time. . . .

▼

Ed Kuykendall's earlier blast at Campi for dilly dallying on clearance and zoning was his first uttered publicly. Off the record, however, long has he been complaining to friends and exhibitors. Moreover, he is not the only member of Campi who holds the same point of view. Any fairly close check-up of the C.A. personnel will supply the additional names. The difference between them and Kuykendall has been the sotto voce method of the others in making that point of view clear. . . . His proverbial luck serves Carl Laemmle in good stead. "Imitation of Life," real box-office, comes along when Universal needs it and needs it plenty. . . .

▼

Peculiar that the Allied directors, meeting in Baltimore the other day should assert Paramount is relenting on its national sales policy on percentages and particularly as that policy has to do with weekly payments for shorts, used or not. There is no indication of any such change in front in Greater New York, at least. Sidney Samuelson, Allied's president, can testify to that. He holds a contract with the distributor for shorts on that very basis. . . . Pete Harrison, in Hollywood by this time, expressed 13 trunks of clothes west, haberdashery circles report. Which would indicate it is not the lowdown on pictures alone that Pete is after. . . .

KANN

## Eastman Still Climbs on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 40 | 39⅛ | 39¾ | + ¾ | 3,800 |
| Consolidated Film Industries | 3⅝ | 3⅝ | 3⅝ | ..... | 300 |
| Consolidated Film Industries, pfd | 17¼ | 17 | 17⅛ | ..... | 900 |
| Eastman Kodak | 114¾ | 111¾ | 114¾ | +3 | 1,800 |
| Fox Film "A" | 13½ | 13¼ | 13⅜ | — ¼ | 500 |
| Loew's, Inc. | 34 | 33½ | 34 | + ¼ | 4,200 |
| Paramount Publix, cts | 3⅞ | 3½ | 3¾ | + ⅛ | 11,200 |
| Pathe Exchange | 1⅜ | 1¼ | 1¼ | — ⅛ | 1,200 |
| Pathe Exchange "A" | 15⅛ | 14½ | 14½ | — ½ | 400 |
| RKO | 2 | 1¾ | 1⅞ | ..... | 3,600 |
| Warner Bros. | 4¾ | 4⅝ | 4⅝ | — ⅛ | 1,000 |

## Technicolor Drops Eighth on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 12⅜ | 12⅜ | 12⅜ | — ⅛ | 200 |

## G. T. E. Bond Issues Show Gains

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9¼ | 8¼ | 9⅛ | + ⅝ | 32 |
| General Theatre Equipment 6s '40, ctf | 9 | 7½ | 8⅞ | + ⅞ | 50 |
| Keith B. F. 6s '46 | 64 | 64 | 64 | ..... | 4 |
| Loew's 6s '41, ww deb rights | 104 | 103⅛ | 103⅛ | — ¾ | 12 |
| Paramount Broadway 5½s '51 | 43 | 42¼ | 42¼ | — ¾ | 13 |
| Paramount F. L. 6s '47 | 60⅛ | 60 | 60 | + ¼ | 31 |
| Paramount Publix 5½s '50 | 60 | 59⅝ | 60 | ..... | 125 |
| Pathe 7s '37, ww | 99⅝ | 99⅝ | 99⅝ | + ⅛ | 5 |
| Warner Bros. 6s '39, wd | 59 | 58½ | 59 | + ½ | 6 |

SMASH!
PLAYING
RIALTO
RIALTO
LAURENCE STALLINGS REVEALS GRIM
HORRORS OF "THE FIRST WORLD WAR"
FIRST NEW YORK SHOWING
WILL THIS HAPPEN AGAIN?
WORLD WAR
LIQUORS
FOX

*Melody* **to keep your audiences singing gayly for a year**

*Magnificence* **to keep a**

A tempestuous prima donna who calls her temper "temperament"... a dashing tenor who calls his escapades "escape"...

**Happy, Haunting Song Hits:** "I'VE TOLD EVERY LITTLE STAR"... "I AM SO EAGER"... "THERE'S A HILL BEYOND A HILL"... "ONE MORE DANCE"... "WE BELONG TOGETHER"

*Merriment* **to keep them smiling happily for months . .**

**parkle in their eyes for days!**

quarrelling, laughing, kissing . . . while music fills the air. A grand show . . . from the record-breaking Broadway stage hit!

*Music by Jerome Kern.*
*Lyrics and libretto by*
*Oscar Hammerstein, 2nd*

# Music in the Air

## GLORIA SWANSON
## *and* JOHN BOLES
## DOUGLASS MONTGOMERY
### JUNE LANG

Al Shean • Reginald Owen
Joseph Cawthorn • Hobart Bosworth

*An Erich Pommer Production. Directed by Joe May.*

Continuity by Robert Liebmann, Screen play by Howard I. Young and Billie Wilder. Dances by Jack Donahue.

FOX

# New Plan for Para. Ready; Speed Sought

(*Continued from page* 1)

was stipulated in the Nov. 14 draft, thus making adoption of the plan less difficult at this date.

It is expected that the final plan will be ready for submission to Federal Judge Alfred C. Coxe early next week by the board of directors of the new Paramount company.

The new draft states that "important artists" have already been lost through prolongation of the bankruptcy and that these losses "have already begun to affect earnings adversely." It is noted that, whereas the Nov. 14 draft had the support of only the Vanderlip debenture holders' committee, the creditor bank group and stockholders' protective committee, the new draft has added to this support both the merchandise creditors and the Paramount Broadway bondholders. It notes also that interest on the bank debt, debentures and coupons and general claims to Jan. 1 has now been reduced to $6,500,000 from a former estimated $7,000,000. Administration and reorganization expenses, it is estimated, will be $2,500,000.

### Other Provisions of Plan

A provision is made in the new draft for holders of general claims which may establish priority over other general claims and the old debentures. Such claims will now be paid in cash in the amount for which priority is established. The stock subscription rights are now limited under the new draft to only those shareholders who assent to the plan. The new management provisions of the plan limit membership of the board of the new company to a maximum of 16 directors. References to a finance committee and its powers have been eliminated.

Capitalization of the new company remains the same as in the Nov. 14 draft, but a newly prepared consolidated balance sheet shows an increase in assets of approximately $10,000,000, resulting in an increase from $137,112,000 to more than $149,000,000. Minor changes have been made in the plan of reorganization for Paramount Broadway, G-B Theatres Corp. and in the settlement plan for the Paramount Properties bonds. Settlement plans for the Allied Owners claim and the bank debt are unchanged.

# Counsel Ask Boost In Paramount Fees

(*Continued from page* 1)

objections to an increase recommended by Joyce. The original petition aggregated more than $700,000, including an application of $100,000 each for the trustees, Charles D. Hilles, Eugene W. Leake and Charles E. Richardson, and one of $350,000 for their counsel, Root, Clark, Buckner & Ballantine. Joyce's recommendations were $34,500 for Hilles, $32,500 for Leake and $30,000 for Richardson, and $225,000 for counsel, exclusive of other reductions in minor fees sought by special counsel and accountants. The fees are for services rendered during the period of the Paramount Publix bankruptcy, from March, 1933, to June, 1934.

Arthur A. Ballantine, of counsel for the trustees, urged the court to increase the allowances to trustees by fixing a fair and reasonable amount in the discretion of the court, rather than on the basis of two per cent of the moneys handled by the trustees during the period as provided in the bankruptcy laws and followed by Joyce in making his report. Ballantine contended that the two per cent stipulation was fair only when applied to estates which are liquidated. He declared that a reorganization of the company, as is contemplated in Paramount, warranted a higher fee and was authorized under the new Section 77-B.

His views were supported by Alfred A. Cook, of counsel for the Paramount stockholders' protective committee, who described the trustees' allowances fixed by Joyce as "unfair" and "unjust." Cook also urged that Root, Clark, Buckner & Ballantine be allowed $250,000 "on account." Similar recommendations were made by H. M. Sheffield of the debenture holders' protective committee, and by Maxwell Brandwen of an independent bondholders' group.

Ballantine stated that 33,400 work hours had been devoted to Paramount by his firm's staff during the period in question and that the application for fees approximated $10.50 per hour. He pointed out that Joyce's recommendation reduced this to about $6 per hour.

# *Grosses Maintain Levels Lower Than in September*

(*Continued from page* 1)

showed slight decreases from the previous week, but these were offset by gains from other spots.

Grosses generally are running at present at about the figures that set in during the middle of October.

Comparative grosses for the latest available periods:

| Week Ending | Theatres | Grosses |
|---|---|---|
| Sept. 27-28 | 132 | $1,419,815 |
| Oct. 4-5 | 132 | 1,412,844 |
| Oct. 11-12 | 132 | 1,344,137 |
| Oct. 18-19 | 131 | 1,385,533 |
| Oct. 25-26 | 133 | 1,386,935 |
| Nov. 1-2 | 135 | 1,288,992 |
| Nov. 8-9 | 134 | 1,386,736 |
| Nov. 15-16 | 133 | 1,389,743 |

Comparative weekly totals:

| | *Week Ending Nov. 15-16* | | *Week Ending Nov. 8-9* | |
|---|---|---|---|---|
| | Theatres | Gross | Theatres | Gross |
| Boston | 6 | $106,000 | 6 | $108,000 |
| Buffalo | 5 | 44,300 | 5 | 46,200 |
| Chicago | 8 | 135,500 | 8 | 133,500 |
| Cleveland | 5 | 54,800 | 5 | 60,400 |
| Denver | 5 | 23,500 | 5 | 22,750 |
| Detroit | 7 | 68,700 | 7 | 54,200 |
| Indianapolis | 5 | 28,250 | 5 | 23,250 |
| Kansas City | 5 | 35,940 | 5 | 43,300 |
| Los Angeles | 7 | 70,050 | 7 | 65,000 |
| Minneapolis | 6 | 23,600 | 6 | 25,800 |
| Montreal | 4 | 37,500 | 4 | 41,000 |
| New York | 9 | 300,353 | 11 | 289,486 |
| Oklahoma City | 4 | 12,300 | 4 | 16,700 |
| Omaha | 4 | 25,100 | 4 | 26,100 |
| Philadelphia | 9 | 83,900 | 9 | 94,300 |
| Pittsburgh | 6 | 64,800 | 6 | 60,700 |
| Portland | 7 | 31,500 | 6 | 25,600 |
| Providence | 6 | 46,100 | 6 | 42,100 |
| San Francisco | 7 | 77,200 | 7 | 82,000 |
| St. Paul | 5 | 18,100 | 5 | 19,000 |
| Seattle | 7 | 34,050 | 7 | 36,150 |
| Washington | 6 | 68,200 | 6 | 71,200 |
| | 133 | $1,389,743 | 134 | $1,386,736 |

## *Jimmy Savo May Go To Para. on a Loan*

Jimmy Savo, who has just completed a role in the first of his 11 pictures for Hecht-MacArthur, may be loaned to Paramount for his second film. It is understood a deal is under way between Hecht-MacArthur and Paramount. Savo's third will definitely be made by the independent producers. The first picture "Once in a Blue Moon" is now being edited for early release.

Yesterday Savo left for Buffalo where he opens today at the Paramount for a week's vaudeville engagement. He has just finished two weeks at the Capitol.

## *Para. Signs Swarthout*

Gladys Swarthout, Metropolitan Opera mezzo-soprano, was signed yesterday by Paramount to a long term contract. Her operatic and radio engagements will not permit her to leave for the coast until about May 1.

## *Gets $2 Libel Verdict*

BOSTON, Nov. 22.—One dollar was today awarded the Artkino Guild, operating a theatre exhibiting foreign product, in each of two $100,000 libel suits against the Industrial Defense Ass'n, an anti-Communist organization, and Edward H. Hunter, its secretary, accused of representing the plaintiff as radical.

# Hearing Begun On Phila. Dual Contract Suit

(*Continued from page* 1)

know if the theatre man would build a first run house if he had the money. Stieffel said he would not because he could not get product.

Morris Wolf, representing the defendants, major distributors who have inserted clauses against duals in new season contracts in the hope of thus ending double features, objected to the nature of the question, but the court overruled him, indicating that if monopoly was involved it was a question of deep public interest.

The case was opened with Golder's petition for a permanent injunction invalidating the double feature clause in the majors' contracts. Perelman appealed for a preliminary injunction on May 28, holding that the clause was a weapon being used to monopolize both product and exhibition in this territory. Judge Walsh refused the request at the time, stating the questions involved were so important that testimony should be taken.

### Says Major Product Stale

Samuel Waldman, an official of the Garden Amusement Co., outlined the independents' case, explaining it was necessary for exhibitors to use product of the major companies even though the features were stale by the time they hit the neighborhoods. He asserted that when features are not attractive the independents try to bolster their bills with independent product, adding that the majors have threatened to cut off or hold up delivery of their product unless the theatre men agree to discontinue showing films made by independent producers.

Irving Phillips, Germantown exhibitor, declared when the feature pictures of what was referred to as "the trust" reached him, they were seventh runs, Warner houses getting them before all other theatres.

It was brought out in the testimony that the double feature ban began to be used two years ago. Golder told the court the ultimate purpose was to drive independent producers and exhibitors out of this city and New Jersey.

At an earlier hearing Golder had charged the majors with violating the Sherman and Clayton anti-trust statutes and threatened to demand that the Department of Justice investigate his charges.

Judge Walsh is allowing two days for the hearing of the case. A recess was called after the morning sitting. The hearing will be continued tomorrow.

## *Reade Takes 2nd Fox*

"Hell in the Heavens" is the second Fox picture purchased by Walter Reade for the Mayfair since mutual abrogation of the Fox contract at this house. No date has been set. "Gambling," first individual contract deal, goes into the Mayfair on Monday.

## *Switch Picture's Title*

The British and Dominions production previously known as "The Queen's Affair," will be released in America by United Artists Dec. 21 as "The Runaway Queen."

# • THE PICTURE OF THE WEEK •

**Most baffling, exciting, and universally saleable of the week's cinema product is, in our estimation, Warner Bros.'**

**"I AM A THIEF"**

**which maintains this company's consistent superiority in the mystery field, with an expert cast including Mary Astor and Ricardo Cortez, directed by Robert Florey. Released November 24.**

This year Xmas comes on

# DEC. 27th

. . . . because that's the day exhibitors will celebrate the national release date of

COLUMBIA PICTURES

*World Premiere* (PRE-RELEASE) RADIO C

olumbia's Grandest Romantic Comedy Of All Time!

WARNER

# BAXTER · LOY

MYRNA

*In* FRANK CAPRA'S PRODUCTION

# BROADWAY BILL

*By Robert Riskin* • *Based on the story by Mark Hellinger*

with Walter Connolly • Helen Vinson

**MUSIC HALL** *Thanksgiving Day!*

# Say Operator Ruling Clears Up Section 7A

(Continued from page 1)

handled the case in behalf of the I.T.O.A., "the far-reaching effect of the rule laid down by the decision in this case is (1) that in the absence of contractual obligations Section 7A of the National Industrial Recovery Act 'was not aimed at the immemorial rights to hire and discharge at will. . . . The statute is not aimed at this right of employers, but at the interference with the rights of employes to have representatives of their own choosing' (2) the rights given to employes by Section 7A can only be invoked by those who are directly affected by this violation. It cannot be invoked by an 'outside union' which is only affected remotely, and whose members have no direct interest in its enforcement against a particular employer."

Weisman predicts that the ruling will have "a beneficial and stabilizing effect upon all industries" because it will remove uncertainty from the meaning of the section.

Before the suit, houses employing Local 306 men were picketed by Allied M. P. Operators' Union and houses employing Allied operators were picketed by Local 306. The latter sought an injunction against use of Allied men on the ground that it was a company union and its members had been discharged to make way for Allied men. Judge Collins granted an injunction to Local 306, which was represented by Charles H. Tuttle, former Federal district attorney.

It was the appeal from this ruling which reached the Court of Appeals.

# New Hurdle Rises Over Price Cuts

(Continued from page 1)

Campi must decide whether first runs uniformly shall get 35 days' protection over second runs as the schedule provides or whether first run protection should be graduated according to price.

First runs contend their rentals are the sole determining factor. Loew's and RKO, therefore, are expected to resist any attempt by Campi to curtail their protection or base it on admissions.

The availability periods remain unchanged from the previous plan submitted to Campi with the exception that any priced house can be a prior run over its competitor if it obtains protection.

Word from New York late today had it that the plan had not arrived. The reason was found traceable to the grounding of planes between here and the East because of bad weather.

## *Rochester Transfer Hit*

BUFFALO, Nov. 22.—The alleged transfer by Morris Zimmerman in favor of Rose Zimmerman, his wife, as proprietor of the Majestic in Rochester is not valid so far as the operation of existing contracts is concerned, the Buffalo grievance board has ruled on a complaint brought by M-G-M here.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Bright Eyes"*

*(Wurtzel-Fox)*

HOLLYWOOD, Nov. 22.—"Bright Eyes" hits the nail on the head as a type of film for which Shirley Temple customers are waiting. The story and supporting cast are subordinated for the youngster, with David Butler's skillful direction playing to the emotions with every tear and laugh-jerker at Shirley's command.

This sure-fire box-office attraction will draw in any locale and affords timely exploitation possibilities surrounding Shirley's Christmas party sequence.

The central theme of the story features the befriending influences of James Dunn, flyer, and Charles Sellon, uncle of Theodor Von Eltz and Dorothy Christy, who want to provide a happy home for orphaned Shirley.

Von Eltz and Miss Christy want to rid themselves of the child to protect the social uplift of their own daughter, Jane Withers. This provokes the menace in the plot. A romance of Dunn and Judith Allen figures in the solution as the court grants them the custody of Shirley as carefully planned by Sellon.

The original story by Butler and Edwin Burke is excellent for Shirley, with William Counselman's screen play shrewdly knit for laugh and pathos situations. Butler's direction keynotes the human values and laughter in a rare blend.

Shirley's song number on the good ship "Lollypop" is delightful. Arthur Miller's photography is excellent. The cast is good. This is perhaps the best Shirley Temple has made to date, which tells everything. Production Code Seal 427. Running time, 85 minutes. "G."

## *"The Mighty Barnum"*

*(20th Century-U. A.)*

HOLLYWOOD, Nov. 22.—Produced by Showman Darryl Zanuck for showmen, Barnum's saga, conveyed by Wallace Beery, is a fine showman's show. Juicy bits, spun around the Barnum personality, are chronicled in ballyhoo fashion, with the film forgivably deviating from truth occasionally.

Portrayed by Beery as a big-hearted roisterer, a trial to his wife (Janet Beecher), the production traces America's amusement pioneer through adversity and luck, from the beginnings with freaks to the peaks with Jenny Lind, aided en route by the besotted Mr. Walsh, later Bailey, and presenting General Tom Thumb, the Cardiff giant, the bearded lady and Jumbo, the world's greatest elephant, which have amazed and amused these many generations.

Beery's Barnum, though a bit sappy, is a human, laughable zany. Adolphe Menjou's Bailey is etched with confidence, revealing again what this reviewer has before recorded. Virginia Bruce, as Jenny Lind, gives evidence of a voice and a personality portending stardom. The large cast also includes Rochelle Hudson, Tammany Young, Charles Judels, Christian Rub and others, all competent.

Gene Fowler is tops in penning American scenes and people and has injected varied values in the screen play, on which he collaborated with Bess Meredyth. Walter Lang directed, stressing factual content more than imaginative flamboyance. Peverell Marley's photography is all right.

The production gives showmen ample opportunity to display their talents in circusing the discoverer of circuses, playing up Beery's name and title draw.

Production Code Seal 392. Running time, 105 minutes. "G."

## *"Behold My Wife"*

*(Schulberg-Paramount)*

HOLLYWOOD, Nov. 22.—In a deft mixture of comedy and pathos, Sylvia Sidney is here revealed as an Indian girl who marries a white man. He takes her home for the purpose of embarrassing his family, allegedly responsible for the death of his former sweetheart. He ends, however, loving his wife. Despite Miss Sidney's fine acting, Gene Raymond, as the husband, gives the picture its life and zest.

A preview audience, while evidencing its reaction in comedy and dramatic sequences indicated no spontaneous enthusiasm although it appeared satisfied.

Direction of Mitchell Leisen spans Sir Gilbert Parker's story hurdles neatly with the picture flowing smoothly through a succession of well-conceived scenes having obvious sincerity. Raymond's performance

(Continued on page 14)

# *Purely Personal*

AL CORMIER, former trade paper man, has been made vice-president in charge of sales of the American Broadcasting Co., whose local outlet is WMCA.

E. LEOPOLD SPITALNY, Chicago musical director, will conduct the Capitol orchestra for a week starting today.

H. WILLIAM FITELSON, attorney for Amity Pictures, and FRED BELLIN left for Detroit yesterday.

CHARLES SKOURAS and his party arrive in New York today.

J. J. UNGER is in Boston on Paramount business.

## *Report No Complaint On Weekly Payments*

No complaints have been registere by exhibitors to local exchange heads on the weekly payment plan for shorts

Allied directors returning from a eastern regional in Baltimore on Monday reported to the New Jersey uni that in a checkup of various companies' sales policies, some of the distributors were relenting on the weekly payment idea.

According to local sales heads, th plan has been found to work out favorably. It is stated that checks fo shorts, whether played or not, come i regularly every week and at the en of the year exhibitors have no balances. However, they may have a number of shorts yet to be dated at th end of the selling period, and in mos cases the undated films are picked up

Some of the companies have bee considering the scheme for features but have found it impracticable. Tw reasons are given. One is that the pla would conflict in so far as percentage are concerned and then again ther are weeks when no pictures are released, while during other periods tw features may be ready nationally. In both cases the exhibitor would hav to pay his weekly allowance, whic might prove a burden in the no-releas week.

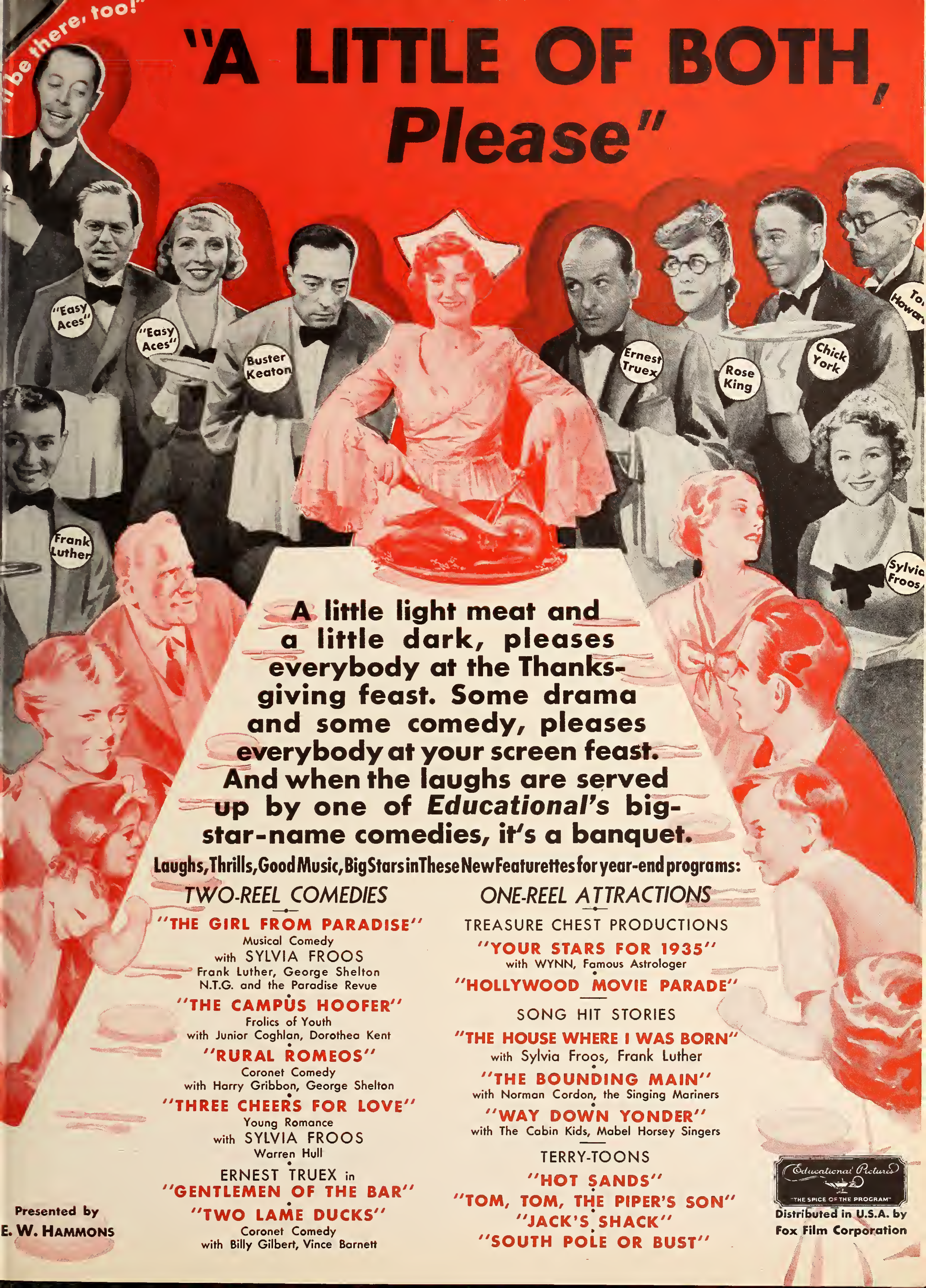
## *Samuelson Presents Code Case and Wins*

Sidney Samuelson, not a lawyer b profession, yesterday won his firs code case when the New York grievance board awarded the Liberty Plainfield, N. J., 70 pictures of Walter Reade's allotment for the Paramount, Oxford and Strand, same city

The Allied president represente Joseph Sicardi, a member of the Nev Jersey unit, who complained that h could not get one major release fo 1934-35, while Reade had purchase 355 for his three houses. Samuelso held that the new Reade buy was 8 more than last year. Leo Justin, wh acted for Reade, stated yesterday h would appeal.

In another overbuying case agains Reade, the board dismissed the complaint by M. Snider of the Liberty Freehold. Harry Suchman, who acte for Snider, during the last few week had been trying to settle the actio amicably, but could not come to a understanding with Reade.

# "A LITTLE OF BOTH, *Please*"



**A little light meat and a little dark, pleases everybody at the Thanksgiving feast. Some drama and some comedy, pleases everybody at your screen feast. And when the laughs are served up by one of *Educational's* big-star-name comedies, it's a banquet.**

**Laughs, Thrills, Good Music, Big Stars in These New Featurettes for year-end programs:**

## TWO-REEL COMEDIES

**"THE GIRL FROM PARADISE"**
Musical Comedy
with SYLVIA FROOS
Frank Luther, George Shelton
N.T.G. and the Paradise Revue

**"THE CAMPUS HOOFER"**
Frolics of Youth
with Junior Coghlan, Dorothea Kent

**"RURAL ROMEOS"**
Coronet Comedy
with Harry Gribbon, George Shelton

**"THREE CHEERS FOR LOVE"**
Young Romance
with SYLVIA FROOS
Warren Hull

ERNEST TRUEX in
**"GENTLEMEN OF THE BAR"**

**"TWO LAME DUCKS"**
Coronet Comedy
with Billy Gilbert, Vince Barnett

## ONE-REEL ATTRACTIONS

TREASURE CHEST PRODUCTIONS

**"YOUR STARS FOR 1935"**
with WYNN, Famous Astrologer

**"HOLLYWOOD MOVIE PARADE"**

SONG HIT STORIES

**"THE HOUSE WHERE I WAS BORN"**
with Sylvia Froos, Frank Luther

**"THE BOUNDING MAIN"**
with Norman Cordon, the Singing Mariners

**"WAY DOWN YONDER"**
with The Cabin Kids, Mabel Horsey Singers

TERRY-TOONS

**"HOT SANDS"**
**"TOM, TOM, THE PIPER'S SON"**
**"JACK'S SHACK"**
**"SOUTH POLE OR BUST"**

**Presented by**
**E. W. HAMMONS**

Educational Pictures
"THE SPICE OF THE PROGRAM"
**Distributed in U.S.A. by**
**Fox Film Corporation**

# "Rhythm" Is $27,000 Wow On the Coast

Los Angeles, Nov. 22.—Practically all of the first run excitement here last week was concentrated at the Paramount where "College Rhythm" topped par by $9,000 for a total gross of $27,000.

This was especially noteworthy because most of the other first runs were in a bad way. "Fugitive Lady" and "Without Children," a dual, was the only other strong attraction. The take there was $4,100. "The White Parade" at the Chinese was good for $10,500, but this was $2,000 under normal.

Total first run business was $80,450. Average is $81,700.

Estimated takings for the week ending Nov. 21:

**"THE WHITE PARADE" (Fox)**
CHINESE—(2,500), 30c-65c, 7 days. Stage: Sid Grauman's prologue, Raymond Paige and his orchestra. **Gross:** $10,500. (Average, $12,500.)

**"HELL IN THE HEAVENS" (Fox)**
4 STAR—(900), 30c-55c, 7 days. **Gross:** $4,000.

**"THE WHITE PARADE" (Fox)**
LOEW'S STATE—(2,413), 30c-55c, 7 days. **Gross:** $8,850. (Average, $14,000.)

**"COLLEGE RHYTHM" (Para.)**
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Rube Wolf and his orchestra, F. & M. revue. **Gross:** $27,000. (Average, $18,000.)

**"THE AGE OF INNOCENCE" (Radio)**
RKO—(2,700), 25c-65c, 7 days. **Gross:** $5,500. (Average, $8,000.)

**"HELL IN THE HEAVENS" (Fox)**
UNITED ARTISTS—(2,100), 25c-55c, 7 days. **Gross:** $5,000.

**"THE AGE OF INNOCENCE" (Radio)**
WARNER BROS. (HOLLYWOOD)—(3,000), 25c-65c, 7 days. **Gross:** $8,100. (Average, $14,000.)

**"THE FIREBIRD" (Warners)**
WARNER BROS. (DOWNTOWN)—(3,400), 25c-40c, 7 days. Stage: 6 acts vaudeville, Oscar Baum and his orchestra. **Gross:** $7,400. (Average, $12,000.)

**"FUGITIVE LADY" (Col.)**
**"WITHOUT CHILDREN" (Monogram)**
PANTAGES—(3,000), 25c-40c, 7 days. **Gross:** $4,100. (Average, $3,200.)

## Ferretti Named As Carrier Executive

The Carrier Engineering Corp. has appointed J. J. Ferretti, air conditioning engineer, assistant to A. C. Buensod, executive in charge of the company's theatre division. The appointment follows the company's announcement of a new air conditioning system designed for smaller theatres.

Ferretti for many years was associated with Kooler-Aire and Arctics Nu-Air Co. of Minneapolis. He will operate out of the Carrier office in the Chrysler Building. The main office and plant of the company are in Newark.

## Sets 3 Changes Weekly

Paterson, Nov. 22.—The Regent Theatre has gone to three changes weekly, presenting twin bills, with changes on Saturday, Monday and Thursday. This is the first time a theatre in the heart of the city has tried six pictures a week.

## Engels-Lebedeff Teamed

Hollywood, Nov. 22.—M. H. Hoffman has signed Wera Engels and Ivan Lebedeff for "Sweepstake Annie." The wire services and local dailies have been featuring the romance between the duo for a couple of months.

# "Divorcee" Is Detroit Smash With $27,400

Detroit, Nov. 22.—"The Gay Divorcee" piled up a whopping $27,400 at the Fox last week. This is nearly double normal for the house.

"Evelyn Prentice" was also strong, topping average by $2,600 for a gross of $22,600 at the Michigan. "We Live Again" grabbed a good $11,000 gross at the United Artists, but other first runs took it on the chin.

Total first run business was $68,700. Average is $75,000.

Estimated takings for the week ending Nov. 15.

**"CARAVAN" (Fox)**
**"THAT'S GRATITUDE" (Col.)**
ADAMS—(1,770), 10c-25c-40c, 7 days. **Gross:** $2,900. (Average, $5,000)

**"MERRY WIDOW" (M-G-M)**
**(Second Run)**
BROADWAY-CAPITOL—(3,448), 15c-40c, 7 days. **Gross:** $4,700. (Average, $10,000)

**"BARRETTS OF WIMPOLE STREET" (M-G-M)**
**"BIG HEARTED HERBERT" (Warners)**
**(Both Second Runs)**
FISHER—(2,975), 10c-30c-40c, 7 days. **Gross:** $5,600. (Average, $10,000)

**"GAY DIVORCEE" (Radio)**
FOX—(5,100), 15c-65c, including tax, 7 days. Stage: Seven acts vaudeville. **Gross:** $27,400. (Average, $15,000)

**"EVELYN PRENTICE" (M-G-M)**
MICHIGAN—(4,100). 15c-65c, including tax, 7 days. Stage: Bob Murphy, Ray Huling and Seal. **Gross:** $22,600. (Average, $20,000)

**"BARRETTS OF WIMPOLE STREET" (M-G-M) (Second Run)**
STATE—(3,000), 10c-35c, 7 days. **Gross:** $4,400. (Average, $5,000)

**"WE LIVE AGAIN" (U. A.)**
UNITED ARTISTS—(2,070), 25c-50c, 7 days. **Gross:** $11,000. (Average, $10,000)

# "Lost Lady," Show $12,500, Montreal

Montreal, Nov. 22.—Loew's was away out in front in the box-office race last week with a take of $12,500 on "A Lost Lady" and a vaudeville bill headed by Helen Kane.

At the Palace there was a count of $9,500 with "Thine Is My Heart," while the Capitol was $500 less with a double comprising "Marie Galante" and "365 Nights in Hollywood." The second week of "Chu Chin Chow" brought $6,500 to the Princess, as compared with $9,000 for the first week.

Total business was $37,500. Average is $37,000.

Estimated takings for the week ending Nov. 17:

**"MARIE GALANTE" (Fox)**
**"365 NIGHTS IN HOLLYWOOD" (Fox)**
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $9,000. (Average, $9,500)

**"A LOST LADY" (F. W.)**
LOEW'S—(3,115), 30c-40c-45c-57c-75c, 7 days. Stage: Helen Kane; Pat Rooney; Maude Hilton & Co.; Hadreas-Laval Revue; Park & Clifford; Tom Barry; Victoria & Lorenz. **Gross:** $12,500. (Average, $10,500)

**"THINE IS MY HEART" (British)**
PALACE—(2,600), 34c-40c-50c-60c-75c, 7 days. **Gross:** $9,500. (Average, $11,000)

**"CHU CHIN CHOW" (Gaumont British)**
PRINCESS—(2,272), 30c-35c-50c-65c, 7 days, 2nd week **Gross:** $6,500. First week: $9,000. (Average, $6,000)

## Form Bil-Art Studios

Albany, Nov. 22.—Bil-Art Studios, Inc., theatrical designers, has been chartered by William J. Kelleher, G. Arthur Richards and Henry Rosenblum.

## Add to Breen Cuts

**Columbus, O., Nov. 22.—Although some states are accepting the censorship of Joseph I. Breen as final, it is not sufficient protection for the public morals of Ohioans, declared Dr. Beverly O. Skinner, head of the state censor board here.**

**"We do not feel that the national board is doing the job," he said, "and we have had to censor several pictures, some of them quite severely, before passing them for showing in Ohio."**

## Sam Wood Is Signed By Reliance for One

Sam Wood, who has been signed by Edward Small of Reliance to direct one picture, is now working on a script for "The Melody Lingers On" by Lowell Brentano. If the script works out, this will be Wood's next picture. Otherwise he will choose from six other books he has in mind.

The director is anxious to return to the coast as soon as possible. He doesn't relish the idea of working in a hotel room. He prefers being in Hollywood where he can go out in the patio or the yard and work when he tires of indoors. Wood plans to leave sometime next week. He may be accompanied by Small.

While here the director is looking over a number of plays and personalities he may sign. He says it's a grand thing to be in New York every once in a while. "You are in the heart of things and don't have to go far for the things you would not ordinarily come in contact with on the coast."

Wood will do only one for Reliance. His deal with M-G-M is still in abeyance.

## Czechoslovak Radio Fees Go to Theatres

Washington, Nov. 22.—Because radio broadcasts have hit film theatres in the smaller towns of Czechoslovakia, the government has ordered that a share of the receipts from radio license fees be turned over to the theatres, according to a report to the U. S. Department of Commerce from Commercial Attache Sam E. Woods in Prague.

Broadcasting in Czechoslovakia is a monopoly, operated by a company in which the government holds a majority interest.

The monthly fee for each receiving set in use in Czechoslovakia is 10 crowns (40 cents) and the receipts from this source are divided between the broadcasting company and the Czechoslovak Posts and Telegraphs. The amount of the subsidy to be distributed under the recent order was 2,000,000 crowns (approximately $80,000), states the report.

## CBS Increases Capital

Albany, Nov. 22. — Columbia Broadcasting System, Inc., New York City, has filed a certificate in the office of the Secretary of State increasing its capital from $3,750,000 to $7,500,000.

# British Films Get Very Few Code Slashes

Few deletions are necessary in British pictures submitted here for production code seals, according to Vincent G. Hart, eastern assistant to Joseph I. Breen, production code administrator.

"Evensong" and "Evergreen," two of the most recently submitted British productions, were passed with only minor deletion, and this is said to have been the case with other British-made pictures approved earlier, despite the fact that British producers are not consciously guided by the production code in effect here, Hart said.

Independent producers operating in the east are also submitting scripts to the local production code office in advance of production. The script of the Select picture, tentatively titled "Bad Penny," which went into production at Biograph a few days ago, was among the most recent to be submitted by an independent here. Martin Johnson's new picture, "Wings Over Africa," now being used in silent form for private lectures in the east, also was recently submitted and approved. The picture, with sound track added, will be released by Fox as "Baboona" later.

An increase in production at the Brooklyn Vitaphone studio has made it necessary for Hart's office to set aside Fridays for screenings of Vitaphone product exclusively. An average of 15 to 20 reels are screened for code seals each Friday.

The total number of code certificates issued by the eastern office since it began operating July 15, is now 210, of which 34 were for features.

## Color Shorts to Be Filmed in San Mateo

San Francisco, Nov. 22.—Eighteen two-reelers, 12 musicals and six with historical backgrounds are planned for production at the San Mateo studios. All will be in color.

S. A. Hedding, former Minnesota banker, is treasurer of San Mateo Studios, Inc., a $500,000 company just formed to take over the old plant operated 10 years ago by Graf Brothers. Walter Irving, former Hollywood and New York newspaper man, will be production manager.

## To Seek Federal Action

Havre de Grace, Md., Nov. 22.—The Maryland Congress of Parents and Teachers pledged itself at its closing session here today to work for Federal legislation forcing producers to furnish "more desirable entertainment." The resolution said: "We are alarmed by the present motion pictures. We protest blind buying and other trade practices which prevent local exhibitors from responding to the public demand for more desirable entertainment." Mrs. Ralph J. Coppage, president of the congress, presided.

## Ill. Passes Sales Tax

Springfield, Ill., Nov. 22.—Governor Horner's bills providing for a permanent sales tax have been passed by both houses of the state legislature.

# GARBO FLASH!

**Ohio Theatre calling from Columbus—**

●

**"PAINTED VEIL" opens to terrific business!**

●

**Bad weather—but who cares!**

●

**Second best opening in 15 months!**

●

**But the best GARBO of all time!**

●

**That's what the audience said!**

●

**That's what you'll say!**

●

**And your box-office ditto!**

(P. S. To the Editor. *Thanks for holding your presses so that we could get this great news to your readers overnight.)*

## Warning Is Issued On Admission Tax

(*Continued from page* 1)

cut price which may be offered has been issued by the Internal Revenue Bureau as a result of articles appearing in New York and Philadelphia publications in which it is stated the bureau has ruled that cut-price tickets are subject to tax only on the amount actually paid.

It is pointed out that the revenue law expressly provides for the collection of taxes on the basis of established price from any persons, other than employes, municipal officers or children under 12 admitted at reduced rates at a time when other patrons are charged the established price.

"It has been consistently held that where tickets of admission are sold for an amount less than the established price shown on the tickets, the tax of one cent for each 10 cents or fraction thereof of the established price of such tickets may be collected," it declared.

"Furthermore, since the tax in the case of reduced rate admissions is based on the established price of admission to other persons for the same or similar accommodations, the tax of one cent for each 10 cents or fraction thereof attaches to the established price of admission as fixed by the theatre. That is, if any ticket is sold for less than the amount of the established price, the tax should be collected on the established price, regardless of sale price printed or stamped on the ticket."

## *Dowling Is Ampa's Surprise Chairman*

Eddie Dowling turned out to be the surprise guest chairman at the Ampa. There was another big turnout, and Dowling did his stuff to perfection. Among the guests and artists introduced were: Dorothy Brown, accordion player; Harry Edington; Barbara Kent; Harry Green; Josephine Dunn; Etta Totten; Arthur Tracy; Myrtle Leonard, new Metropolitan Opera star; Sam Wood; Eleanor Smith, aviatrix; Judge Jeanette Brill; Larry Steinhart; Drue Leyton; Dorothy Burgess; Selena Royle; Jimmy Savo; Gladys Parker; Jeanne Aubert and Viola Brothers Shore.

In introducing Green, Dowling said: "An actor or actress is as great as his or her last success or failure. A great actor once is a great actor always."

## *Warner Nirdlinger Bid Is $1,645,000*

(*Continued from page* 1)

offer made by Warners for four theatres belonging to the William Friehofer and Fred Nixon-Nirdlinger estates, it was brought out by Lionel Friedman, real estate broker for Warners, at the hearing on the advisability of selling the properties which got underway yesterday.

Friedman stated Warners placed $25,000 in cash on deposit for the deal with the understanding the company would not be responsible for the payment of liabilities.

The hearing, which is before Special Masters John Blessing, Jr., and Donald Hamilton at the City Hall, will be resumed Wednesday. The executors have until Feb. 11 to make a decision.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

(*Continued from page* 10)

shades Miss Sidney's somewhat in story value and acting. The balance of the cast, including H. B. Warner, Eric Blore, Laura Hope Crews, Kenneth Thomson and others, is all right. Leo Shamroy did his usual job of fine photography.

The picture should please as a slightly better than average show. Production Code Seal No. 372. Running time, 76 minutes. "G."

## *"West of the Pecos"*

(*Radio*)

Hollywood, Nov. 22.—Stacking up as a western of first class calibre with all the thrills, danger and ruggedness of the early days in Texas following the Civil War, showmen have a different western to play with here.

The story concerns Martha Sleeper, disguised as a boy, and her father, Samuel Hinds, starting west to seek a new lease on life after the hectic days of the war. They begin their new existence on a ranch west of the Pecos River. Richard Dix, never more convincing or likable, is a swashbuckling cowhand who saves the father and his masquerading daughter from ruin and death at the hands of Indians and a gang of rustlers headed by Fred Kohler.

The entire cast is thoroughly at home under the able direction of Phil Rosen. Louise Beavers and Sleep 'n' Eat, a pair of negro servants, get many laughs. Miss Sleeper troupes in fine fashion, particularly in the scenes posing as a boy. The camera work by James Van Trees and Russell Metty is no small part of the picture's entertainment value.

Milton Krims and John Twist adapted Zane Grey's novel for good results. Due to the acting, direction, comedy and movement, this production should satisfy in most spots, particularly where good westerns have flavor. Previewed without a code seal. Running time, 68 minutes. "G."

## *Broadcast Gums Up Washington Program*

Washington, Nov. 22.—A broadcast tossed a monkey wrench into the schedule at the Earle this week when it was discovered that the weekly presentation of Waring's Pennsylvanians over the air for Ford came at a time when the orchestra would normally be upon the stage.

To overcome the difficulty, the Earle, for the first time in theatrical history—for Washington, at least—utilized the stage show to close the day.

Normally running five features and four stage shows, the schedule for tonight was five and five, with the last feature at 9:11, the last stage show at 10:19, and the "Good Night" at 11:07.

## *Hearing Is Ordered For Trans-Lux Row*

Wilmington, Nov. 22.—Chancellor Josiah O. Wolcott today issued a rule returnable next Wednesday on the Trans-Lux Daylight Picture Screen Corp. directing its officers to show cause why a stockholders' petition for appointment of a master to hold a meeting of stockholders for an election of directors should not be granted.

Attorneys representing a group of stockholders contend officers of the corporation have failed to hold a stockholders' meeting this year. They ask that in event a meeting is ordered by the court the management be enjoined from spending corporation funds in a contest for proxies to retain control.

## *Borzage's Wife Is Ill*

Hollywood, Nov. 22.—Mrs. Frank Borzage is reported seriously ill here of gardenia poisoning.

## *Clark Renamed Head Of Columbus Variety*

Columbus, Nov. 22.—M. R. Clark has been reelected president of the local Variety Club for the fourth consecutive term. H. E. Cherrington was reelected secretary.

Others elected were: William M. James and Robert S. French, first and second vice-presidents, respectively, and Thomas W. Lawson, treasurer; directors, Max Stearn, Leo Haenlein, James V. Peppe, Klein L. Roberts, P. J. Wood and Al Haft.

Prior to the election a testimonnial dinner was tendered Sheriff Ross V. Anderson, an associate member.

## *Bernerd Delays His Trip to U. S. Again*

By BRUCE ALLAN

London, Nov. 22.—(*By Cable.*)—Jeffrey Bernerd, general manager of Gaumont British, has again decided to defer his trip to the United States. After a conference with Mark Ostrer today he said he might make the trip in January.

Important matters require his attention here, he said, and the American end of the business is already running smoothly.

## *Flash Previews*

*The Perfect Circle*—Better than ordinary in story, acting and presentation, this rates as more than satisfactory audience entertainment.

*When a Man Sees Red*— . . . average old-type western. . . . Cast satisfactory. . . .

*These films will be reviewed in full in an early issue of* Motion Picture Daily.

## National Theatres Chartered in N. Y.

(*Continued from page* 1)

National Theatres Corp., New York City, with a stated capital of 1,000 shares at $1 each.

The corporation is authorized to issue stocks, bonds and other securities and to give such stock and bonds in exchange for securities of other corporations, and generally to act as a holding company, to engage in and carry on the business of theatrical properties covering all forms of amusement, to finance, exhibit, display, produce, promote, record, release and distribute films of every kind and character. The corporation may establish other offices, agencies or branches outside of New York State in any part of the world.

Raymond J. Gorman, David H. Jackman, Edward S. Williams of the U. S. Corp., N. Y. C., are the incorporators.

On Nov. 1, National Theatres Corp. was formed in Dover. This corporation, which is the new name for Wesco, holding company for all Fox theatre units, increased the outstanding stock from 1,000 no par shares to 1,800,000.

This company does not operate in New York while the Albany firm, regarded as a smaller corporation, may operate in the local territory, according to Hughes, Schurman & Dwight.

## *Operating Contract Not Signed—Skouras*

Chicago, Nov. 22.—Charles Skouras denied reports he and Spyros were set on a new 10-year operating contract with Fox West Coast Theatres Corp. as he passed through here today en route to New York. He said details have not yet been worked out.

Skouras said the anticipated reorganization of F. W. C. will be completed by Jan. 1, following which Fox Midland and Fox Rocky Mountain will be reorganized here. He hopes that conferences in New York on operation plans under reorganization will be settled in two weeks. He is accompanied by his secretary, Edward Zabel; James Davidson, statistician, and Ralph S. Harris, attorney, of Hughes, Schurman & Dwight.

## *Lilian Harvey Will Make 3 in England*

Harry Edington has closed a deal with British International Pictures whereby Lilian Harvey will make three pictures for the English company next year. The former Fox star will be in London Feb. 1, when she is slated to start work on the first.

Edington and his wife, Barbara Kent, leave for the coast tomorrow by train. They originally planned to fly, but changed their reservations because of snowstorms.

## *Sam Morris to Europe*

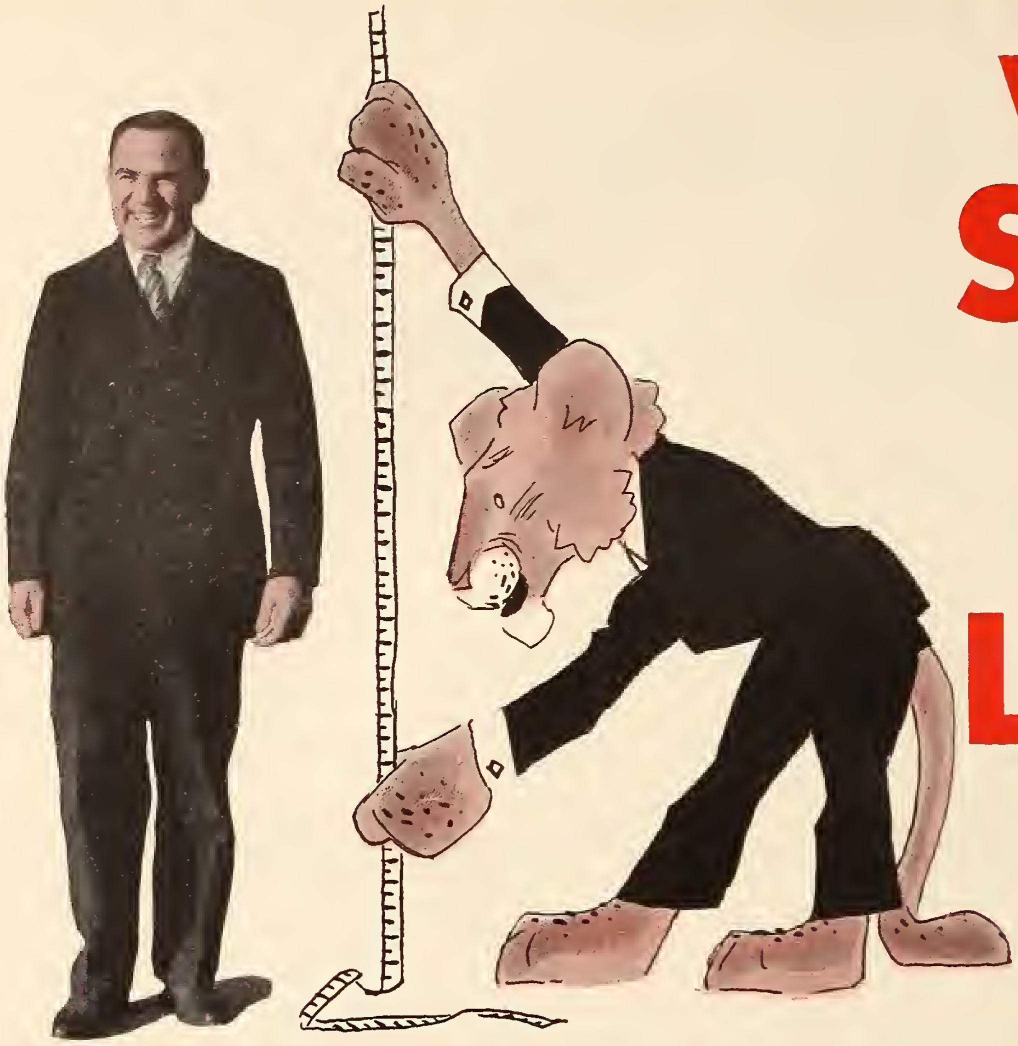
Sam E. Morris, vice-president of Warners, sails for Europe tomorrow on the *Paris* on a business trip that will take him first to London and then to the continent. He will be accompanied by his son, Edwin Morris, who is making the trip in the interests of the various music publishing subsidiaries of Warners. They will be gone about two months.

# *Proof of*
# PREEMINENCE

THE claims made for Eastman Super-Sensitive "Pan" have been borne out again and again by its contributions to the greatest motion-picture successes. It is actual performance that proves the preëminence of this Eastman film, and that gives it its unrivalled acceptance among cameramen everywhere. Eastman Kodak Company. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

EASTMAN *Super-Sensitive*
*Panchromatic Negative*

# WHEN A SHORT MAN GROWS LONG!



Congratulations Hal Roach! "BABES IN TOYLAND" is sensational. Your biggest and most ambitious full-length feature is everything you dreamed it would be when you selected Victor Herbert's greatest musical stage success.

"A money-maker," *says Coast Variety*

"Grand entertainment," *says Hollwood Reporter*

"Something new under the sun," *says L. A. Times*

*—and Leo says:*

## HOORAY FOR LAUREL-HARDY IN "BABES IN TOYLAND"!

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 124 NEW YORK, SATURDAY, NOVEMBER 24, 1934 TEN CENTS

# Broadway Sees Rosy Holiday WeekLooming

## *Past 7 Days Dull Except At the Music Hall*

Prospects for business along Broadway next week are the best in weeks, what with strong attractions opening yesterday and Thanksgiving to boot. Last week main stem box-office takes were anaemic and suffered with the exception of the Music Hall, which garnered $94,000 on the first week of "The Gay Divorcee."

The Capitol yesterday opened with "The Merry Widow" for the first time at popular prices, and indications are that the gross will border around the $50,000 mark. Last week, with "Evelyn Prentice" for a second week, the take was $28,900. Opening day's gross on "Imitation of Life" at the Roxy was big and the final tally for the week is due to figure at $40,000. "Evensong," which bowed out Thursday night, was fair at $25,000. The management wanted to put on five shows yesterday, but because the picture runs 111 minutes this was found

(*Continued on page* 3)

## *Para. Foreign Net In 3 Mos. $538,000*

Net earnings of approximately $538,000 are reported by the domestic and foreign film subsidiaries of Paramount Publix for the quarter ended Sept. 30. This compares with earnings of $918,000 by these companies for the same quarter last year.

Of the $538,000 earnings for the 1934 quarter, however, $473,000 was realized in the month of September, as compared with $445,000 for September a year ago.

Net operating earnings of the picture and foreign groups for the first

(*Continued on page* 3)

## *Para. B'way Stock Unchanged in Plan*

The old stock of Paramount Broadway will remain undisturbed and full cash payment will be made to creditors of the company, other than bondholders, as a result of changes just made in the Paramount Broadway plan of reorganization and embodied in the latest draft of the Paramount Publix plan.

An additional change in the Paramount Broadway plan stipulates that renewal of the lease on the Para-

(*Continued on page* 3)

*The Show must go on time—Ship Via National Film Carriers, Inc.—Advt.*

# *Rosenblatt to Rush West To Avert Code Breakdown*

WASHINGTON, Nov. 23.—Fear of a code breakdown in the relations between actors and writers with the studios is behind Compliance Director Sol A. Rosenblatt's decision to hurry to the coast next week.

Producer-actor groups on the five-five-five studio relations committee have been deadlocked for some time as a result of the rejection by producers of the actors' proposals. Now the writers find themselves in the same situation. They appealed jointly for Rosenblatt's help through officers of the Actors' and Writers' Guilds.

Rosenblatt will leave by plane on Tuesday and will arrive in Los Angeles on the morning of Nov. 28. He is prepared to spend the remainder of the week in an effort to straighten out the situation.

The two guilds were advised to this effect today, and the producers

(*Continued on page* 3)

# Operator Wage Scale Awaits Confabs Here

WASHINGTON, Nov. 23.—Members of the exhibitor labor committee appointed by Compliance Director Sol A. Rosenblatt in September to investigate operators' wage scales in metropolitan New York with a view of developing a standard pay and hour schedule today advised him that they had gone as far as they could and were anxious that he meet with them to discuss the situation.

Rosenblatt advised the committee that he would go to New York as soon as possible after his return from Los Angeles, probably the latter part of the week of Dec. 3, prepared to spend an entire day in consideration of the problem.

He will give the matter the earliest possible attention in view of a statement by the committee in its telegram that "certain conditions" have arisen which might make the problem more difficult if delayed.

In order that the matter might be expedited, Rosenblatt today asked the committee to have all proposals reduced to writing before the meeting.

## *More 1st Division Offices Open Soon*

Al Friedlander, vice-president of First Division, leaves for Detroit tomorrow to open a branch office in the auto city. This will make 14 for the company.

Within the next two weeks Friedlander will go to the coast and open offices in the west. Before Jan. 1 it is expected First Division will be represented in 20 key centers.

Harry H. Thomas returns from Atlanta on Monday.

# Monopoly in Fore in Suit Over Doubles

PHILADELPHIA, Nov. 23.—Resumption of testimony in the Harry Perelman double feature suit against major distributors today gave added indication that monopoly and restraint of trade testimony would dominate the duals angle in the interest of the local industry. The action is for an injunction against restrictions on duals in contracts for the new season and is being heard before Judge George A. Walsh in Federal court here.

Charles Stiefel, South Philadelphia exhibitor, and Samuel Waldman, an official of the Garden Amusement Co., both of whom testified at the opening of the hearing yesterday, were on the stand again today as witnesses for the plaintiff. Steifel continued his recital of his asserted difficulty in getting product. Waldman testified he had to close the Walnut because of the lack of first run major product.

Another witness was Columbus Stamper, who said he was unable to get sufficient product for his Tower.

Morris Wolf, attorney for the de-

(*Continued on page* 3)

## *Rockefellers Get 3 On Music Hall Board*

Rockefeller interests are represented by three of the five directors comprising the board of the new Radio City Music Hall Corp., while RCA's half interest will be represented by M. H. Aylesworth, chairman of the new board, and David Sarnoff, RCA president.

The other members of the board are: W. G. Van Schmus, who continues as managing director of the

(*Continued on page* 3)

# Actor-Writer Rift Goes Up To Code Heads

## *Groups Now Demanding Deadlock Be Ended*

HOLLYWOOD, Nov. 23.—Compliance Director Sol A. Rosenblatt and Executive Secretary John C. Flinn arrive here by plane early next week to settle the rift between producers, writers and actors in connection with the code. Flinn leaves New York by plane Monday, Rosenblatt from Washington on Tuesday.

A wire, signed by Robert Montgomery, vice-president of the Actors' Guild, and Ralph Block, head of the Writers' Guild, was sent to Rosenblatt late Thursday night following a meeting of the actors' and writers' five-five representatives on the code.

Five producer representatives, appointed by Campi, to sit in with five representatives of both actors and writers groups, refused to accept a set of resolutions prepared by the two groups. When this developed, Rosenblatt was notified, but nothing was done.

Actors and writers now demand action and have thrown the entire matter into the lap of Rosenblatt, who has

(*Continued on page* 3)

## *Hearing Likely for Vaude Code Changes*

WASHINGTON, Nov. 23.—A public hearing on amendments to the vaudeville provisions of the code is expected to be approved by the NRA early next week. The date will probably be in about three weeks.

Deputy Administrator William P. Farnsworth tonight returned to Washington from New York bearing proposals for amendments to deal with rehearsal pay, waiting time and similar questions.

While Compliance Director Sol. A. Rosenblatt has not yet had time to

(*Continued on page* 3)

## *Standard Oil's Show Plan Hit by Warner*

WASHINGTON, Nov. 23.—Plans of Standard Oil to send a two and one-half hour stage show on a tour of all the eastern cities at a cost to it of $15,000 a week, the public admitted to performances free, were today protested by Harry M. Warner in a telegram to Compliance Director Sol A. Rosenblatt.

Warner pointed out that the show would constitute unfair competition

(*Continued on page* 3)

MOTION PICTURE
DAILY

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Subscription rates per year: $6 in the Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

## Promoters at Frisco Are Warned on Jobs

San Francisco, Nov. 23.—Arthur L. Johnson, attorney for the Labor Commission, says he has warned S. A. Hedding and Walter Irving, who have announced plans for reopening the old Graf studios in San Mateo, that state laws prohibit job selling.

Johnson's statement followed the filing of an affidavit by Bert Russell that he had been offered his pick of a job by the new company if he would invest $1,000 in the company.

## Ohio House Approves Bill for Sales Tax

Columbus, Nov. 23.—The House here last night passed the sales tax bill by a vote of 75 to 25. It is expected that the Senate will also pass the bill some time before Nov. 29 and thus repeal the admission impost. Bills doing away with income and liquid fuel taxes also passed the House.

## Was a Liberty Prod.

Distributor credit on "Once to Every Bachelor" inadvertently was accorded Mascot and not Liberty in the Providence box-office report which appeared in Motion Picture Daily on Tuesday. The picture played the RKO Victory for four days and grossed $1,300, or $300 over the normal $1,000.

## Hollywood Personals

**Hollywood, Nov. 23.—Cary Grant invents a new game of solitaire. . . . W. C. Fields writing his own dialogue for "Mississippi." . . . Barry Norton to play the lead in "The King's Highway" for Penzner Pictures. . . . J. Farrell MacDonald lecturing twice a week at U. S. C. on the subject of screen diction, makeup, costumes and pantomime . . . Max Reinhardt returns from Chicago . . . Perry Leiber has a mustache. . . . Malcolm F. C. Bullock, youthful son of Charley Bullock, United Artists still department head, is causing enthusiastic comment from stars and directors on the lot on his camera artistry. . . . Robert Montgomery gets his champion horse, "Death Lewis," a part in M-G-M's "Vanessa." . . . Hugh Walpole says he was offered plenty of money for his private collection of letters of Sir Walter Scott, but refused as in the past. . . . Pete Smith is laid up with the sniffles. . . . Rod LaRocque spotted in Fox's "Mystery Blonde."**

## Mirisch New Warner Head in Wisconsin

Milwaukee, Nov. 23.—Under the new setup for the Warner circuit in Wisconsin, Harold Mirisch, originally slated to go to Cleveland Jan. 1 as head booker, becomes district manager of the Wisconsin houses, with Jack Keegan, formerly Milwaukee district manager, as his assistant.

The accounting department is being moved to Chicago and the district will operate under the direction of James Coston, Warner zone manager in Chicago. Ben Katz remains here in charge of advertising and publicity for the Wisconsin district.

## Warner Party Is Set

The Warner Club Players, an amateur dramatic group made up of members of the Warner Club, will hold its second annual performance and dance at the club rooms, 321 West 44th St., Friday night, Dec. 7. The play will be a comedy, "Thank You, Doctor," with Tess Ginsberg, Ruth Goldberg, Sol Reiner, Sam Wollowitz and Max Fried, and a drama, "The Valiant," with Hy Blaustein, William Toles, Cliff Jockers, Marie Carroll, Ted Hammer and Al Trojack. Both plays will be staged and directed by Leo J. Drexler.

## Pauline Starke Signed

Pauline Starke has been signed by Ajax Pictures for a role in "$20 a Week," the first of a proposed series of four features.

## Wanger Reports Few Cuts in His Picture

Hollywood, Nov. 23.—Not more than 50 feet of film has been ordered eliminated from "The President Vanishes," according to Walter Wanger.

Joseph I. Breen, head of the Production Code Administration, saw the picture Thursday night and ordered a small amount of dialogue out.

Wanger says Breen has assured him in writing that a seal will be issued when the changes have been made.

## Rothenberger in New Job

W. L. Rothenberger has been appointed manager of the centralized sound department of the RCA Victor Co. by G. K. Throckmorton, executive vice-president.

Rothenberger has been identified with the communications and house entertainment phases of radio for the past 14 years and was formerly district sales manager of the centralized sound department in Atlanta.

## Select Switches Title

Select Productions, Inc., has changed the title of "Bad Penny" to "The Blind Road." Edward Dean Sullivan is the author. Production is scheduled to get under way shortly at the Biograph studios with the cast headed by Preston Foster, Melvyn Douglas, Buster Collier, Jr., Lila Lee, Shirley Grey and Roscoe Ates. Crane Wilbur will direct.

## Eastman Up 1¼ on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 40 | 39 | 39 | — ¾ | 1,700 |
| Consolidated Film Industries | 3¾ | 3⅝ | 3¾ | + ⅛ | 900 |
| Consolidated Film Ind., pfd | 17¾ | 17⅛ | 17⅝ | + ½ | 5,900 |
| Eastman Kodak | 116 | 114¾ | 116 | +1¼ | 1,300 |
| Fox Film "A" | 13⅞ | 13¼ | 13⅜ | ..... | 2,400 |
| Loew's, Inc | 35 | 34¼ | 34⅞ | + ⅞ | 12,000 |
| Loew's, Inc., pfd | 102⅛ | 102 | 102 | +1 | 200 |
| M-G-M, pfd | 27½ | 27½ | 27½ | + ¼ | 100 |
| Paramount Publix, cts | 3¾ | 3⅝ | 3¾ | ..... | 4,500 |
| Pathe Exchange | 1⅜ | 1¼ | 1¼ | ..... | 2,000 |
| Pathe Exchange "A" | 14¾ | 14¼ | 14¾ | + ¼ | 900 |
| RKO | 2 | 1¾ | 2 | + ⅛ | 3,000 |
| Universal Pictures, pfd | 33 | 32½ | 33 | — ¾ | 6,000 |
| Warner Bros. | 4¾ | 5⅝ | 4¾ | + ⅛ | 4,300 |
| Warner Bros., pfd | 15½ | 15 | 15½ | — ⅛ | 300 |

## Technicolor Rises Eighth on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 12½ | 12¼ | 12½ | + ⅛ | 1,000 |

## G. T. E. Bond Issues Advance

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 10 | 9 | 10 | + ⅞ | 10 |
| General Theatre Equipment 6s '40, ctf | 9½ | 8⅝ | 9½ | + ⅝ | 64 |
| Loew's 6s '41, ww deb rights | 103¾ | 103⅝ | 103¾ | + ⅝ | 3 |
| Paramount F. L. 6s '47 | 60½ | 59¾ | 59¾ | — ¼ | 36 |
| Paramount Publix 5½s '50 | 60 | 59½ | 60 | ..... | 89 |
| Pathe 7s '37, ww | 99¼ | 99¼ | 99¼ | — ¾ | 1 |
| Warner Bros. 6s '39, wd | 58⅞ | 58½ | 58¾ | — ¼ | 8 |

## ◂ Purely Personal ▸

HOWARD S. CULLMAN has invited a large group of clergymen of all faiths to see "Wednesday's Child" at the Roxy, Nov. 27. The picture is set to open at the house Dec. 7.

Faith Baldwin's story, "Wife Versus Secretary," which will appear serially in *Cosmopolitan* beginning next January, has been purchased by M-G-M.

Hyman. J. Glick, controller of Mascot for the last three years, resigned that post yesterday. His future plans are not yet set.

Arthur Benline, production assistant to Harold B. Franklin and Arch Selwyn, was added to the list of Kentucky colonels yesterday.

Whitney Bourne has been discharged from the Doctors' Hospital and is at home, well on her way to recovery.

Pat Patterson is on her way here from Hollywood to meet her husband Charles Boyer.

Dwight Taylor has sold his musical, "Two on a Tower," to Paramount.

## Clevelanders Talk Neighborhood Cuts

Cleveland, Nov. 23.—An effort is being made to solve the neighborhood price cut problem in some of the poorer sections by permitting exhibitors to get together and seek an agreement in each locality.

The idea is to help those who say they cannot get along without cuts and at the same time prevent a genera spread of lower scales.

## "Becky Sharp" First Feature for Pioneer

Hollywood, Nov. 23.—Kennet MacGowan will produce "Beck Sharp" as the first Pioneer featur for Radio release. He will move hi office and production unit from th Radio studio to the RKO Pathe plan

## Set 6 "Charlie Chans"

Hollywood, Nov. 23.—Because c the success of the current series c mysteries starring Warner Olanc Fox has announced an additiona series of six "Charlie Chan" pictures Simultaneously Fox has signed Olan to a long term contract calling fo two pictures a year in which he wi portray the famous Chinese detective. The first two will be title "Charlie Chan in Buenos Aires" an "Charlie Chan in Morocco."

## Show Hungarian Film

A group of consular representative and their families attended a privat showing of "Hungaria," an officia film produced in Hungary, in the Columbia projection room yesterday. Th film is being sponsored here by th Hungarian-American Society.

## Lasky Signs Ceballos

Hollywood, Nov. 23.—Larry Ceballos, who just arrived here from New York, has been signed to do the danc numbers in "Red Heads On Parade" for Jesse L. Lasky at Fox.

# Actor-Writer Rift Goes Up To Code Heads

(Continued from page 1)

consented to come here and try to end the deadlock. Flinn, who has been kept advised on the local situation by J. R. Donovan, his coast representative, will precede Rosenblatt's visit by a few days. A general meeting of the entire five-five-five committees will be called by Rosenblatt sometime next week when the rules promulgated by the two committees and turned down by the producers will be up to the compliance head.

Instead of calling a general meeting for voting on affiliation with the American Federation of Labor, the Actors' Guild is calling in small groups for voting. Thursday night 30 actors favored the association with the national labor organization.

## *Texas Allied Sends Protest to Capital*

Dallas, Nov. 23.—Resolutions protesting against the code in its present form were adopted by the Allied of Texas convention here and copies were forwarded to the President.

As was expected, Col. H. A. Cole was re-elected as president.

Other officers named were: Vice-presidents, Rubin Frels, Martha McSpadden, R. N. Smith, L. M. Threet and R. Z. Glass; secretary-treasurer, A. W. Lilly; directors, Homer Mulkey, P. V. Williams, Thomas Donnell, F. W. Zimmerman, Howard Bland, Paul Scott, Leaman Marshall, Mart Cole, Walter Steppleman, I. B. Idelman, Will Dorbdandt and T. W. Lewis.

Committees chosen were: Finance, Zimmerman, Bland and R. M. Smith; nominations, J. W. Courtney, Marshall and Robert Cooper; resolutions, Ed Dorbdandt, Steppleman and Donnell.

## *Overbuying Charged By Fox, Ashtabula*

Cleveland, Nov. 23—I. D. Fox, operating the Harbor Theatre at Ashtabula, has lodged an overbuying complaint with the local grievance board against the Shea Chain, Inc., operating the Palace and Casto, same town.

Fox charges that, since the opening of his house last August, he has been unable to purchase product for subsequent runs from any of the major distributors since contracts have already been signed for the Palace and Casto.

## *Fill Three Board Spots*

Three replacements have been made on grievance boards in Cincinnati, Minneapolis and Kansas City by Campi. In Cincinnati Joseph Oulahan replaces George Smith, who is being transferred to Paramount's San Francisco branch. Smith is now in New York and leaves for the coast next week. Ralph Cramblett, who replaced Max Stahl as Minneapolis U. A. manager, also supplants him on the grievance board. Fred Wolfson, attorney, has been named to replace Dr. Paul Lux as impartial member of the Kansas City board.

# *Rosenblatt to Rush West To Avert Code Breakdown*

(Continued from page 1)

will also be notified in order that they may confer with him if they desire.

He will be accompanied by Assistant Deputy Administrator Maurice Legendre.

Hollywood, Nov. 23.—Fourteen demands are made by screen actors in the final draft of their code of fair practice submitted to producers. All have been unanimously accepted by the actor members of the five-five committee, while the producer representatives have voted every one of them down.

Among the 14 points are a new form of standard contract for day players, a basic eight-hour day with a 15-hour rest period, one hour added for every hour worked overtime; abolition of the call bureau, curtailment of layoffs to one week for 40-week contract players, instead of single days through the year.

Writers have not yet proposed the final draft of their code to the producers. Since their demands are understood to be somewhat similar to those of the acting profession, it is believed they will have some trouble requesting Washington intercession before presenting the final draft to the producers, which is scheduled for next week.

## *Allied Owners Case Set Back to Dec. 3*

A scheduled hearing of creditors on the Allied Owners plan of reorganization was adjourned to Dec. 3 by Special Master Oscar Lewis in Brooklyn yesterday to await a ruling from the U. S. Circuit Court of Appeals on the action of Manufacturers Trust Co., which is seeking the right to vote the Allied Owners debentures for which it is trustee.

If the appeals court upholds the contentions of Manufacturers Trust, the latter would have one of the most powerful voices in acceptance or rejection of the plan. Other Allied Owners bondholders yesterday appeared to favor the proposed reorganization plan.

The Alllied Owners claim of $23,000,000 against Paramount Publix has been settled and incorporated in Paramount's pending plan of reorganization and is a vital part of Allied's own plan. It provides for the issuance to Allied of new Paramount securities to satisfy $5,000,000 of the claim, the payment of $150,000 in cash, the purchase from Allied for $1,000,000 of the Alabama, at Birmingham, and long term leases by Paramount of the Brooklyn Paramount, and the Glens Falls, N. Y., and Fremont, O., Paramount theatres.

Lewis set Nov. 30 as the final date for filing of objections to the Allied plan by creditors.

## *Para. B'way Stock Unchanged in Plan*

(Continued from page 1)

mount Theatre after the first 10-year period shall be for a rental to be based on an appraisal of the property and for a term ending at the date of maturity of the new Broadway bonds, in 1955. As security for the new lease, the new Broadway company is to deposit six months' rent or its equivalent in bonds.

Paramount Broadway is the holding cocmpany for the Paramount Bldg. and theatre.

## *Para. Foreign Net In 3 Mos. $538,000*

(Continued from page 1)

half of 1934 were $3,474,000, and for the entire year of 1933 they were $5,852,000.

Third quarter earnings for the theatre and other companies are not yet available. Net operating earnings of these companies for the first six months of 1934 were $44,000, as compared with a deficit of $160,000 for the entire year of 1933.

## *Standard Oil's Show Plan Hit by Warner*

(Continued from page 1)

with exhibitors under the code and urged that action be taken to stop the oil company from carrying out its project.

The question of free admissions has been pending before the Recovery Administration in connection with radio broadcasts but has not before been raised with respect to a "legit" show.

## *Kansas City Rulings Beclouded by Appeal*

Kansas City, Nov. 23.—The validity of a number of grievance decisions involving clearance is beclouded by a Campi ruling that the code machinery cannot adjudicate infractions of any schedule which has not received Campi's approval.

The ruling was given on an appeal by E. S. Young, Roanoke Theatre, charging Universal had furnished a picture a day head of schedule to the Mokan. The local board dismissed the action when the theatre, also a respondent, assumed full blame for the violation, absolving the exchange. This was the first case of its kind filed here against a distributor.

## *Hearing Likely for Vaude Code Changes*

(Continued from page 1)

confer with Farnsworth, it is believed he will set a date for the hearing before he leaves for Hollywood on Tuesday. It has long been expected in the industry that a hearing would be required.

Campi on Monday will officially announce the amendments, nine in all, as adopted at the last Campi session.

## *Film Code Is Praised*

At a meeting of all Code Authorities held Thursday, one of the speakers stated that the film code was the most efficiently operated of the 485 in effect. John C. Flinn attended.

## *Campi Arranges Audit*

Price, Waterhouse & Co. has been engaged by Campi to make a second audit of expenses, this time for the period from July 1 to Dec. 31, 1934.

# Broadway Sees Rosy Holiday Week Looming

(Continued from page 1)

impracticable. "Imitation of Life" may hold three weeks.

The Paramount is hopeful of getting around $55,000 on "College Rhythm." Two weeks are certain and a third is likely if the gross holds up on the second stanza.

"Lady by Choice" at the Palace fared badly with $11,000. The picture, coupled with "Peck's Bad Boy" goes into RKO neighborhood houses starting Tuesday. The Strand, with "The Firebird," grossed $10,150 and was replaced with "Gentlemen Are Born."

In Brooklyn, Loew's Metropolitan was the only house to cheer about its business. With Eddie Cantor on the stage and "Trans-Atlantic Merry-Go-Round" on the screen, the house went about 75 per cent over average with a tally of $35,000.

The Fox with "There's Always Tomorrow" hit about $13,000, while the Paramount with "St. Louis Kid" got $15,000. The Strand with a dual bill, "I'll Fix It" and "Six-Day Bike Rider," hit a weak $9,000.

## Monopoly in Fore In Doubles Action

(Continued from page 1)

fendants, climaxed a long series of objections to the testimony of witnesses for the plaintiff by announcing to the court a blanket objection to the proceedings as a whole, indicating a prompt appeal would be taken if the case went to Perelman.

Among those at the hearing today were Stanley Friedman and I. Levenson of the Warner home office legal department.

Testimony will be resumed Monday, although Judge Walsh yesterday said he did not expect the hearing would cover more than two days.

## *Rockefellers Get 3 On Music Hall Board*

(Continued from page 1)

Music Hall; Francis T. Christie, a Rockefeller attorney and executive vice-president of Rockefeller Center, and Webster B. Todd of Todd & Robertson, who is a member of the board of managers of Rockefeller Center and a vice-president of the new company. RCA and Rockefeller Center each have a 50 per cent stock interest in the new Music Hall company.

Officers of the new company in addition to Van Schmus and Todd include three representatives of the management. They are Leon Leonidoff, Music Hall stage show producer, who becomes a vice-president; G. S. Eyssell, assistant to Van Schmus, who becomes secretary, and Russell V. Downing, former comptroller, who becomes treasurer.

## *RKO Sets Publix-Wilby*

RKO has just sold its 1934-35 product, features and shorts, to the Publix-Wilby circuit of southern theatres.

Cresson E. Smith, Herbert MacIntyre and Hubert Lyons handled the deal for RKO.

## Kennedy to Appear For Pathe Hearing

J. P. Kennedy, former Pathe Exchange head, now director of the Federal Securities and Exchange Commission, has consented, through counsel, to appear in a Pathe stockholders' suit growing out of the 1931 sale of the company's assets to RKO on the condition that he be not required to submit to examination before trial on the allegations in the complaint.

Charges that the RKO deal resulted from "high pressure salesmanship" and that more than half of the $3,000,000 RKO notes given in payment are now in default were made by Harry L. Kreeger, counsel for a Pathe stockholders' group, at the hearing before Supreme Court Justice Cotillo on Pathe's application for its extraordinary meeting of stockholders, approved by the court for March 4, to ratify the company's plan of recapitalization. Walter Vincent, one of the stockholder plaintiffs, told the court that it had been impossible to serve Kennedy in the suit up to now but that his counsel had recently disclosed Kennedy's willingness to appear on the condition stipulated.

Stuart W. Webb, Pathe president, stated that the RKO transaction had nothing to do with the company's need for financial reorganization and declared that the indifference of stockholders to special meetings called earlier to consider the reorganization plan made it necessary to ask the extraordinary meeting.

## Slight Gain Shown By Coast Studios

Hollywood, Nov. 23.—Studios are becoming more active. There were two more features and four more shorts before the cameras last week than during the preceding week. Total subjects in work for the past week were 37 features and eight shorts, while 19 features and 13 shorts were in the final stages of preparation with 41 features and 18 shorts in the cutting rooms.

Paramount headed the field with seven features before the cameras, three preparing and four editing. Warners had six, one and five; Universal, six, zero and four; M-G-M, four, four and nine; Columbia, four, three and five; Fox, three, three and five; 20th Century, one, zero and one; Radio, one, two and five, while the independent group had a total of five, three and three.

In the short subject division Roach had two before the cameras, two preparing and three editing; Columbia, one, two and two; Radio, zero, two and five; M-G-M, zero, four and four; independents, five, three and four.

### *Levy Completes Trip*

Jules Levy, vice-president and general sales manager of the RKO Distributing Corp., returns to the home office today, having flown from the coast after a visit to the studios.

Before arriving on the coast, Levy toured the RKO branches.

### *Will Film Bridie Play*

London, Nov. 23. —Alexander Korda, London Films production executive, reveals his company will film "Mary Read," James Bridie's new play.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"The Perfect Clue"*

*(Majestic)*

Hollywood, Nov. 23.—Better than ordinary in story, acting and presentation, this rates as more than satisfactory audience entertainment.

Dramatic romance in the characters of the picture makes good use of the action and dialogue in a series of interest-holding situations building to a unique crime solution climax.

Dorothy Libaire, resenting her father's proposed re-marriage, elopes with "Skeets" Gallagher. A change of heart causes her to desert him to meet Ex-Convict David Manners for a series of romantic situations. Manners succumbs to Miss Libaire's charms, but the pair is arrested on a murder suspicion. The father bails out the girl. She, with jittery Gallagher, returns to the scene of the crime to discover a clue hidden in a bowling pin and to prove the identity of the killers to the authorities thereby. The expected happy ending ensues.

Mild thrills and excitement prevail and are climaxed by a sensational auto chase scene. "The Perfect Clue" is clean and wholesome throughout, Lilita Westman's original adapted by Albert DeMond, with Ralph Ceder and Don Brown furnishing the dialogue. Robert Vignola's direction is intelligent and geared to action for thrill fans.

Miss Libaire and Manners are convincing and real in the lead roles with Gallagher furnishing contrasting comedy that is sure to please in the subsequent run field. The picture affords an opportunity for clever showmanship in creating interest. Previewed without Production Code Seal. Running time, 63 minutes. "G."

### *Mrs. Rhoden Is Buried*

Kansas City, Nov. 23.—Funeral services for Mrs. C. A. Rhoden, mother of E. C. Rhoden, Fox Midwest division manager, took place in Omaha, where she died. Besides her husband, she is survived by two sons and two daughters.

Attending the funeral from Kansas City were, in addition to Rhoden, L. J. McCarthy, Fox Midwest district manager, and C. A. Schultz, head of Commenwealth Theatres.

### *Loew West in January*

David Loew, vice-president of Loew's, Inc., will leave for the coast the end of January for a vacation. He intends to play a lot of golf and give the M-G-M studios the once-over. He recently returned from the south, where his contemplated vacation was ruined by a few snowstorms.

### *G-B Signs Song Writers*

Gaumont British has signed three American song writers, Maurice Sigler, Al Hoffman and Albert Goodheart, who have left for England.

### *Sailing Today on Paris*

Henri Klarsfeld, of the Paramount Paris office; Sam Morris, vice-president of Warners and his son, Edwin; Val Parnell, London theatre operator; Marcel de Sano, assistant supervisor with Irving Thalberg; Richard de Rochemont, European correspondent for March of Time Newsreel and Pierre Sandrini, French and South American theatre operator, all sail today for Europe on the *Paris.*

### *Collins Starts New Pact*

Hollywood, Nov. 23.—Cora Sue Collins starts her seven-year M-G-M contract on Monday. After the first six months the company has a six months' option which is followed by six one-year options.

Mordant Shairp's option, expiring Dec. 3, will not be exercised. He's a writer.

### *Barcelona a Father*

Baton Rouge, La., Nov. 23—Joe Barcelona, owner of the Tivoli, and member of the clearance and zoning board, is the father of a baby girl.

### *Garbo and Her Latest*

**The hinterland, sometimes known as Hollywood, has been reporting difficulties over "The Painted Veil" as shown there in preview form. The first couple of reels, it appears, met with the disfavor of M-G-M studio executives. So back for retakes, a la the well-known Metro system, went those reels under the direction of W. S. Van Dyke.**

**Yesterday and in its release form, the Garbo picture was screened locally. Whatever the trouble may have been over the opening sequences, it is gone now. The picture is a lot of the Garbo, her beauty, her close-ups, her emotional range and the intrigue of her walk. Also in it is plenty of Herbert Marshall, this time probably more effective than this reviewer, at least, can recall him. George Brent, as a pleasant heavy, is generally good.**

**"The Painted Veil" is a warmer Garbo than the woman in "Queen Christina" and, in point of what it takes to make substantial box-office, considerably ahead of it.**

KANN

## *Short Subjects*

### *"Rural Romeos"*

*(Fox-Educational)*

Harry Gribbon fans probably wil like it, but a preview audience in a projection room remained calm. Gribbon, as a down-on-his-luck croone applies to a farm house for a handout He is taken in, and arouses th jealousy of Harry Short, who is afte the hand of Virginia Fairfax. Afte various incidents on the farm, durin which Gribbon sings, they arrive a a country fair and Gribbon wins hog calling contest by hiding a microphone under his vest. The pictur winds up with the farmers chasin him. Viewed with no production cod seal. Running time, 21 mins. "G."

### *What Symbols Mean*

**The "G" symbol indicates general entertainment.**

**The "A" symbol indicates adult entertainment.**

### *"Spice of Life, No. 4"*

*(Spice of Life-Columbia)*

Fourth in this series with a prologue and epilogue by Dr. Rockwell vaudeville headliner and, like it predecessors, carrying jokes and som political comment in titles and prepared by the editors of *The Literar Digest* in the style of the one-tim Topics of the Day. Of average entertainment value which might easily become something beyond through th national backing accorded this serie in the columns of *The Digest.* N production code seal. Running time 8 mins. "G."

### *"Dartmouth Days"*

*(M-G-M)*

Here is a short subject with rea audience appeal. It is made up wholl of scenes in and around Dartmout College, particularly during the Winter Carnival. Student activities fro football to skiing are shown and particularly interesting and thrilling ar the skiing races and jumps, all performed by members of the studen body. The reel winds up with a college song. Code seal, No. 97. Runnin time, 10 mins. "G."

### *'Crossroads of the World*

*(Fox-Educational)*

A "Magic Carpet of Movietone with the scenes laid in Singapore. Th photography is splendid and is don in such a way that the scenes blen from one phase of Oriental life to another. The narrative is breezy. Ver well done. Running time, 8¾ min "G."

### *Warner Group Returnin*

Hollywood, Nov. 23.—Albert Warner, Gradwell Sears and A. W Smith started east by plane tonig following conferences on forthcomin Warner and Cosmopolitan product.

### *Horne Is Heading Back*

Hollywood, Nov. 23.—Hal Horn United Artists publicity head, was o his way back east tonight with h bride.

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## Pathe Plan Is New Financing Of Production

### *Note Issues to Furnish Capital As Needed*

Preparation for new and extensive financing of production by Pathe will be advanced by the company in anticipation of approval of its completed plan of financial reorganization at the extraordinary meeting of stockholders, March 4, 1935, as a result of authorization of the meeting by the state supreme court, it was learned Saturday.

The reorganization plan provides for the issuance by the new Pathe company of collateral secured notes, of which $4,000,000 may be outstanding at any one time, and which will be convertible into new common stock. This provision is designed to provide new working capital which may be applied to production financing and also to retire all or any part of the $2,027,500 of sinking fund debentures outstanding, maturing in 1937.

The plan may be approved by two-thirds of the stock represented at the

(*Continued on page* 8)

## Modernism to Rule Theatres: Buchanan

CHICAGO, Nov. 25.—Theatre construction and remodeling of the future will be almost entirely along modernistic lines, according to B. B. Buchanan, who, as maintenance engineer for B. & K. and Publix Theatres, supervised the construction of over 100 of the present day de luxe spots.

The finest architectural examples—intrinsically worthy as they may be—are out of line with current requirements for successful theatre operation, Buchanan states. Periodic treatment, such as French renaissance, Tudor, Colonial and similar accepted architectural traditions must give way to

(*Continued on page* 7)

## *Garbo May Do Two For M-G-M This Year*

Greta Garbo may make two for M-G-M this season instead of one as originally planned. Decision will follow after arrival of Harry Edington, her manager, on the coast for conferences. Edington and Barbara Kent, his wife, left for Hollywood over the week-end.

After having talked with the Swedish star over long-distance telephone,

(*Continued on page* 7)

# Selling of Protection Is Demanded by Schaefer

### *Insists Principle Should Be Part of All New Clearance Setups*

KANSAS CITY, Nov. 25.—Distributors intend to demand that clearance schedules be based on the principle of bargaining for protection, declared George J. Schaefer, Paramount general manager, while here discussing the clearance schedule with local exhibitors.

This, he declared, would establish the inherent right of an exhibitor to buy any run he is capable of buying at the rental he is able to pay, to protect himself against competition, unfair or otherwise; and would also establish the right of the distributor to sell protection to whomever he might choose.

Explaining the far-reaching effects of protection, or the lack of it, Schaefer said:

"Fifty per cent of all producer-distributor revenue is derived from the first runs in the first 400 cities in the United States. If the time ever comes when that revenue is not protected

(*Continued on page* 7)

## *Kansas City's Price War May Set Back Clearance*

Kansas City's price war indicates another setback for the local clearance and zoning plan. The modified schedule, received by Code Authority Friday and due to come up for discussion tomorrow, will not be approved until the Tower and Loew's Midland in Kansas City definitely determine what price scale will prevail.

While admissions are an important factor in setting up clearances, it is conceded by all Campi men that the rental paid for film and its accompanying protection are to be taken into consideration before the price scale is given weight.

All clearances will be based on protection after first runs. Whether K. C. subsequents charging 40 cents will get

(*Continued on page* 7)

## Vaude Changes Call for Six to Hear Charges

Establishment of a vaudeville complaints' committee of six, one representing actors, two theatre men, one vaudeville producer, one agent and an impartial member to be representative of the public by Campi highlights the nine amendments, additions and modifications to the vaudeville section of the code adopted by Code Authority at its last meeting, it was disclosed on Saturday.

The amendments were unanimously approved by both the vaudeville committee and Campi and sent to Compliance Director Sol A. Rosenblatt for approval. Rosenblatt, before leaving for the coast tomorrow, will set a date for public hearing, which is expected

(*Continued on page* 7)

## Move to Zone Eastern Penn. Territory On

PHILADELPHIA, Nov. 25.—Drafting of a proposed clearance and zoning schedule for the Eastern Pennsylvania, Southern New Jersey and Delaware territory will be undertaken by the Independent Exhibitors Protective Ass'n here following a meeting to be held Tuesday at which all independent exhibitors in the territory have been urged by the organization to submit "fair and reasonable" clearance and zoning recommendations for their own houses.

The individual exhibitor recommendations will be utilized by a committee of the I.E.P.A. in drafting a master schedule for the territory which, it is planned, will be submitted direct

(*Continued on page* 7)

## *California I. T. O. A. Bucks Operator Pay*

HOLLYWOOD, Nov. 25.—The I. T. O. of Southern California is marshalling exhibitors in this territory for a campaign of opposition to operators' wage scales which have been upheld by the local NRA labor compliance board. Contending that the wage scales are exorbitant, the organization is mapping plans for a direct appeal to Washington.

Following further insistence by the local board yesterday that scales for

(*Continued on page* 7)

## *Only 6.7% of Wired Canada Houses Dark*

TORONTO, Nov. 25.—According to official figures, less than 10 per cent of the wired theatres in Canada are closed. To be exact, the number of dark theatres is only 6.7 per cent. of the total of 883 houses equipped for sound.

Ontario has only one closed theatre out of a total of 288. Quebec, with 146 houses, has 18 on the closed list. On the Pacific Coast, British Columbia also has only one dark theatre

(*Continued on page* 7)

## Religious Themes Face Mexican Ban

By JAMES LOCKHART

MEXICO CITY, Nov. 25.—A sweeping ban on the exhibition in Mexico of films embodying religious themes or practices is reported here to be under consideration by the Federal legislature.

The scope of the law, according to report, would cover pictures which refer directly or indirectly in any form to any religion or religious practice or which include roles portraying clergymen or holy people of any denomination. It is also reported that sponsors of the law demand an immediate ban of Fox's "The World Moves On" because of its reference to religious themes and sequences which include picturizations of saints, churches, holy images and vessels.

## *Flinn in Hollywood To Patch Code Rift*

HOLLYWOOD, Nov. 25.—John C. Flinn, executive secretary of Campi, arrived here by plane today from New York for a 10-day stay to confer on

(*Continued on page* 7)

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## *"Iron Duke" Date Set*

LONDON, Nov. 25.—Premiere of "The Iron Duke" at the Tivoli next Friday evening looks like the highlight of the theatre week here. The Prince of Wales is expected to attend.

Gaumont British declared Saturday it intended launching a fan magazine advertising campaign here beginning with "The Iron Duke." Estelle Schrott is handling that branch of the company's publicity.

## *Charter New M. H. Corp.*

ALBANY, Nov. 25.—The new Radio City Music Hall Corp. has been chartered here with capital of 500 shares non par value stock. Directors and subscribers are listed as Francis T. Christie, Andrew Jackson and Rudolph A. Travers of New York. Milbank, Tweed, Hope & Webb are attorneys.

## *Colbert in "One Woman"*

HOLLYWOOD, Nov. 25. — Claudette Colbert's first film on a new two year contract with Paramount calling for six pictures, will be "One Woman," a Tiffany Thayer yarn. The actress' new ticket allows her to do pictures for other studios.

## *Plans "Hood" Road Show*

Sol Lesser plans to produce "Robin Hood" on a road show scale.

# *Insiders' Outlook*

GROSSES are not what they ought to be. This is the wail of the distributor and the exhibitor. In practically all instances, the gain as of this day is no gain when numerically matched up alongside of the figures for the identical period of 1933. Yet the net is better. Sounds like no sense at all, but the answer finds itself in the type of operation to which your up-and-going theatreman today subscribes. He is more sane, more economical and he has gone places in wringing the water from his bond and debenture issues. While grosses, therefore, may be disappointing, the chagrin is not as keen as some would have you believe. The take is less, but so is the "nut" and black ink more generally prevails. . . .

▼

For what was apparently no reason, Manny Cohen put himself between quotes on the coast the other day. It was all about his distaste over and his lack of intention of filing a salary claim against Paramount. Listen to heights to which his loftiness soared:

> "Many times during the last few years I have requested people in my department to take salary cuts in order to help the company. They did this, although their work was entirely satisfactory. Most of these had no contracts, and I always mentioned to these that I was taking proportionate cuts, even though I had a contract.
>
> "Many of these people are still working at these reduced salaries and I do not feel, under these circumstances, that I have a moral right to file a claim for these reductions or for the uncompleted term of my contract while these people cannot do the same."

The question, which is not much of a question at all, is whether or not Cohen was taking a back-handed slap at George Schaefer who has a claim of his own—total about $98,000—and has filed it. Cohen's face ought to be red when he learns Schaefer's petition so far has not been allowed. So churn the churnings. . . .

▼

Considerably more smoke than fire permeates the Hollywood yarn narrating in excited fashion the difficulties between Walter Wanger, producer, and Will Hays, adjuster, over "The President Vanishes." For the none too subtle hand of publicity played its part. Evidently it did it well enough to make the United Press and certain newspapers fall. There is a difference of opinion about several of the sequences, but that sort of thing is routine now under Production Code Administration. The picture will be released virtually extant; Jay Paley, the broadcasting man who is a partner of Wanger's in this and other pictures to come for Paramount, will hardly find it necessary to hire his own theatres and Wanger himself denies the attraction is steeped in Fascist propaganda. In other words, a build-up. . . .

▼

From out of the wide open spaces served by the Dallas exchanges comes the story of a new fly-by-nighters "racket" seemingly made possible by the overbuying provisions of the code—too liberally or too carelessly interpreted. Unknowns, the story goes, will open shop in any convenient, vacant store or hall and, if not bought out promptly by an established competitor, will go to the local grievance board with complaints of inability to obtain product due to the alleged overbuying by the established theatre. The "racket," it is said, has worked in several instances where the known exhibitor has bought off the intruder at his nuisance value. Says Campi, in effect: "It might work if the established exhibitor permits it to, but not if he carried the overbuying complaint as far as Campi." . . .

▼

Nick Ludington, Jack Curtis and "Jock" Whitney—friends all. That may be responsible for the story around that Whitney's publicized Technicolor features will be released through First Division. Not all of them you understand, for "The Last Days of Pompeii" is set with Radio. And perhaps "Becky Sharp," as well. . . . Joe Hornstein's decision to go it on his own in the equipment field was six months in the making. He lost much of his taste for his former post with Continental, the Warner equipment appendage, that far back and bided time and opportunity to step out for himself once again. . . . Universal advertising of "Imitation of Life" makes no mention of Louise Beavers. She is the colored performer who appears all through the attraction, delivers an excellent and touching performance and, in many scenes, takes the picture away from its star, Claudette Colbert. . . .

▼

London mailbag, all about Gaumont British:

> "Maurice Ostrer has been sent down to Shepherd's Bush to take complete financial control of the studios.
>
> "Mickey Balcon (production chief) remains and, while his title is unchanged, he—among others—recognizes that he is in a secondary position and not the head of the studios, as he was prior to his departure for America.
>
> "C. M. Woolf (joint managing director) has been negotiating a large number of contracts and there is talk G. B. must have a pipeline from the Bank of England to Shepherd's Bush. This has been stopped and the comment is Woolf has been removed from much of his former authority and has to bow now to the dictates of the Ostrers.
>
> "In spite of all the denials and protestations, it is a well known fact that negotiations are still continuing, not only with Maxwell, but with other interests as well for the purchase of the majority holdings held jointly by Fox and Isidore Ostrer. The feeling over here is that at some time or other in the near future, the control of Gaumont British will change hands."

▼

Sol Rosenblatt came close to quitting the NRA before his appointment as compliance director was cloaked with official approval. It is understood he was offered two other posts in the NRA structure, but Rosenblatt turned

(*Continued on page* 8)

## *Fox Up Half on Big Board*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 39 | 39 | 39 | ..... | 200 |
| Consolidated Film Industries | 3¾ | 3¾ | 3¾ | ..... | 700 |
| Consolidated Film Industries, pfd | 17¾ | 17⅝ | 17¾ | + ⅛ | 4,600 |
| Eastman Kodak | 116 | 115⅞ | 116 | ..... | 300 |
| Eastman Kodak, pfd | 142½ | 142½ | 142½ | + ½ | 1,000 |
| Fox Film "A" | 13⅞ | 13¾ | 13⅞ | + ½ | 700 |
| Loew's, Inc | 35⅛ | 34⅞ | 35⅛ | + ¼ | 4,500 |
| Loew's, Inc., pfd | 102¼ | 102¼ | 102¼ | + ¼ | 100 |
| M-G-M, pfd | 27½ | 27½ | 27½ | ..... | 100 |
| Paramount Publix, cts | 3¾ | 3½ | 3½ | — ¼ | 2,200 |
| Pathe Exchange | 1¼ | 1⅛ | 1⅛ | — ⅛ | 1,000 |
| Pathe Exchange "A" | 14½ | 14½ | 14½ | — ¼ | 100 |
| RKO | 2 | 1⅞ | 2 | ..... | 200 |
| Warner Bros | 4¾ | 4⅝ | 4¾ | ..... | 700 |

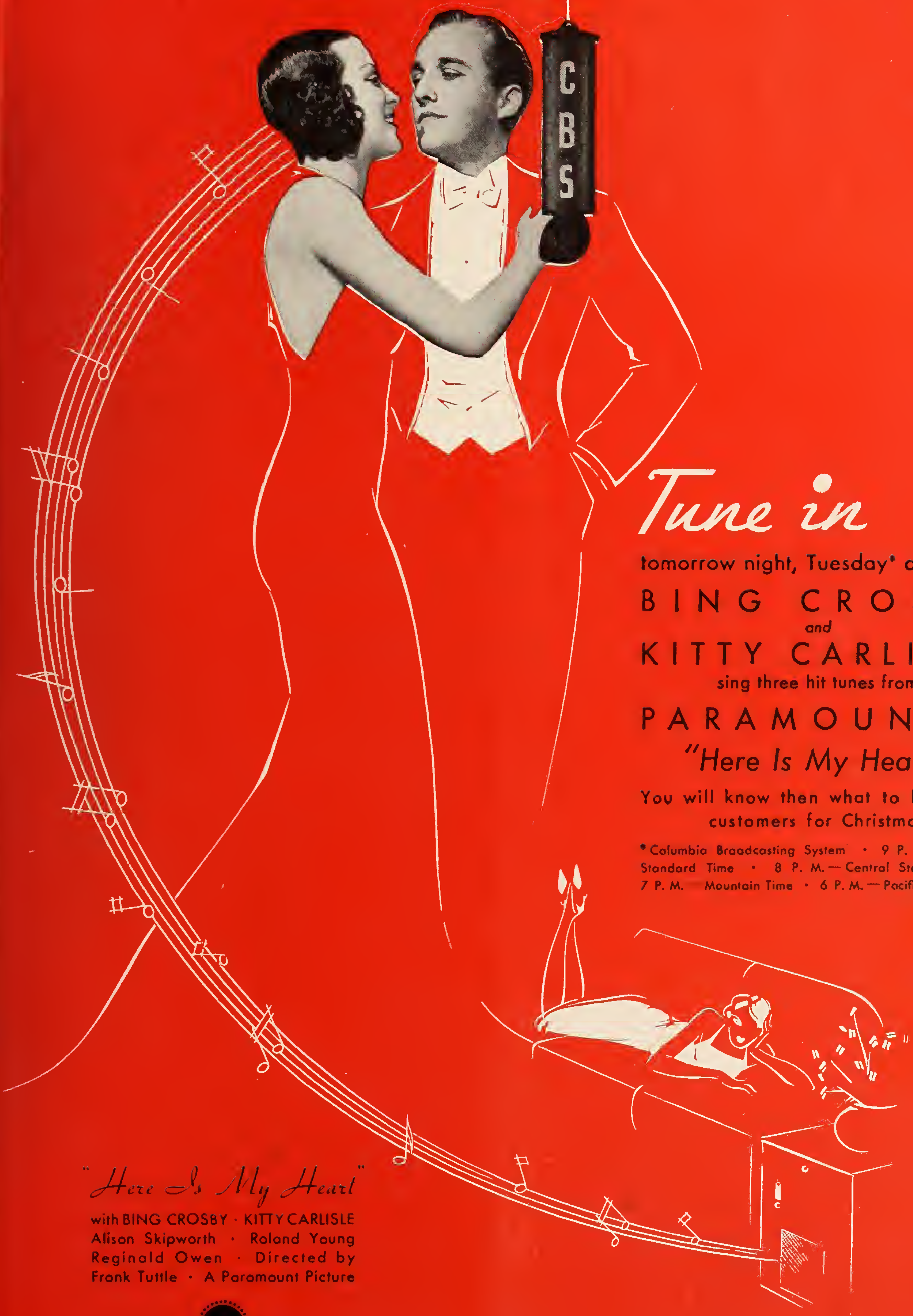
## *Technicolor Jumps ⅜ on Curb*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 12⅞ | 12¾ | 12⅞ | + ⅜ | 200 |

## *Warner Bonds Show Quarter Rise*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 10½ | 10 | 10½ | + ½ | 46 |
| Paramount Broadway 5½s '51 | 41½ | 41½ | 41½ | — ¾ | 1 |
| Paramount F. L. 6s '47 | 60 | 59½ | 59½ | — ¼ | 20 |
| Paramount Publix 5½s '50 | 60 | 60 | 60 | ..... | 32 |
| Pathe 7s '37, ww | 99 | 99 | 99 | — ¼ | 1 |
| Warner Bros. 6s '39, wd | 59 | 58⅝ | 59 | + ¼ | 12 |

# do your Christmas shopping early



## Tune in

tomorrow night, Tuesday* and hear

**BING CROSBY**

*and*

**KITTY CARLISLE**

sing three hit tunes from

**PARAMOUNT'S**

"Here Is My Heart"

You will know then what to buy your customers for Christmas

*Columbia Broadcasting System · 9 P. M. — Eastern Standard Time · 8 P. M. — Central Standard Time
7 P. M. — Mountain Time · 6 P. M. — Pacific Coast Time

"Here Is My Heart"

with BING CROSBY · KITTY CARLISLE
Alison Skipworth · Roland Young
Reginald Owen · Directed by
Frank Tuttle · A Paramount Picture

# OPENING THANKSGIVIN
# OVER 100 KEY SPOTS .

*To give the worl*
*heart-throb sinc*
*Women" . . . .*

## *So much stuff to help you sell this show that it takes 3 press books to tell it! . . .*

PUBLICITY A

ADVER

er Raves

Sees Anne Sh
Among the

MONTGOMERY'S

ANNE of GREEN GABLES

ANNE SHIRLEY as "ANNE"

RKO RADIO PICTURE

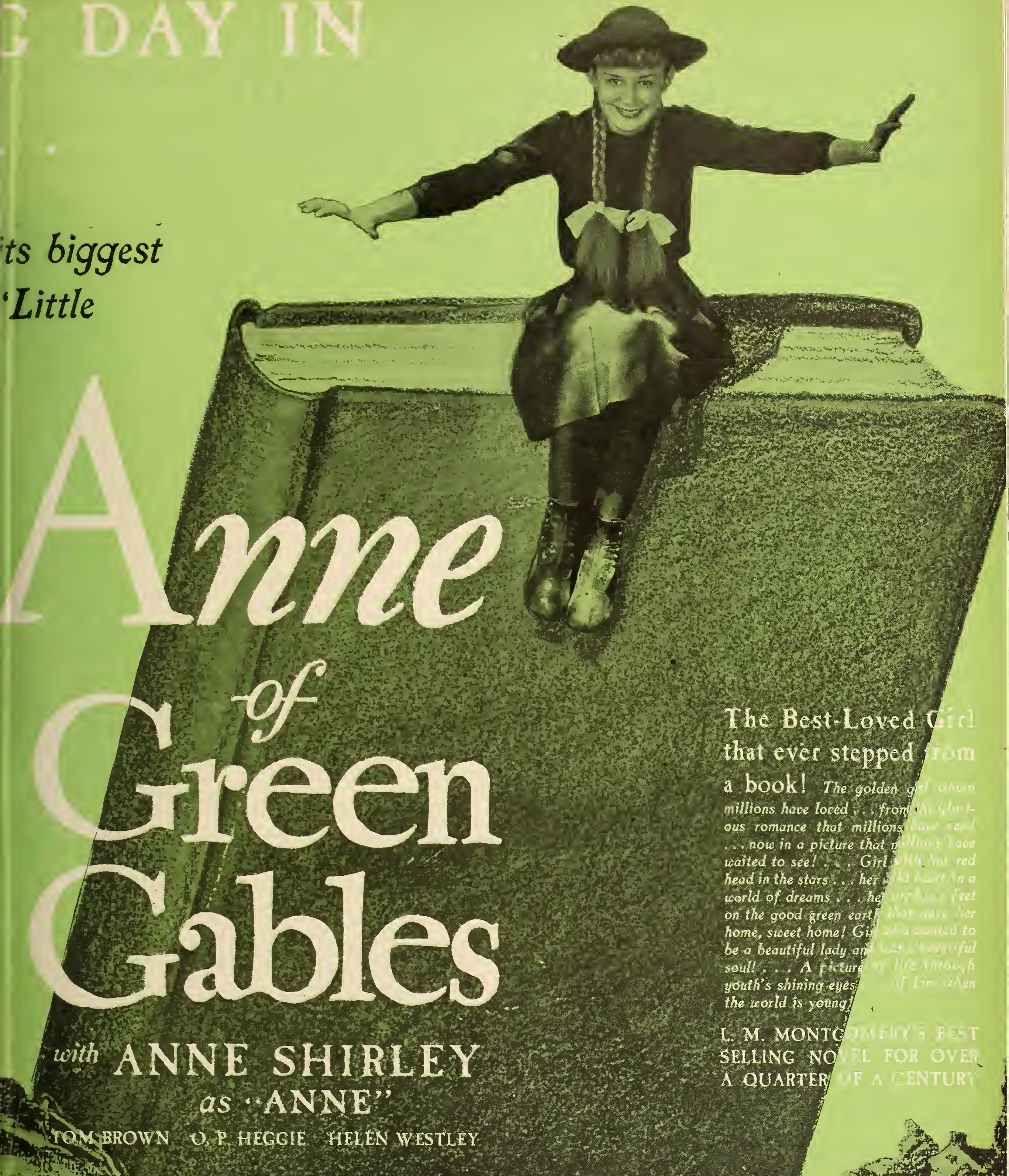
48 Display ads . . every size and every shape to suit every campaign need! . . 20,000 words of publicity written so that newspapers will print it! . . Special illustrated newspaper features! Special 6 day illustrated story strip! . . All kinds of merchandising tie-ups, contests, stunts . . and school promotions . . All kinds of novel accessories. Tabloids, Lobby and Box Office trims, blotters, school bulletins, cut-outs, banners, hangers, everything you need to sell a great big show!

*You've got another "Little Women" on your hands*

DAY IN

. . .

its biggest
'Little



# Anne of Green Gables

*with* ANNE SHIRLEY
*as* "ANNE"

TOM BROWN O. P. HEGGIE HELEN WESTLEY

*Produced by*
KENNETH MACGOWAN

The Best-Loved Girl that ever stepped from a book! *The golden girl whom millions have loved . . . from the glorious romance that millions have read . . . now in a picture that millions have waited to see! . . . Girl with her red head in the stars . . . her wild heart in a world of dreams . . . her [illegible] feet on the good green earth that was her home, sweet home! Girl who wanted to be a beautiful lady and was a beautiful soul! . . . A picture of life through youth's shining eyes . . . of love when the world is young!*

L. M. MONTGOMERY'S BEST SELLING NOVEL FOR OVER A QUARTER OF A CENTURY

*resented with pride by*
KO-RADIO

*Directed by George Nicholls, Jr.*
*Book published by*
*L. C. Page & Co., Inc.*

# "Love," Show Denver Smash With $13,000

DENVER, Nov. 25.—A combination of "Ready for Love" and a stage show, Texas Guinan's "World Fair Revue," packed the Denver to the tune of $13,000, more than three times the normal take for the house.

"The White Parade" at the Denver was also in the big money at $7,500, over par by $1,500, but other houses couldn't stand the competition.

Total first run business was $29,500. Average is $20,500.

Estimated takings for the week ending Nov. 22:

**"A LOST LADY" (F. N.)**
ALADDIN—(1,500), 25c-35c-50c, 7 days. **Gross:** $2,000. (Average, $2,500)

**"READY FOR LOVE" (Para.)**
DENHAM — (1,500), 35c-40c-60c. Stage show. **Gross:** $13,000. (Average, $4,000)

**"THE WHITE PARADE" (Fox)**
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $7,500. (Average, $6,000)

**"HELL IN THE HEAVENS" (Fox)**
ORPHEUM—(2,600), 25c-35c-60c, 7 days. **Gross:** $5,500. (Average, $6,000)

**"MERRY WIDOW" (M-G-M)**
PARAMOUNT—(2,000), 25c-40c, 3 days after a week at the Denver. **Gross:** $800.

**"OUTCAST LADY" (M-G-M)**
PARAMOUNT—(2,000), 25c-40c, 4 days. **Gross:** $700. (Average for week, $2,000)

# Providence Holds On; Business Brisk

PROVIDENCE, Nov. 25.—Despite the fact that exhibitors are preparing to take it on the chin for the holidays, grosses last week held up well with pars being shattered in several instances. The RKO Albee had another good week, spotting "Great Expectations" on the screen and a smart stage revue, most of the draw going to the show. The house netted $8,800, which is $1,800 over average.

Fays, too, pulled in some smart money, catching $8,300 with the film, "I Sell Anything" and the stage offering, "Let's Smile Again," a full-length revue. The Strand gathered $7,100, with the usual take $6,500.

First run business, $40,200. Average business, $40,500.

Estimated take for week ending Nov. 22:

**"JEALOUSY" (Col.)**
**"GIRL OF MY DREAMS" (Mono.)**
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $7,100. (Average, $6,500)

**"I SELL ANYTHING" (F.N.)**
FAY'S—(1,600), 15c-40c, 7 days. "Let's Smile Again," revue, on stage. **Gross:** $8,300. (Average, $7,000)

**"HELL IN THE HEAVENS" (Fox)**
**"ELINOR NORTON" (Fox)**
MAJESTIC — (2,400), 15c-40c, 7 days. **Gross:** $6,500. (Average, $7,000)

**"WE LIVE AGAIN" (U.A.)**
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $8,000. (Average, $12,000)

**"GREAT EXPECTATIONS" (U.)**
RKO ALBEE—(2,300), 15c-40c, 7 days. "Rhythm Roundup," revue, on stage. **Gross:** $8,800. (Average, $7,000)

**"THE SILVER BULLET" (State Rights)**
**"GIFT OF GAB" (U.)**
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,500. (Average, $1,000)

## *Palace, Balto., Reopening*

BALTIMORE, Nov. 25.—The Palace, which has been dark for some months, will reopen Monday with "Supreme Burlesque" on a reserved seat policy. It is understood Billy Minsky is backing the project. Bill Proctor will again manage the house.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Strange Wives"*

*(Universal)*

HOLLYWOOD, Nov. 25.—This one is shaded, average entertainment due to a story which neither the cast nor director seemed able to surmount. The film's selling point seems to be comedy but other elements did not catch audience sympathy at the preview.

The yarn deals with Roger Pryor, a business man, who becomes infatuated with June Clayworth, portraying a seductive Russian. Marriage has its troubles with Pryor falling heir to all Miss Clayworth's Russian relatives. The entire plot revolves around his earnest endeavor to get the relatives some social positions after footing the bill for lengthy intervals. The relatives finally all make good and Miss Clayworth resents Pryor making capital out of the family connections from which he seems to prosper. The result of the family's success provokes a marital triangle from which Pryor emerges victor and Miss Clayworth finally responds to the masterful overtures of her husband.

Esther Ralston, Hugh O'Connell, Ralph Forbes, Catherine Doucet and Cesar Romero are cast in the family roles, with Forbes portrayal better than the rest. Richard Thorpe's direction lacks impressiveness due, perhaps, to story inconsistencies. The picture may prove amusing to a limited class of patrons. Code seal No. 400. Running time, 80 minutes. "G."

## *"When a Man Sees Red"*

*(Universal)*

HOLLYWOOD, Nov. 25.—This is an average old-type western. The story deals with Peggy Campbell, a spoiled New York debutante forced, by terms of her father's will, to live on his inherited ranch for one year.

Once arrived, Peggy tangles with Buck Jones, the hale and hearty foreman of the ranch, who has been appointed her guardian. Comes another debutante into the story, plus a handsome rustler, who manage to create a lot of jealousy between Peggy and Buck. Following a heroic expose of a gang of rustlers by Jones, Peggy decides to make him something other than a guardian.

Alan James directed. Cast satisfactory, including Jones, Peggy, Dorothy Revier and LeRoy Mason. Outstanding feature of the picture is Ted McCord's splendid photography. Production code seal No. 353. Running time, 60 minutes. "G."

# *Cleveland Up; Moore a Film Standout in Second Week*

CLEVELAND, Nov. 25.—A couple of conventions poured some 25,000 people into town last week and the theatre benefited although "Ziegfeld Follies" offered stiff competition. The second week of "One Night of Love" at the Hippodrome was outstanding, almost doubling average business. "Transatlantic Merry-Go-Round" went to $12,500, or $2,500 over average at the State. "Gentlemen Are Born" was a pleasant surprise grossing $4,100, the best business at the Allen since "Six Day Bike Rider."

Total business for the week was $43,100. Average is $36,250 for same run.

Estimated takings for the week ending Nov. 23:

**"GENTLEMEN ARE BORN" (F. N.)**
ALLEN—(3,300), 20c-30c, 30c-40c, 7 days. **Gross:** $4,100. (Average, $3,000)

**"ONE NIGHT OF LOVE" (Col.)**
WARNER'S HIPPODROME—(3,800), 30c-35c-44c, 2nd week, 5 days. **Gross:** $7,500. (Average, $6,000 for a week, $4,250 for five days)

**"365 NIGHTS IN HOLLYWOOD" (Fox)**
RKO PALACE—(3,100), 30c-40c-60c, 7 days. Stage: Olsen and Johnson. **Gross:** $15,000. (Average, $15,000)

**"TRANSATLANTIC MERRY-GO-ROUND" (U. A.)**
LOEW'S STATE—(3,400), 30c-35c-44c, 7 days. **Gross:** $12,500. (Average, $10,000)

**"YOU BELONG TO ME" (Para.)**
LOEW'S STILLMAN—(1,900), 20c-30c, 30-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

RKO Palace average has been reduced to $15,000. The house formerly computed its normal at $18,000 with big-time vaudeville, but is now playing smaller time acts. While its average is down, the theatre declares its net is proportionately better.

## *Hornstein Sells Screen*

Joe Hornstein, Inc., has just closed a deal with the Music Hall to install the largest screen in the world, a 40x70-foot Ortho-Krome screen. Installation starts today.

Hornstein, who has been making his headquarters at the Claridge since he resigned from Continental Theatre Accessories, moves into the Film Center Bldg. on Dec. 3.

## *Hoffberg Books Picture*

J. H. Hoffberg has booked "Riachuelo," first Argentine-produced film to be imported, into the Campoanor Dec. 7-13.

# "Prentice" in Top Seattle Spot, $9,000

SEATTLE, Nov. 25.—"Evelyn Prentice" led the money pictures here last week finishing an eight-day stanza ahead of par at $9,000. "One Night of Love" was the runner-up with $5,400 for a strong third week at the Liberty, where it continues for a fourth.

"Great Expectations" showed weakness at the Music Hall and was withdrawn at the end of five days when its takings had reached $4,200. "The Gay Divorcee" finished the fifth week of its extended run at the Blue Mouse with $2,700.

Total first run business was $35,100. Average is $36,500.

Estimated takings for the week ending Nov. 24.

**"THE GAY DIVORCEE" (Radio)**
BLUE MOUSE—(950), 25c-40c-55c, 5 days. (4th week of extended run from Music Hall). **Gross:** $2,700. (Average, 7 days, $4,000)

**"EVELYN PRENTICE" (M-G-M)**
FIFTH AVENUE—(2,450), 25c-40c-55c, 8 days. **Gross:** $9,000. (Average. $7,000)

**"ONE NIGHT OF LOVE" (Col.)**
LIBERTY—(1,800), 15c-25c-35c-50c, 3rd week, 7 days. **Gross:** $5,400. (Average, $4,000)

**"WEDNESDAY'S CHILD" (Radio)**
**"ONE EXCITING ADVENTURE" (Univ.)**
MUSIC BOX—(950), 25c-35c-50c, 7 days. **Gross:** $3,250. (Average, $3,500)

**"GREAT EXPECTATIONS" (Univ.)**
MUSIC HALL—(2,275), 25c-40c-55c, 5 days. **Gross:** $4,200. (Average, $6,500)

**"DESIRABLE" (F. N.)**
ORPHEUM—(2,500), 25c-35c, 7 days. Vaudeville headed by Clifford Wayne Six. **Gross:** $4,800. (Average, $5.500)

**"MARIE GALANTE" (Fox)**
**"LADIES SHOULD LISTEN" (Para.)**
PARAMOUNT—(3,050), 25c-35c, 7 days Stage revue featuring Les Hite's Cotton Club band. **Gross:** $5,750. (Average, $6,000)

# "Parade" Buffalo Leader at $19,100

BUFFALO, Nov. 25.—Above norma business ruled generally, "The White Parade" going to $19,100 against an average $14,300 in the Buffalo.

Weather was unseasonably hot, with temperatures in the 50's and 60's.

Total first business was $47,700 Normal is $42,800.

Estimated takings for the week ending Nov. 23:

**"THE WHITE PARADE" (Fox)**
BUFFALO — (3,500), 30c-55c, 7 days Stage: Venita Gould; Buck & Bubbles; Le Ghezzis; Bobby May; Selma Marlowe **Gross:** $19,100. (Average, $14,300)

**"HIS GREATEST GAMBLE" (Radio)**
**"PURSUED" (Fox)**
CENTURY—(3,000), 25c, 7 days. **Gross** $6,000. (Average, $6,000)

**"THE MERRY WIDOW" (M-G-M)**
GREAT LAKES—(3,000), 25c-40c, 4 days 2d week. **Gross:** $7,000. (Average, $8,000

**"WE LIVE AGAIN" (U. A.)**
HIPPODROME—(2,100), 25c-40c, 7 days **Gross:** $8,400. (Average, $8,000)

**"THE CAPTAIN HATES THE SEA" (Col.)**
**"SHOCK" (Monogram)**
LAFAYETTE — (3,300), 25c, 7 days **Gross:** $7,200. (Average, $6,500)

## *Shapiro New Club Head*

CLEVELAND, Nov. 25.—Allan Sha piro, head of the Warner poster de partment, has been made president o the Warner Club to succeed Lew Was serman, who resigned to become affiliated with the Rappaport Studios.

# Protection Selling Asked By Schaefer

(Continued from page 1)

and the flow from the first runs is not continuous, there will be a disastrous situation.

"Because of the lack of revenue from the first runs, inferior product will result and the subsequent runs also will suffer.

"The alternative to the curtailment of the revenue flow from the first runs is to have the subsequent run shoulder some of the expense in order to assure the continuance of the standard of production quality which has made possible the industry's development.

"The United States government or Campi do not intend to deprive the buyer of his legitimate buying power," Schaefer continued. "While the present system of basing clearance on admission prices may continue in practice until it throws things higher than a kite, Campi should not be expected to make it law. If continued, the present clearance system will produce pronounced abuses.

"Clearance and protection must be identical in principle in all schedules. If Campi should give the Kansas City system the force of law, it would have to apply equally to all cities. The system is impractical, even illegal, and cannot be countenanced.

"We realize we cannot obtain 100 per cent approval of exhibitors and distributors. The best we can hope for is a very large percentage of approval. If we can get that we will accomplish more than we have been able to accomplish for many years. If we can work this problem out, we will have something the Code Authority can approve for the protection of everyone's interests."

### For New K. C. Schedule

George J. Schaefer, head of the clearance and zoning committee, and Edward Golden who were in Kansas City last week conferring with local interests on modification of the plan for Campi approval, reported favorably on the revised schedule at the Code Authority hearing last Thursday, it is understood.

The modified plan, delayed when the airmail was forced down by bad weather, arrived at Campi headquarters Friday. It will be discussed at a special session tomorrow.

## *Flinn in Hollywood To Patch Code Rift*

(Continued from page 1)

local code problems. Compliance Director Sol A. Rsoenblatt and his assistant, Maurice Legendre, arrive here Wednesday.

Upon his arrival today, Flinn immediately went into a huddle with J. R. Donovan, coast code secretary, preparing a resume of the recent rift between the 5-5-5 committee. Flinn will return to New York by plane Dec. 4, in time to prepare for the next Code Authority session on Dec. 6.

## *New Columbia Dividend*

Columbia Pictures, Inc., has declared a regular quarterly dividend of 25 cents, payable Feb. 2 to stockholders of record Jan. 14.

# *Kansas City's Price War May Set Back Clearance*

(Continued from page 1)

pictures 28 days after prior runs and 35-cent houses 35 days after first runs has not been settled. Campi is also puzzled what to do with a house that runs vaudeville against all-picture policy competition. Whether inclusion of stage shows in programs will set back runs on pictures is another question to be decided.

Code Authority is proceeding cautiously on the Kansas City plan. When approved, it will be the first schedule to be given such sanction and while it does not necessarily hold true that the provisions will be used as basic principles many factors will serve to help solve other clearance problems.

It is highly likely that another general hearing will be called by Campi to go over all the clauses again before the K. C. schedule is finally adopted.

No other schedule will be considered until Kansas City's plan is disposed of. If no agreement can be reached on this plan, the same would apply for others, it is held.

A suggestion may be made to table the Kansas City schedule when it comes up for discussion tomorrow until the price war is settled. Campi, however, will have 20 appeals on individual complaints to dispose of and keep it busy tomorrow.

## *California I. T. O. A. Bucks Operator Pay*

(Continued from page 1)

the territory be complied with, the I. T. O. issued appeals for cooperation and funds to carry an appeal to Washington. Recently, several exhibitors were cited by the board for failing to comply with the new schedules, which closely parallel the unions' own scales and which, according to the I. T. O., many small houses are unable to pay.

## *Garbo May Do Two For M-G-M This Year*

(Continued from page 1)

Edington stated, prior to his departure, that Miss Garbo had not definitely decided whether she would return to her native country for a vacation. He said the star had several matters to clean up before she could go and if she did decide to vacation abroad, the trip would take her away from the studios for three months.

## *Only 6.7% of Wired Canada Houses Dark*

(Continued from page 1)

in 94. In the Midwest territory there are 120 theatres, of which 19 are not operating at present. The Maritime Provinces have 93 listed theatres and 11 are closed.

## *Kohlmar Seeks Talent*

HOLLYWOOD, Nov. 25.—Fred Kohlmar, production assistant to Sam Goldwyn, is in New York where he will spend two months searching for new talent.

## *College-Mystery Musical*

HOLLYWOOD, Nov. 25.—Paramount is planning a college-mystery musical, "Terror by Night." Joe Morrison, Jack Oakie and Helen Mack will head the cast.

# Move to Zone Eastern Penn. Territory On

(Continued from page 1)

to Code Authority as the recommendation of the independent exhibitors. The plan is in anticipation of the imminent drafting of a schedule by the Philadelphia clearance and zoning board. The I.E.P.A., alleging that independent exhibitors are not represented on the board, are on record as opposed to its schedule under the existing circumstances.

On Nov. 21, MOTION PICTURE DAILY stated a general rezoning of the Philadelphia area was pending, certain territories already having been zoned.

# Modernism to Rule Theatres: Buchanan

(Continued from page 1)

the "merchandise appeal" angle as exemplified by modern treatment of the theatre front and foyer.

"It is all very well to be a "conformist,'" says Buchanan but you cannot get away from the fact that thousands of theatres on the Main streets of thousands of towns are practically starving in the same basket with the "butcher, baker and candle stick maker."

"Theatres sell something so radically different from the ordinary lines of neighborhood merchants that it should be obvious that they should stand apart. There is plenty to be said for the fine tradition of architectural styles, but as a revenue producing unit I feel theatres must employ more modern methods of treatment. The theatre should be the brightest spot on the thoroughfare. This necessarily involves the use of many modern building materials of a colorful and distinctive character."

## *Omaha Operators Raised*

OMAHA, Nov. 25.—The three first run A. H. Blank houses here have signed an agreement with the operators' union calling for increases of $15 per booth for one year and an additional increase of $10 for the year following. For a four-man booth, two-men shifts working 42 hours, the circuit has been paying $275 per booth. This has been hiked to $290 for next year and to $300 the year following.

## *Sheehan to Groom 5*

HOLLYWOOD, Nov. 25. — Winfield Sheehan plans to groom five personalities on the Fox lot this season. The quintet are Siegfried Rumann, whose latest for the company is "Marie Galante"; Alice Faye; John Qualen of "Servants' Entrance"; Jane Darwell of "The White Parade" and Walter Woolf, who appears in "The Lottery Lover."

# Vaude Changes Call for Six to Hear Charges

(Continued from page 1)

to be in about three weeks, in Washington.

Rosenblatt will approve the personnel of the committee recommended by Campi. This committee will function like the studio labor committee on the coast and will pass on all actor-labor complaints and grievances. The vaudeville group will relieve the local NRA compliance board of vaudeville problems as a result.

Other amendments approved are:

II. That Article IV, Part 2, Section 1 (a) of the code be amended by the deletion of "rep shows, tab shows, tent shows, wagon shows, truck shows, medicine shows, show boat or burlesque, as these terms are understood in the theatre."

III. That Article IV, Part 2, Section 3 (a) of the code be amended to read as follows:

"Rehearsal periods for pincipals shall be limited to two weeks. In the event that the rehearsal period extends more than two (2) weeks, the principals shall be paid half salary during such extended period. This shall not apply, however, to principals owning their own acts."

IV. That Article IV, Part 2, Section 4 (3) be modified to read as follows:

"Minimum wage of performers employed on a 'per diem' basis and paid either directly or indirectly in any form of compensation, shall be $7.50 net per day for each theate in which they appear."

V. That Article IV-B, Part 2, Section 4 (b) (6) be added:

"If layoff is required because of irregularity of bookings after first two (2) weeks of consecutive employment, a chorus person may be laid off without pay seven (7) days in any six (6) weeks' period. Such layoff may occur at any time after the first two weeks of consecutive employment. If additional layoff is required, the chorus person shall be paid for the period of such additional layoff at the rate of three ($3.00) dollars per day as long as the layoff continues."

### Want Transportation Paid

VI. That Article IV-B, Part 2, Section 6 (b) shall be modified to read as follows:

"If individual notice of contract termination is given by the employer the chorus person shall be paid in cash the amount of the cost of his or her transportation (including sleeper and the cost of transportation of his or her baggage) back to the point or origin whether the chorus returns immediately or not."

Note: The above should be read in connection with the following proposed amendment:

VII. That a new section to be known as Article IV-B, Part 2, Section 6 (c) be added as follows:

"If individual notice of contract termination is given by the chorus person, the employer is not required to provide transportation or sleeper."

VIII. The Vaudeville Committee recommends to the Code Authority that in certain classes of theatres an exemption from the provisions of Article IV, Section 4 (b) (working hours and layoff periods in resident presentation houses) be amended, giving the management the right of specifying one of two methods of rest periods from work with pay as follows:

Plan (1). A chorus person shall be given one day off per week with pay as at present provided in the Code in this Article, or

Plan (2). A chorus person shall be given one full week layoff with pay in every seven weeks of employment. Plan Number 2 also to contain the special provisions which were outlined in your committee's report with respect to pro rata days off if employment is less than seven weeks and also the specified number of hours of rehearsal the week of layoff, namely, 10 hours, which same hours of rehearsal shall not be required the week prior to the layoff.

IX. That Article IV, Part 2, Section 4, last sentence, first paragraph, shall be amended to read:

"No chorus person shall be required to report at a theatre before 9 o'clock in the morning except upon one day in each week, which shall be the day of the opening of a new weekly program, on which day such chorus person shall not be required to report at a theatre before 8 o'clock in the morning."

# Pathe Plan Is New Financing Of Production

(*Continued from page* 1)

March 4 meeting. Earlier stockholders' meetings at which the plan was presented failed to constitute a quorum, which led to the application to the court for permission to hold the extraordinary session.

No large-scale financing will be undertaken by Pathe in advance of ratification by the stockholders of the reorganization plan despite the fact that a Hollywood office was recently opened with John Jasper in charge. Moreover, indicative of Pathe's interest in new financing and laboratory work on the coast, it was learned that Stuart W. Webb, president, and Arthur B. Poole, treasurer, will alternate in making quarterly visits to the west coast. It is also indicated that if new Pathe activities in Hollywood warrant, the company will open a new laboratory there with ratification of the reorganization plan. An alternative to this would be a Pathe association with a Hollywood independent laboratory for the handling of local rush print work. Pathe's production financing would, of course, involve the producer's print work, to be handled either at Pathe's main laboratory at Bound Brook, N. J., or at the proposed new west coast plant.

Negotiations looking to a new Pathe-financed production deal with E. B. Derr and Charles Sullivan, to replace the old contract which was permitted to lapse, are reported under way.

## Report Academy's Membership Grows

HOLLYWOOD, Nov. 25.—Following closely upon election of Frank Lloyd to the presidency of the Academy, many of the old members are reinstating themselves and new members joining up, among them a number of directors and prominent writers.

Among those added to the active membership roster are:

*Directors*: Murray Roth, Tay Garnett, Monta Bell, Otto Brower, Lloyd Corrigan, Alan Crosland, George Cukor, Roy Del Ruth, Alfred E. Green, William Keighley, Erle Kenton, Leo McCarey, Ralph Murphy and Sam Taylor.

*Actors*: Ralph Forbes, Louise Dresser, Mitchell Lewis, Henry B. Waltball, Raymond Hatton, Henry Armetta.

*Writers*: J. P. McEvoy, Editb Fitzgerald, Joseph Moncure March.

*Producers*: E. W. Butcher, Ed Ebele and Walter Futter.

*Assistant Directors*: Bill Cannon, Louis J. Marlowe and Edward Sowders.

*Technicians*: Harold Curtis, Simon Gelberg, Thomas K. Little, Savko Vorkapitch and Lincoln Lyons.

*Special Member*: John E. Gardner.

## Reed, a Life Member

HOLLYWOOD, Nov. 25.—The Academy board of governors has conferred a life membership on J. T. Read, whose presidency was succeeded by Frank Lloyd. Others holding life memberships are Douglas Fairbanks, William de Mille, Frank Wood, M. C. Levee, Conrad Nagel and Benjamin Glazer.

## Barry Goldman a Father

BALTIMORE, Nov. 25.—Mrs. Barry Goldman, wife of the manager of the Diane Theatre, presented him a baby boy recently.

# Variety Club Chatter

## Buffalo

BUFFALO, Nov. 25.—Failing to make plane connections, JOHN H. HARRIS of Pittsburgh, National Variety Club president, took a train but arrived in Buffalo too late to attend the first Fall meeting of the Buffalo tent after the summer hiatus.

Approximately 65 members of the Buffalo tent attended the luncheon, served in Pfeiffer's restaurant, underneath the club's new quarters. Chief Barker DAVE MILLER announced signing of the lease for the quarters, which met with enthusiastic response.

HARRIS inspected the quarters and conferred with MILLER, SID SAMSON, TED O'SHEA and other officers of the Buffalo tent.

Weekly luncheons will be held on Mondays, with an occasional guest speaker, until the quarters are ready for occupancy late in December.

Once in the new quarters, regularly organized weekly luncheons will be held, with entertainment at each session.

## Cincinnati

CINCINNATI, Nov. 25.—Some of the cast of the "Follies" regaled the members at the last meeting, thanks to NELSON TROWBRIDGE, skipper of the Shubert, who was the sole King for a Day.

A kiddie's party was staged at the local club from three to six Sunday in honor of the birthday of Dough Guy ABE LIPP's little daughter.

JACK FLYNN, barker of the Detroit tent, gave the local quarters the once over last week. NAT WOLF, one of the Cleveland brothers, also was among those present.

HARRY GOLDSTEIN, past chief barker of Pittsburgh, and M. R. CLARK, chief barker of Columbus Tent No. 2, dropped in to say "Hello" at the last meeting. CLARK dispensed some good advice to the local boys.

JOSEPH OULIHAN, member of the Washington, D. C., tent, who succeeds GEORGE SMITH as Paramount exchange manager, is making the local club his rendezvous. Incidentally, the farewell party thrown for Barker SMITH was one of the high spots of the week. A traveling luggage outfit was presented as a parting token.

Annual election is scheduled for tomorrow. Chief Barker ALLAN S. MORITZ is without opposition.

Arrangements are going forward for the first annual frolic to be held at the Netherland Plaza early in the new year.

ERVIN BOCK, who holds down the manager's chair at the RKO Grand, is to appear before the altar Thanksgiving Day. ELEANOR HEBRIG, local girl, is the party of the first part to the matrimonial contract.

JOE GOETZ is showing up around the club rooms wearing cheaters. Says he doesn't want to miss seeing everything.

## Kansas City

KANSAS CITY, Nov. 25. — All barkers, from Chief Barker FRANK HENSLER down, are pulling for the success of the Variety Club Annual M. P. Relief Ball, to be given at the Pla-Mor ballroom Dec. 10.

ARTHUR COLE, general impresario, promises an affair the club will be proud of. This is the fourth annual relief ball and the first sponsored by the tent.

Another big event in the offing is the New Year's Eve party at the Muehlebach hotel. Festivities will begin at eight bells with a cocktail hour, followed by dinner and a floor show, and winding up with dancing until time for breakfast. Attendance will be limited to 100 couples.

"Ladies' Day" was one of those unusual get-togethers the barkers talk about long after it is held. HARRY TAILOR, chairman, with ED SHANBERG and CHARLES SHAFER as kings presented an enjoyable program. The turnout numbered about 100.

New members added to the roster: GEORGE W. FULLER, Fox manager; LAWRENCE LEHMAN, RKO Mainstreet manager; FRED J. WOLFSON, attorney and grievance board member; ROSCOE THOMPSON, Universal; E. C. LEEVES, Erpi, and HOMER BLACKWELL, Independent Poster Exchange.

Institutional nights have caught on in big fashion and are proving a swell way to popularize the club rooms. BILL WARNER worked out the schedule for each company. Office managers are in charge of individual parties.

JACK CAMERON was chairman of the Erpi kings for a day. MORRILL MOORE, manager of the Fox Rockhill, supplied the entertainment.

## Horlacher Organ Out

*Horlacher*, house organ of the Horlacher Delivery Service, Inc., of Philadelphia, has made its debut under November date. The publication is a monthly.

## Hollywood Personals

**Hollywood, Nov. 25.—Errol Flynn, Irish actor signed in New York by Warners, arrived today. Studio has no definite assignment lined up for him. . . . Mrs. Leslie Carter draws one of the featured spots in "Becky Sharp" for Pioneer. . . . George Batcheller on his way to New York. . . . "The Last Days of Pompeii," Merian C. Cooper's next for Radio, starts Dec. 1. . . . Lee Marcus back from New York. . . . Rochelle Hudson gets her first big break in pictures as feminine lead in the next Will Rogers', "Life Begins at Forty." . . . Sam Cohen abed with severe case of flu. . . . Spencer Charters, Bradley Page and Florence Roberts additions to Monogram's "The Nut Farm." . . . Mrs. Frank Borzage recovering from her recent illness. . . . M-G-M considering Aline McMahon for a role in "Good Earth." . . . Pert Kelton postpones her trip to New York. . . . Ralph Bellamy goes to Palm Springs to get rid of a cold. . . . Jo Swerling heads for New York on a three months' leave of absence from Columbia. Gets in Monday. . . .**

# ◂ Purely Personal ▸

LEO MORRISON arrived in New York from Mexico City on Saturday. He will remain a week and on his way back to the coast will meet MAX BAER in Kansas City.

DON CASANOVA has been signed by ANGELO DE VITO for the leading role in "The Greatest Love," first of a series of Italian talkers to be made by Venetian Prod.

RUDY VALLEE, his assignment at the Warner studio completed, left Hollywood yesterday and is due here Wednesday.

MAXINE DOYLE, a four weeks' personal appearance tour and vacation over, is back at the Warner Burbank studio.

TYREE DILLARD, JR., JOHN HICKS, HARRY A. KAUFMAN, SAM SAX, MILES GIBBONS and SID HALL are up for M. P. Club membership tomorrow.

ABE BLUMSTEIN has an infected right hand, which is swathed in bandages.

LEE W. INSLEY of Ortho-Krome Screen Co., Salisbury, Md., is in town.

S. R. KENT is expected back from England the early part of December.

# Insiders' Outlook

(*Continued from page* 2)

them down. One was not big enough, in his eyes, and the other is reported to have carried with it political implications which Rosenblatt decided he wanted to avoid. If he hadn't gotten the job he wanted, he was prepared to return to private practice with an office in New York. . . . Joe Schenck, disciple of Terpsichore, unearthed a good deal about the rhumba, Continental style, on his last European trip. The board of directors of El Morocco stand ready to remove his cover charge if only he'll come back and step again. . . .

KANN

## Kent Holds Foreign Meet

LONDON, Nov. 25.—S. R. Kent president of Fox, on Friday completed a two-day sales session with Walter Hutchinson and J. C. Bavetta in addition to other company foreign heads.

## Roberts Gravely Ill

CLEVELAND, Nov. 25.—George Roberts, Fox district manager, is dangerously ill with pneumonia at his home in the Westlake Hotel.

## Kohn in Hollywood

HOLLYWOOD, Nov. 25.—Ralph Kohn is in from New York and expects to remain indefinitely. His health has not been good of late.

## New House for Toronto

TORONTO, Nov. 25.—Further signs of the return of better times are seen in the announcement of plans for a theatre costing $70,000 in north Toronto by the Parkway Theatre Co.

The Leading
Daily
Newspaper
of the
Motion
Picture
Industry

# MOTION PICTURE DAILY

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## Kansas City's Clearance Is Again Delayed

### *Disturbed Price Scales Given as Reason*

Because of the unsettled price situation in that city, the Kansas City clearance and zoning schedule will not be discussed by Campi today at the adjourned session from last Thursday. Instead Campi members will busy themselves disposing of about 20 appeal decisions which were not brought up last week.

It is probable that the K. C. plan will come up Dec. 6. That depends on the business on the docket for the day.

A number of code members are not anxious to hurry on the Kaycee schedule. They figure that pictures are being sold the way they have been for the past number of years and no one is squawking.

## K. C. Unit Considering M-G-M, U.A. Boycott

Kansas City, Nov. 26.—The I.T.O. is seriously considering a boycott of M-G-M and United Artists if Loew's Midland, which plays both companies' product, continues its low price scale inaugurated Friday with "Kid Millions."

The association already has named a committee to confer with representa-

(*Continued on page 9*)

## Chicago Clearance Goes Into Eclipse

Chicago, Nov. 26.—The local clearance and zoning board tonight officially disposed of the Chicago schedule which it had previously approved and which was subsequently rejected by Campi. The plan was withdrawn.

A second resolution adopted by the board declared that the board does not intend to write any schedule for

(*Continued on page 9*)

### *After Robinson*

**Hollywood, Nov. 26.—Fox is dickering with Edward G. Robinson for a two-picture contract. The actor spent Friday on the lot making a series of tests, it was learned today.**

*National Film Carriers, Inc., guarantee dependable delivery.—Adv.*

# Theatres Hired 63,473, Paid $85,416,000 in '33

### *Home Television by Jan. 1 Is Sarnoff's Prediction*

**Home television sets will be ready for installation beginning Jan. 1, according to David Sarnoff, president of RCA, who advised radio dealers to this effect at a recent meeting at the Pennsylvania.**

**Sarnoff did not go into detail about price or size of images to be transmitted through the first sets but, according to dealers, television equipment cannot be placed into present radio sets, a complete new set being required for the new see and hear ether broadcasts.**

## Columbia Net On Quarter Is $235,712.19

Columbia Pictures' net for the quarter ending Sept. 29 was $235,712.19 after deducting Federal income tax and other charges. This is equivalent to $1.29 a share on 172,073 shares of common outstanding after deducting the preferred dividend.

In addition, the company has declared a semi-annual two and one-half per cent dividend payable in stock. This makes five per cent in stock dividends for the year and $1 in cash

(*Continued on page 9*)

## Add New Impetus To Jewish Drive

In an effort to raise $2,000,000 in the theatrical field, leaders in the Federation of Jewish Charities yesterday met with top-line executives and art-

(*Continued on page 10*)

## Phila. Duals Case Widened To an Inquiry

Philadelphia, Nov. 26.—At the resumption of the hearing in the Harry Perelman double feature suit against major distributors in Federal court here today, Judge George A. Welsh declared he would "open the door wide" for an inquiry into whether the operations of the defendants, referred to during the taking of testimony as a "combine," affected the general public.

The suit is for an injunction against

(*Continued on page 9*)

## Para. Plan May Go To Court Tomorrow

The Kuhn, Loeb & Co. plan of reorganization for Paramount Publix has an excellent chance of being completed today for filing in Federal court

(*Continued on page 10*)

## *Agents' Rules Proposed Under Code Are Rejected*

Washington, Nov. 26.—Rules and regulations proposed by the agency committee in September were rejected today by NRA as exceeding the authority of the committee.

The rejection, however, was "without prejudice," leaving the way open for submission by the committee of recommendations not subject to attack, as were its original ones, at the hearing before the then Division Administrator Sol A. Rosenblatt on Nov. 1, when Harold Bareford charged the

(*Continued on page 9*)

### *Talent Is Not Embraced In Latest Phase of Gov't Survey*

**Where the theatre payroll went in 1933 appears in tabulated form on page 8 today.**

By CLARENCE LINZ

Washington, Nov. 26.—Approximately 63,473 persons last year derived their livelihood from the theatre industry, it was disclosed today in figures on employment compiled from the U. S. Census Bureau's survey of service industries.

The 10,263 theatres figuring in the survey, with gross receipts in 1933 of $414,468,000, paid $85,416,000 in salaries and wages to the 63,473 full-time and a comparatively small number of part-time employes needed for operation of the houses.

The statistics reveal that the theatrical industry as a whole is one of the major industries of the country, to the more than 63,000 employes of the theatres being added the 19,037

(*Continued on page 8*)

## Conferences Under Way on RKO Plans

RKO debenture holders', stockholders' and creditors' committees are continuing periodic conferences on the development of a plan of reorganization for the company, it was learned yesterday, although a plan has not taken definite shape as yet.

RCA, with its 84 per cent ownership of RKO debentures and 64 per

(*Continued on page 9*)

## *ITOA Affiliation With Allied Talked*

Leon Rosenblatt, head of the national organization committee of the ITOA, yesterday conferred with Sidney Samuelson, president of Allied, on affiliation of the local unit with the

(*Continued on page 8*)

### *No Paper Thursday*

***Motion Picture Daily* will not publish on Thursday, Nov. 29, which is Thanksgiving Day and a legal holiday.**

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## Wood-Reliance Talk Deal

Sam Wood, now working on the adaptation of "The Melody Lingers On" in conjunction with Lorraine Nobel for Reliance, may make one or two more pictures for Edward Small in addition to the Lowell Brentano novel. A deal is on, but will most likely be completed on the coast. Wood and Small plan to leave in about a week or 10 days for Hollywood.

## Levy Back; Optimistic

Jules Levy, general sales manager of Radio Pictures, returned to his desk yesterday following a trip to the studio. Optimism was his keynote.

"I saw several of our forthcoming pictures, particularly 'The Little Minister.' It's merely a question of whether it's a $3,000,000 or a $2,500,000 picture," he said without blinking an eyelash.

## Laemmle Sailing Dec. 1

Carl Laemmle, Jr., anticipates sailing for Europe on the *Rex* Dec. 1. He has recovered from his attack of the flu and made an appearance at the Universal office yesterday for the first time in a week.

## Gorilla Film for Acme

Kinematrade, Inc., has booked the Ben Burbridge adventure film, "Kidnapping Gorillas," into the Acme for the week beginning Thursday.

## Milwaukee's First Run Scales Slashed

MILWAUKEE, Nov. 26.—First run admission prices have again hit the skids here. Dropping the stage shows at both its Wisconsin and Palace and playing a straight single feature policy at both houses, Fox has extended its 25-cent admission at the theatres from 1 P.M. to 6 P.M. except Sundays with the same price policy at its Alhambra and Garden, both of which are playing double features. The Warner has also adopted the new policy of 25 cents until 6 P.M.

Present indications are that the poll now underway to bar premiums in Milwaukee county will fail to receive the support of 75 per cent of the exhibitors. Approximately half a dozen theatres here are now featuring gift nights and it is believed the practice will be extended to other houses.

## Shakespeare Picture Is Cast by Warners

HOLLYWOOD, Nov. 26.—All but one of the principal roles in the screen version of "A Midsummer Night's Dream," which Max Reinhardt will direct for Warners, have been cast.

The players will include James Cagney, Dick Powell, Joe E. Brown, Jean Muir, Mickey Rooney, Hugh Herbert, Ian Hunter, Donald Woods, Frank McHugh, Otis Harlan, Grant Mitchell, Anita Louise, Hobart Cavanaugh, Ross Alexander, Eugene Pallette, Arthur Treacher, Olivia de Haviland and Nina Theilade.

## Renew with Woods

HOLLYWOOD, Nov. 26.—Warners have renewed their option on Donald Woods' contract for another year.

Mady Christian's second picture under her M-G-M contract will be the starring role in the Edmund Goulding picture, "The Flame Within."

Mary Ellis' first picture for Paramount will be the co-starring role opposite Carl Brisson in "Be Careful, Young Lady."

## Van Dyke, Turf Man

HOLLYWOOD, Nov. 26.—W. S. Van Dyke has been made a member of the board for the Santa Anita race track, which has been largely capitalized by motion picture capital.

## Delay on Ohio Sale Tax Stirs in Senate

COLUMBUS, Nov. 26.—Although immediate legislation by the Senate was expected following passage last week by the House of the retail sales, income and public utility excise taxes, present indications point to considerable delay in the upper branch, due to strenuous legislative and public opposition to the income tax, which runs as high as six per cent on earned income in the lower brackets to nine per cent in the higher, with still higher assessments on unearned income. Certain defeat of the income impost in the Senate is forecast by observers. This will delay the sales tax since Governor White has made it plain that the taxation program must be passed as a whole.

That the sales tax will be enacted, and the admission impost repealed, is a generally accepted fact. The only question is whether this will be done now or held over for the new administration which comes into power on Jan. 1.

## Oue Dual Theatre Remains in Lincoln

LINCOLN, Nov. 26.—Only one house in the 11 operating here still hangs to dual features. This is a drastic reversal of the situation prevailing two months ago when seven spots went for double bills. Price raises in the second run houses and cuts to one picture went by without a squawk from patrons and business is generally healthier. On the average prices are 15 per cent higher and grosses 25 per cent better.

## G. B. Opening 4 in Jan.

Four Gaumont British productions will have their premieres here the first month of the new year. "Evergreen" will open at the Music Hall Jan. 3. "The Iron Duke," with George Arliss starred, goes into the same house later in the month. The Roxy will get "The Unfinished Symphony" early in January, with "Jack Ahoy" opening there the latter part of the month.

## Hodkinson in G. B. Post

Gaumont British has appointed Kenneth Hodkinson sales manager in the San Francisco branch. He has been associated with Universal and U. A.

## Columbia Off ½ on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 39 | 38½ | 38½ | — ½ | 1,200 |
| Consolidated Film Industries | 3⅞ | 3¾ | 3¾ | ..... | 500 |
| Consolidated Film Industries, pfd | 18 | 17⅝ | 17⅝ | — ⅛ | 1,300 |
| Eastman Kodak | 116½ | 116 | 116½ | + ½ | 1,000 |
| Fox Film "A" | 13⅞ | 13½ | 13½ | — ½ | 400 |
| Loew's, Inc. | 35½ | 34⅞ | 35 | — ⅛ | 8,300 |
| Paramount Publix | 3⅝ | 3⅜ | 3½ | ..... | 1,800 |
| Pathe Exchange | 1⅛ | 1⅛ | 1⅛ | ..... | 2,900 |
| Pathe Exchange "A" | 14¼ | 14 | 14 | — ½ | 1,100 |
| RKO | 2 | 1⅞ | 2 | ..... | 2,400 |
| Warner Bros. | 4⅞ | 4⅝ | 4⅝ | — ⅛ | 3,400 |

## Technicolor Unchanged on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 12⅞ | 12⅞ | 12⅞ | ..... | 100 |

## Few Bond Issues Show Gains

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 10⅞ | 10½ | 10½ | ..... | 37 |
| General Theatre Equipment 6s '40, ctf | 10 | 10 | 10 | ..... | 2 |
| Keith B. F. 6s '46 | 64 | 64 | 64 | ..... | 1 |
| Loew's 6s '41, ww deb rights | 103⅞ | 103¾ | 103⅞ | + ⅛ | 3 |
| Paramount Broadway 5½s '51 | 41½ | 41½ | 41½ | — ¼ | 3 |
| Paramount F. L. 6s '47 | 58½ | 58½ | 58½ | —1¼ | 2 |
| Paramount Publix 5½s '50 | 60 | 59 | 59½ | — ½ | 36 |
| Pathe 7s '37, ww | 100 | 99 | 99¾ | + ¾ | 30 |
| Warner Bros. 6s '39, wd | 59¼ | 58⅝ | 59¼ | + ¼ | 14 |

## Purely Personal

**BUDDY MORRIS,** son of Sam E. and general manager and vice-president of Music Publishers Holding Co., holding unit for Whitmark, Harms and Remick, is enroute to Europe for a six weeks' tour of foreign branches. He is aboard the *Ile de France* with his father.

**HOWARD DIETZ'S** latest activities in the field of lyrics go on display at the New Amsterdam tomorrow night. The show is "Revenge With Music" which **HAROLD B. FRANKLIN** and **ARCH SELWYN** are sponsoring.

**SIR CEDRIC HARDWICKE,** British stage star, arrives from England today on the *Europa* on his way to Hollywood to appear in "Becky Sharp," Pioneer production for RKO release.

**WILLIAM E. HARKNESS,** special consultant, and **ANDRE MERLE,** director of engineering of the Control Corp. of America, are back at the home office after a week at the Chrysler Amplex factories in Detroit.

**PEGGY SHANNON** returns to the footlights after a long sojourn in darkest Hollywood with a role in "Page Miss Glory" which opens at the Mansfield tonight.

**ALEXANDER KIRKLAND,** well known in Hollywood acting ranks, has one of the leads in "Gold Eagle Guy." It makes its bow at the Morosco Wednesday evening.

**BORIS MORROS** goes to the coast as associate producer for Paramount after the first of the year.

**HARRY EDINGTON** and **BARBARA KENT** left Sunday night for Hollywood.

**AL SANTELL** is due to arrive from England today on the *Olympic.*

**WALTER EBERHARDT** has made his decision. It's to be Nassau.

## McGann to Columbia

Frank McGann, formerly connected with Shuberts for eight years, has joined Columbia as assistant to Ed Olmstead, exploitation head. McGann takes over the job originally slated for Ben Serkowich, who has been forced by illness to take a vacation in the South. Serkowich may go to Gaumont British on his return from Miami.

## Actors Ask More Relief

Led by Ralph Whitehead, executive secretary of the American Federation of Actors, a delegation of unemployed members of the organization will call on Mayor LaGuardia tomorrow noon to ask for more adequate relief for the city's idle vaudeville, cafe and outdoor performers.

## Sullavan, Wyler Wed

YUMA, Ariz., Nov. 26.—Margaret Sullavan and William Wyler, director, flew here from Hollywood over the week end and were married by Judge Earl A. Freeman.

## Roberts Passes Crisis

CLEVELAND, Nov. 26.—George Roberts, Fox district manager, today passed his crisis and is now expected to recover from his pneumonia siege.

WARNER BROS. BOOK "CHU CHIN CHOW".. HELD OVER 4TH WEEK BALTIMORE..MINNEAPOLIS

LOEWS OPEN "POWER" BROOKLYN NEXT WEEK ... HELD OVER 5TH WEEK ... BOSTON.

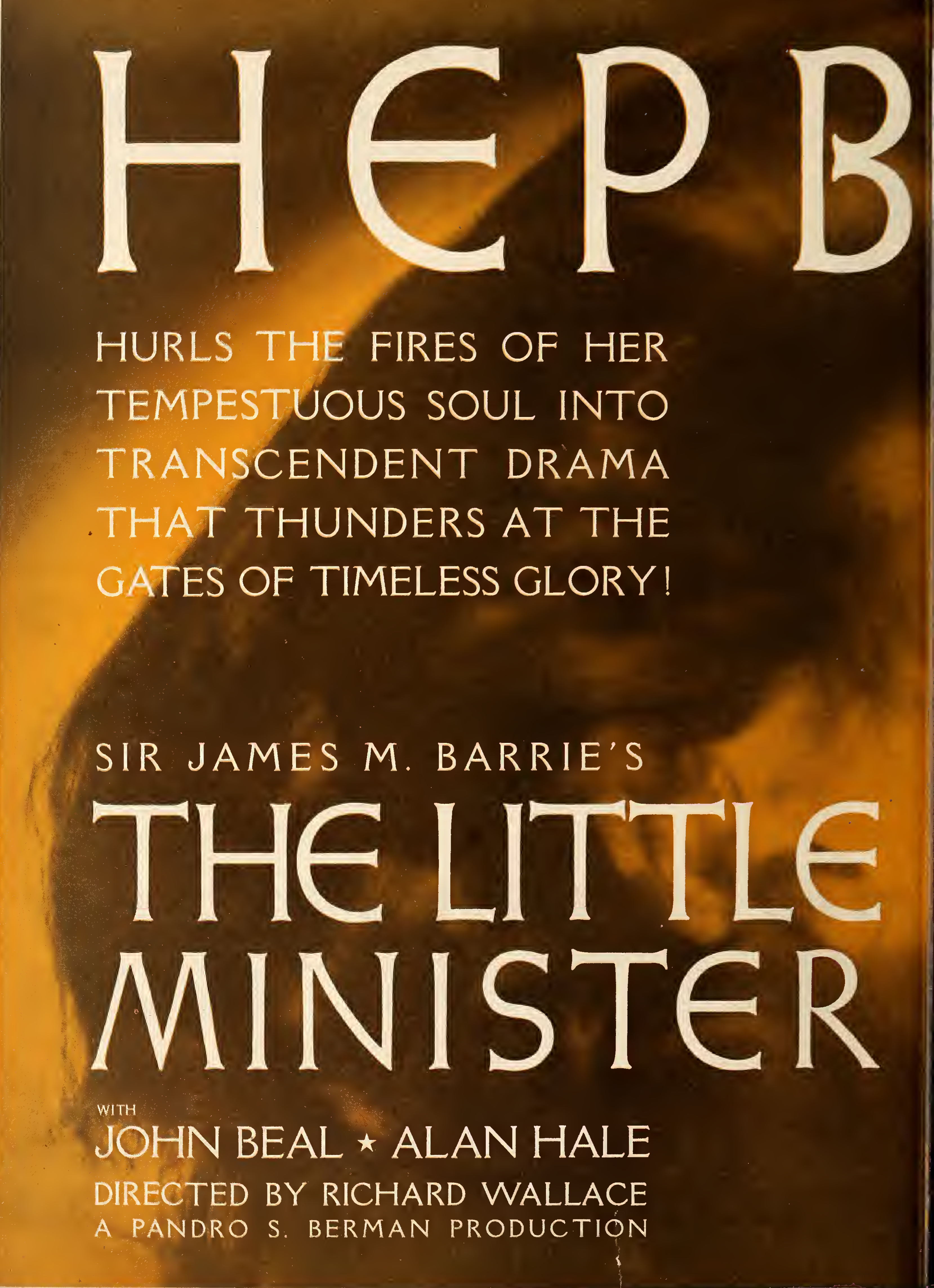
"JACK AHOY".. $10 PREVIEW.. RITZ CARLTON DEC. 3RD, PRIOR TO ROXY OPENING.

McVICKER'S THEATRE GETS FIRST RUN .. ALL PRODUCT .. CHICAGO

BOOKED EARLY JANUARY – RADIO CITY MUSIC HALL

**JESSIE MATTHEWS *in* "EVERGREEN"**
**GEORGE ARLISS *in* "THE IRON DUKE"**

AUMONT BRITISH PRODUCTIONS · PHYSICAL DISTRIBUTION · FOX EXCHANGES · CANADA, REGAL FILMS, LT



# HEPB

HURLS THE FIRES OF HER
TEMPESTUOUS SOUL INTO
TRANSCENDENT DRAMA
THAT THUNDERS AT THE
GATES OF TIMELESS GLORY!

SIR JAMES M. BARRIE'S

# THE LITTLE MINISTER

WITH
**JOHN BEAL ★ ALAN HALE**
DIRECTED BY RICHARD WALLACE
A PANDRO S. BERMAN PRODUCTION

RKO-RADIO'S CHRISTMAS
GIFT TO ALL THE WORLD!

# *Dec. 27, 1934

An Eventful Day On Which Exhibitors Will Celebrate The National Release Of Another COLUMBIA HIT . . A FRANK CAPRA CLASSIC . . Probably The Grandest Romantic and Most Thrillingly Exciting Comedy Of All Time

*World Premiere ★ (PRE-RELEASE) ★ RADI

**THE WORLD'S FINEST THEATRE GAVE IT THE MOST IMPORTANT PLAY DATE OF THE YEAR***

**WARNER BAXTER**

*in*

**MYRNA LOY**

**FRANK CAPRA'S** *greatest production*

# *"Broadway Bill"*

*by Robert Riskin*

*Based on the story by Mark Hellinger*

**with Walter Connolly — Helen Vinson**

COLUMBIA PICTURES

**ITY MUSIC HALL** ★ *Thanksgiving Day*

# 63,473 Hired, $85,416,000 Paid in 1933

(Continued from page 1)

employed in production and the unknown numbers of actors and musicians in the vaudeville and legitimate fields and those engaged in distribution.

Because of the fact that no separate figures are available for part-time employment, it is impossible to average the compensation paid theatre workers, either for the country as a whole or in any particular state. With no allowance for part-time, however, it is indicated that the average runs from something under $720 a year in Mississippi to something less than $1,800 in New York.

### Fewest Hired in North Dakota

A considerable range in the average number of those employed per theatre also is shown. The lowest average would appear to be in North Dakota, where 175 employes were reported by 102 theatres; the highest would appear to be in the District of Columbia, where 25 theatres employed 487.

There is, however, no way of determining whether the employment figures accurately portray the situation, since in the states with a low average of full-time workers there may be a much higher proportion of part-time employes than in the states with high full-time averages.

The bureau's figures show, as was to be expected, that New York led in employment with 11,463 full time workers and a total payroll of $20,780,000. California was second in number of employes with 5,220 but the total payroll of $6,771,000 was exceeded in Illinois, where 4,303 were employed and wages totaled $7,123,000.

Other States with heavy theatre employment were Pennsylvania, 4,889 and a $5,872,000 payroll; Massachusetts, 3,678 and $5,363,000; Ohio, 3,822 and $4,440,000; New Jersey, 2,116 and $3,797,000, and Michigan, 2,324 and $3,072,000.

# Where the Payroll Went

Washington, Nov. 26.—The following table, prepared by the Washington Bureau of Motion Picture Daily, shows the number of persons employed in the industry full time and total payrolls, including part-time employment, in the various states for 1933:

| | *Full Time Employes* | *Total Payroll** | *Total Theatres* |
|---|---|---|---|
| Alabama | 398 | $347,000 | 126 |
| Arizona | 202 | 197,000 | 33 |
| Arkansas | 272 | 236,000 | 110 |
| California | 5,220 | 6,771,000 | 629 |
| Colorado | 577 | 607,000 | 123 |
| Connecticut | 1,402 | 1,447,000 | 141 |
| Delaware | 135 | 175,000 | 23 |
| District of Columbia | 487 | 861,000 | 25 |
| Florida | 350 | 362,000 | 94 |
| Georgia | 858 | 790,000 | 158 |
| Idaho | 155 | 151,000 | 71 |
| Illinois | 4,303 | 7,123,000 | 551 |
| Indiana | 1,366 | 1,562,000 | 297 |
| Iowa | 928 | 1,043,000 | 318 |
| Kansas | 814 | 744,000 | 260 |
| Kentucky | 751 | 746,000 | 156 |
| Louisiana | 847 | 831,000 | 152 |
| Maine | 196 | 195,000 | 75 |
| Maryland | 1,052 | 1,350,000 | 148 |
| Massachusetts | 3,678 | 5,363,000 | 290 |
| Michigan | 2,324 | 3,072,000 | 406 |
| Minnesota | 1,145 | 1,607,000 | 317 |
| Mississippi | 293 | 211,000 | 95 |
| Missouri | 1,601 | 2,550,000 | 321 |
| Montana | 252 | 313,000 | 84 |
| Nebraska | 483 | 498,000 | 241 |
| Nevada | 72 | 82,000 | 19 |
| New Hampshire | 207 | 259,000 | 47 |
| New Jersey | 2,116 | 3,797,000 | 238 |
| New Mexico | 93 | 72,000 | 30 |
| New York | 11,463 | 20,780,000 | 879 |
| North Carolina | 857 | 702,000 | 184 |
| North Dakota | 175 | 174,000 | 102 |
| Ohio | 3,822 | 4,440,000 | 555 |
| Oklahoma | 928 | 843,000 | 254 |
| Oregon | 489 | 538,000 | 116 |
| Pennsylvania | 4,889 | 5,872,000 | 745 |
| Rhode Island | 496 | 735,000 | 37 |
| South Carolina | 382 | 300,000 | 77 |
| South Dakota | 207 | 225,000 | 115 |
| Tennessee | 607 | 613,000 | 124 |
| Texas | 2,548 | 2,303,000 | 515 |
| Utah | 218 | 242,000 | 74 |
| Vermont | 86 | 85,000 | 32 |
| Virginia | 752 | 784,000 | 159 |
| Washington | 1,390 | 1,343,000 | 221 |
| West Virginia | 450 | 508,000 | 156 |
| Wisconsin | 1,010 | 1,404,000 | 303 |
| Wyoming | 127 | 163,000 | 37 |
| Totals | 63,473 | $85,416,000 | 10,263 |

*Includes compensation paid part-time employes.

# Roxy Headed For $45,000 With "Life"

With a three-day week-end take of more than $25,000 already in the till, the Roxy is headed for a $45,000 week on the first seven days of "Imitation of Life." The gross might be larger if the running time of 110 minutes could be cut. Irving Lesser, managing director, wanted to put on five shows a day, but because of the length of the Universal film was compelled to let it go at four. On Sunday evening, the sale of tickets was ordered stopped by the fire department for 50 minutes. The house hasn't seen a $45,000 figure since Roxy Theatres Corp. went into receivership.

Because of the swell business over the week-end, Walter Reade has decided to hold "Marie Galante" at the Mayfair. The $15,000 week forced "Gambling" to wait until next Monday night for its debut.

At the Rivoli, "Kid Millions" hit $29,700 which was good for the second week. The first stanza tallied $51,000.

Estimated takings:

*Week Ending Nov. 22:*

**"GAY DIVORCEE" (Radio)**

RADIO CITY MUSIC HALL—(5,945), 35c-$1.65, 2nd week, 7 days. **Gross:** $94,000.

**"THE FIRST WORLD WAR" (Fox)**

RIALTO—(2,300), 25c-65c, 2nd week, 7 days. **Gross:** $9,000.

*Week Ending Nov. 23:*

**"EVELYN PRENTICE" (M-G-M)**

CAPITOL—(4,700), 35c-$1.65, 2nd week, 7 days. Stage show. **Gross:** $28,900.

**"LADY BY CHOICE" (Col.)**

PALACE—(2,500), 25c-75c, 7 days. Vaudeville. **Gross:** $11,000.

**"WHITE PARADE" (Para.)**

PARAMOUNT—(3,700), 35c-99c, 2nd week, 7 days. **Gross:** $16,000.

**"EVENSONG" (Gaumont British)**

ROXY—(6,200), 25c-55c, 7 days. Stage show. **Gross:** $25,000.

**"THE FIREBIRD" (Warners)**

STRAND — (3,000), 25c-55c, 7 days. **Gross** $10,150.

*Week Ending Nov. 24:*

**"KID MILLIONS" (U. A.)**

RIVOLI, (2,300), 40c-99c, 2nd week, 7 days. **Gross:** $29,700.

*Week Ending Nov. 26:*

**"MARIE GALANTE" (Fox)**

MAYFAIR—(2,300), 35c-65c, 7 days **Gross:** $15,000.

## Friedlander Goes to Detroit and Chicago

Al Friedlander, vice-president of First Division, left last night for Detroit. He originally intended to leave Sunday but waited for Harry H. Thomas, president, to return from a swing of exchange centers. Thomas got back Sunday night. After getting set on location and personnel for the new Detroit exchange, Friedlander will go to Chicago for a look at the territory and an office planned there within the next few weeks.

Charles Rosenzweig, general sales manager, and Jules K. Chapman are in Philadelphia and will return in a few days.

## Special Service Quits

Special Service Screen Corp. of 630 Ninth Ave. has gone out of business. Sid Blumenstock headed the company.

## Roach Visiting Mother

Hollywood, Nov. 26.—Hal Roach is flying to Culver, Ind., to spend the holiday with his mother.

## Jersey Premium Ban Before Campi Group

An appeal from the premium ban recently voted by 75 per cent of the theatres in southern New Jersey was heard yesterday by a Campi committee consisting of Leslie E. Thompson, Laurence Bolognino and Roy L. Haines.

Jacob Cohen of the Park, Merchantville, and Harold F. Eldridge of a premium company of the same name, appeared yesterday before the committee as the complainants. Dave Segal represented Eldridge.

Sam Farber, who operates nine houses in Camden, Gloucester, Burlington, Salem and Cumberland counties, conducted the original vote on the premium issue the latter part of July and August. He appeared as defendant. About a dozen exhibitors and premium men from the territory attended.

Other cases heard were C. A. Ferry, Granada, Alhambra, Cal., against O. W. Lewis, Mission, San Gabriel, Cal., on bank nights; C. P. Knudsen, State, Watertown, S. D., against Colonial and Lyric, same city, on tying up of product; Gonzalo Bensenilla and Arthur Gomez, Palace, Atlanta, against Juan Carbonell, Monroe, Key West, Fla., on overbuying.

## IEPA to Dine, Dance

Philadelphia, Nov. 26.—The Independent Exhibitors' Protective Ass'n. will hold its first dine-dance-show at the Bellevue-Stratford Hotel Sunday night.

Heading the various arranging committees are Columbus Stamper, Geo. Gravenstein, Norman Lewis, Morris Wax, David Barrist, C. G. Hexter, H. Fried, Charles Stiefel, C. Goldfine, J. Becker, D. Wilgram and S. Schwartz.

## M. P. Publications Sold

Hollywood, Nov. 26.—Official sale of Motion Picture Publications, publishers of *Motion Picture* and *Classic*, to the Fawcett outfit was consummated today.

## ITOA Affiliation With Allied Talke

(Continued from page 1)

latter organization. Incidentally Rosenblatt is also a member of Allie of New Jersey, which meets today a the Lincoln.

On Wednesday, he will report bac to the I.T.O.A. on the results of yesterday's session with Samuelson.

## Goodwin Fails to Appea

Scranton, Nov. 26.—Jack Goodwin Boston, former manager of the Rit in this city, failed to put in an appearance when his case against th Comerford Publix Theatres was calle before State Compensation Refere John C. Lesniak. Goodwin had file a claim for hospital and doctor expenses incurred during the time he wa ill with pneumonia.

## Installs Sunlite Arcs

Joe Hornstein, Inc., has installe Sunlite arc lamps in the Oxford Brooklyn, operated by Muller Schwartz.

# Phila. Duals Case Widened To an Inquiry

*(Continued from page 1)*

he inclusion in contracts for the new eason of a clause restricting the showng of duals.

"I am not going to limit this hearng to the technical issues in the leadings" Judge Welsh asserted. The public has most vital interests in his industry, and if it suffers, or the alents of artists are suppressed or rearded by this particular clause in the ontract, it might have a most importnt bearing on the bona fides of such lauses.

"Suppression or restriction might ome within the Sherman or Clayon anti-trust laws. The public s the real beneficiary of the proviions of the anti-trust laws, so that his controversy may be more than a egal battle between two private paries."

The court's declaration came after witnesses for the plaintiff, including Columbus Stamper, Harry Freed and Perelman himself, all exhibitors, testiied they were late in receiving major product and that in many cases indeendent product was as good if not etter than that of the majors.

Ed Boreth, exchange manager for Masterpiece here, said the independents are placing more product this year than last, but that the clause restrictions were hampering business.

Edward Raftery of the United Artsts legal staff today joined counsel or the defense.

It now appears that the case may ake more than two weeks.

## *Cleveland Buying Case Gets 4th Delay*

Cleveland, Nov. 26. — The Steinberg vs. Shea overbuying case was today postponed for the fourth time by the local grievance board. Postponement was requested on the ground Edward Raftery, attorney for the defendant, was in Philadelphia on the Harry Perelman double featuring suit against major distributors. The board decided to hear the case Friday definitely.

The complainant claims inability to buy major product of this year or any other year for any designated run. The defendant houses are the Casto and Palace.

The case, first set for hearing Oct. 15, was postponed to Nov. 5 by mutual agreement in an effort to reach an amicable settlement. It was postponed again to Nov. 19, and was to have been heard today.

## *Flinn Arrives on Coast*

Hollywood, Nov. 26.—John Flinn, Campi secretary, arrived today. He will spend a week here reviewing activities concerning Code Authority. He is also lining up a new budget, which he said would not exceed the present budget for this territory. He expressed much satisfaction at the way the extras' standing committee and studio labor board are functioning. The former, he revealed, has settled more than 800 cases out of 905 filed, while the latter body has cleared more than 200.

# *Agents' Rules Proposed Under Code Are Rejected*

## *Chaplin Working*

**Chicago, Nov. 26.—Charles Chaplin is shooting his new comedy, which probably will be ready for release in February, declared Hal Horne, director of advertising and publicity for U. A., as he stopped over here today en route from Hollywood to New York.**

**The picture will include some dialogue in the manner of "City Lights."**

## Chicago Clearance Goes Into Eclipse

*(Continued from page 1)*

the local area this season and is now ready to hear all individual protests on existing clearance.

The Chicago schedule was returned by Campi when it was found that no provision was made for 10-cent theatres. The clearance provisions stopped at the 15 cent mark. In returning the plan, Code Authority recommended that despite the fact all contracts provide for 15 cents minimum admissions, the schedule must not exclude dime houses.

## K. C. Unit Considering M-G-M, U. A. Boycott

*(Continued from page 1)*

tives of both distributors on the possibility of restoring former prices.

While the committee at a meeting today failed to present a definite boycott plan against M-G-M and United Artists, many independents were reported already not dating pictures released by those companies, while others claim they will not buy.

The boycott idea has been approved by the I. T. O. members, who feel the move is justified on the ground they bought product with the understanding the Midland would maintain prices established early this season. Alleging the implied promise violated, the I. T. O. men feel they are not obligated to play pictures first run at the Midland 15-cent matinee price, threatening similar action against other distributors furnishing product to first runs cutting too deeply.

Practically everyone here expects other first runs to slash before long unless Loew's returns to the former scale. Campi's delay on the local clearance schedule is regarded by board members here as a move to give New York circuit heads opportunity to straighten out the price situation.

## *Century Kicks on Ads*

Century circuit has brought two premature advertising cases against Brooklyn independents. The hearing will be held today by the New York grievance board. Defendants in the cases are the Quentin on the complaint brought by the Marine and the Glenwood on the protest filed by the Farragut.

*(Continued from page 1)*

committee with having failed to propose rules to govern the relations between producers and agents, as required by the code.

"I find that the said proposed rules and regulations are beyond the powers and without the scope of the duties delegated to the agency committee and, therefore, cannot approve the same," Rosenblatt declared in his report on which the National Industrial Recovery Board based its rejection.

"The proposed rules and regulations are not standards of fair competition for the industry," the report said.

The proposed rules, he pointed out, seek principally to govern the relationship between agents and actors, and many would not affect members of the industry at all. Further, he said, if the proposals were adopted they might react to the definite disadvantage of agents and producers, the latter being made subject to penal provisions of the Recovery Act if found guilty of violation, while an agent might lose his business, and while employes found guilty would be subject to no penalties.

"Some of the proposed rules and regulations submitted by the agency committee cover trade practice provisions governing producers already in the code and result in confusion," Rosenblatt found.

## *Smalley-Glove City Dispute Before NRA*

Washington, Nov. 26.—The dispute between William C. Smalley and the Glove City Amusement Co. over the Hamilton Theatre, Hamilton, N. Y., will be heard Dec. 12 by the Compliance Council of the NRA, to which the matter has been referred after inability of Campi to reach a decision.

The house has been occupied for some years by Smalley, whose lease expired last month. Prior to that time it had been sold by the owner to the amusement company, and Smalley brought a claim of interference with pending negotiations for renewal of the lease, which was heard by the Albany grievance board. The board certified it to Code Authority, which in turn sent it to Washington.

Smalley also went to court over the matter and secured a temporary injunction, which was up for argument today, and the court was advised in a wire by Deputy Administrator William P. Farnsworth that the matter had been set for hearing. This action was in response to a request from the court for information as to what the industry thought about the point raised.

## *O'Reilly in Capital*

Washington, Nov. 26.—Charles L. O'Reilly, member of Campi, is here on the candy code and conferences with Compliance Director Sol. A. Rosenblatt. He returned to New York tonight for the Code Authority meeting tomorrow. Deputy Administrator William P. Farnsworth will attend the New York session tomorrow.

# Columbia Net On Quarter Is $235,712.19

*(Continued from page 1)*

on a quarterly basis of 25 cents. The common sold yesterday at $38.50.

For the same quarter last year the net was $241,778.63, or $1.36 for the 167,885 shares of common outstanding at that time.

The net shows a slight falling off, but the company's financial structure has been strengthened by increasing the earned surplus to $3,329,852.25 and working capital to $5,078,753.82. The consolidated balance sheet shows current assets of $6,471,909.03 and current liabilities of $1,393,155.21.

The quarterly dividend of 25 cents a share on the common and voting trust certifications for common stock will be payable Jan. 2, 1935. The semi-annual stock dividend on the common of two and one-half percent will be payable in common stock on Feb. 2, 1935, to common stockholders and voting trust certificate holders of record Jan. 14, 1935.

## Conferences Under Way on RKO Plans

*(Continued from page 1)*

cent stock interest, looms as the most important figure in any reorganization plan developed for RKO. Others having a voice in the conferences, in addition to general and merchandise creditors, include Consolidated Film Industries, which holds $1,500,000 of RKO secured notes; the stockholders' protective committee, headed by Maurice Goodman, Paul M. Mazur and Herbert Bayard Swope, and the debenture holders' committee headed by George N. Armsby of Blair & Co., and Arthur Lehman of Lehman Bros., former RKO bankers.

## *Skouras Unit Here To Keep Its Name*

Skouras Theatres Corp. does not intend to change its name to National Theatres Corp., it was stated yesterday by Louis Weber, attorney for the former of which George Skouras is president.

National Theatres Corp. with 1,000 shares at $1 was formed in Albany last week. On Nov. 1, a company of the same name was incorporated in Dover. At the time of the New York incorporation, it was stated that the corporation will operate in New York. This is explained by Weber as meaning that, in order to sign valid contracts in New York for a "foreign" corporation, a local unit must be organized.

Charles Skouras, vice-president of National, is in New York on operating plans under reorganization for Fox West Coast Theatres Corp.

## *Rapf, Prize Winner*

Hollywood, Nov. 26.—Harry Rapf today learned his son, Maurice, had won two prizes for the best plays produced at Dartmouth. First prize was awarded the younger Rapf for writing and producing "Delinquents" and second prize for the same job on "Kid Brother."

## Add New Impetus To Jewish Drive

(Continued from page 1)

ists in the film, theatre and radio world, familiarizing them with the work being done by the 91 affiliated institutions supported by the Federation and adding to its impetus.

Among the speakers were David Sarnoff, who pinch hit for Adolph Zukor; Judge Joseph M. Proskauer, Eddie Cantor, Ed Wynn, Arthur Lehman and David Bernstein. Pledged at the meeting was $21,000.

Judge Proskauer revealed that the Federation budgets 80 per cent of all Jewish relief in the city and that the organization is in the midst of "a crisis." He added that, although the need is 40 per cent greater than last year, the $5,000,000 budget of 1929 has been cut to $3,600,000 this year.

Cantor, who is vitally interested in Surprise Lake Camp for boys, one of the institutions supported by the Federation, pictured the actors as falling down on the job last year. He said he would "personally" see that every actor and actress is advised of the work going on. He added: "If you are not on the receiving end you should be on the giving end."

Pledges from Al Jolson, Phil Baker, Jack Benny, Cantor, A.S.C.A.P., and a few others were made. Among those gathered at the M. P. Club were:

Jack Alicoate, David Bernstein, Louis Bernstein, Jess Block, Jack Bregman, Jules E. Brulatour, Burns & Kissen, Irving Caesar, Eddie Cantor, E. W. Castle, Jack Cohn, Robert Crawford, Emery Deutsch, Edward Duchin, Lou Diamond, Anatole Friedland, Leopold Friedman, Louis Frisch, Dr. Gilbert, George Givot, Lud Gluskin, Max Gordon, Harry Green, Johnny Greene, Arthur Guiterman, Nan Halperin, Jack Harrower, Ben Hecht, S. Hurok, Roger Wolfe Kahn, Irwin Kleeblatt, Francine Larrimore, Howard Lanin, Abe Lastfogel, Arthur Lerman, Gary Leon, Leon Leonidoff, Fred Lightner, Ethel Merman, Edwin Meyer, Wm. Morris, Jr., Mitchell & Durante, Boris Morros, Joe Moss, Izroy Norr, Leo Newman, Louis Nizer, William Ornstein, Jan Pierce, David Pinski, Jack Powell, Judge Joseph M. Proskauer, Henry Randel, M. Ranseller, Walter Reade, David Ross, Lillian Roth, David Sarnoff, Robert Schirmer, Ben Salvin, David Schooler, Nathaniel Shilkret, Louis K. Sidney, Samuel Shipman, Lee Shubert, Bernard Sobol, Sigmund Spaeth, Harry Von Tilzer, Harry Warner, A. L. Warner, Rita Weiman, Sam Winkler, Julia Wintz, Ed. Wynn and Eugene Zukor.

## *Sam Harris Passes In Frisco Hospital*

San Francisco, Nov. 26.—Sam Harris, prominent western showman, died at 8 o'clock this morning at Mt. Zion Hospital here. He had been in failing health for months.

The end came on the eve of launching revised plans for a testimonial benefit show which was to have been given for him at the Golden Gate Theatre on Dec. 8. Nearly 100 theatres in this city were represented in the benefit plans. A publicity committee of 25 was set to call on all newspapers today. Plans for the show have been temporarily canceled.

Harris had been a senior member of the Ackerman and Harris chain, which at its height owned and operated nearly 100 houses, including circuits extending from Portland to Los Angeles and from San Francisco to Chicago. Harris helped Al Jolson, Paul Ash and others to prominence.

Harris' passing recalled the death of Ferris Hartman a year ago. Hartman died on the eve of a benefit show planned for him.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

### *"Forsaking All Others"*

*(M-G-M)*

Hollywood, Nov. 26.—In an unusual combination of marquee names and production values dovetailing personalities and talent with material and vice versa, this seems ordained for big grosses and satisfied customers.

Clark Gable, Joan Crawford and Robert Montgomery add richness and flavor to the story idea of two boys in love with one girl and with the girl loving one but marrying the other. New vitality is given this plot by a bouncy flow of lines merging with the action while the heart-cracking drama unfolds from a casual gesture or a flip remark.

Played in the manner of "The Thin Man," stinging truth hides behind comic antics and belly laughs to follow with stabs of poignancy. Much of the zest and sparkle of the production seems to spring from "Woody" Van Dyke's superior direction, which deftly extracts the most from the personalities, situations and dialogue.

Gable, Miss Crawford and Montgomery are an intriguing romantic trio, having Claude Butterworth, Billie Burke, Rosalind Russell and Frances Drake for splendid support. Miss Drake again evidences star potentialities.

Joseph Mankiewicz wrote the screen play from the stage play of the same name. Gregg Toland and George Folsey photographed well.

The union of star names with sterling entertainment gives Leo an added right to roar for this one. No production code seal. Running time, 84 minutes. "G."

# *Looking 'Em Over*

### *"Sing Sing Nights"*

*(Monogram)*

An intriguing murder mystery which holds the interest throughout. Most of the action takes place via the flashback method, which in this case, comes in handy.

Three men confess killing a war correspondent. The three are found guilty, but when the day of execution arrives the governor finds himself in a tight spot. He cannot send the trio to the chair, for actually one man only is guilty.

Ferdinand Gottschalk, a scientist with a blood pressure machine he contends can tell who is the guilty party, interviews the three prisoners and from their stories singles out the murderer.

Conway Tearle is the newspaper correspondent who could have been murdered by any of the three prisoners whom he has double-crossed. Hardie Albright is a competing journalist with a good motive, as are Jameson Thomas, the coffee bean victim, and Henry Kolker, the real killer.

Boots Mallory, Mary Doran, Berton Churchill, Richard Tucker, George Baxter and Lotus Long are other names that add value to the lineup. All performances are generally good. The photography by Archie Stout is fair. Taken as a whole, it's a good hour's entertainment. Production Code Seal No. 422. "G."

## *Milton Singer Buried*

Funeral services were held yesterday for Milton Singer, 21, assistant casting director for Warners Vitaphone studio, Brooklyn, at the Park Memorial Chapel, Brooklyn. The services were attended by members of the studio staff. Interment was private.

Singer was killed Sunday, along with his father, Samuel Singer, when an automobile he was driving crashed into a traffic stanchion on Ocean Parkway, Brooklyn. Mrs. Ida Singer, his mother, was also in the car and was severelv injured.

Singer had been an employe of the Vitaphone plant for the past six years.

## *Roden Services Today*

Funeral services will be held at the Stafford Funeral Parlors today for Robert F. Roden, scenario writer variously identified with Universal, Fox, Reliance and Monogram. He died at the Metropolitan Hospital late last week at the age of 62, according to the Jay Packard Agency.

## *Oppenheimer Resigning*

Hollywood, Nov. 26.—George Oppenheimer, associated with Samuel Goldwyn in an executive position, is resigning, effective Jan. 1. He plans to resume his writing career. Oppenheimer had a hand in fashioning the script of Eddie Cantor's "Roman Scandals."

## Para. Plan May Go To Court Tomorrow

(Continued from page 1)

here tomorrow, it was stated in reliable quarters yesterday.

Final conferences on the selection of candidates for two remaining posts on the initial board of directors are expected to result in agreements today. A new draft of the plan, including the initial board which will submit it to the court and embodying minor additions to and changes in the plan as printed Nov. 21, will be readied late today. A very slight possibility that this draft might be completed in time for filing today was expressed together with the less optimistic admission that unforeseen complication might delay the filing until the week end. If the final conferences procee as they were confidently expected t last night, however, the plan shoul go to the Federal court tomorrow.

The directorate, still incomplete, i expected to include the following Adolph Zukor, Frank A. Vanderlip Dr. Julius Klein, Percy Johnston George W. Davison, Maurice Newton Gerald Brooks and Louis J. Horwitz The latter, president of the Thompson Starrett Co., served as a trustee i bankruptcy for Paramount for a brie period and was succeeded, upon hi resignation, by Charles E. Richardson

### Sixteen Directors Maximum

The reorganization plan provide for a maximum of 16 directors. It i believed, however, that only 10, o perhaps nine, will be nominated at th outset and that the normal workin board will be limited to 12 or 15, wit the vacancies being filled as time an requirements dictate.

Indications yesterday were that th so-called Kuhn, Loeb plan, now supported by virtually all of the importan creditor groups in addition to th bondholders' and stockholders' protective committees, will be the only pla to be submitted to the court. For time, Malcolm Sumner, counsel for small group of bondholders, propose submission of an independent plan, bu stated yesterday that as his principa contentions were essentially covered i the plan about to be filed, he woul not submit a plan of his own to th court.

Sumner, several months ago, re tained an accounting firm to go ove the books of Paramount and, on [illegible] basis of that study, drafted a reor ganization plan which he offered t present to Federal Judge Alfred C Coxe several weeks ago. No othe plan, so far as is known, has been i preparation.

## *Tracy Barham to Ru Para. Ohio Theatre*

Hamilton, O., Nov. 26.—Trac Barham, in charge of the Palace an Marion, at Marion, O., recently take over by Midhio Theatres, Inc., Paramount subsidiary, will also hav jurisdiction over the Paramount, Pa ace and Rialto here, and the Para mount and Strand, at Middletown, C acquired by Southio Theatres, Inc last week. District headquarters wi be established here.

Barham, who resigned as Warne eastern zone manager to return Paramount-Publix, succeeds Harry Royster, vice-president and gener manager of the Southio Corp. her Royster will return to New York operate under Frank Freeman.

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# HELP OTHERS

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# SPECIAL BENEFIT PERFORMANCE

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# MILK and EGG LEAGUE

**FOR NEW YORK TUBERCULAR POOR OF LOS ANGELES SANITORIUM**

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51st & Broadway

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These stars will give you the show of the century . . . and the thrill of a lifetime in helping hundreds of New York's unfortunates!

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JACK WHITING
MITZI MAYFAIR
PATSY FLICK
PEGGY TAYLOR
PHIL BAKER
EVERETT MARSHALL
GERTRUDE NIESEN
PATRICIA BOWMAN
ANNE JUDY ZEKE
MARTHA RAY

A percentage of the proceeds will be donated to the Actors' Fund of America

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**TICKETS ON SALE AT STRAND THEATRE—or 'Phone Circle 7-5900**

[*This space donated by Motion Picture Daily*]

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"Lively activity of a big track meet entertaining . . . Picture's appeal is to the younger patrons in particular."

—*Motion Picture Herald*

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—*Film Daily*

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—*Motion Picture Daily*

●

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●

*Mary Carlisle* IN

# GIRL O' MY DREAMS

with

STERLING HOLLOWAY — EDDIE NUGENT
ARTHUR LAKE — CREIGHTON CHANEY
GIGI PARRISH

●

Directed by RAYMOND McCAREY
Music by EDWARD WARD
Lyrics, Story and Screen Play by
GEORGE WAGGNER
A W. T. LACKEY PRODUCTION

The Leading
Daily
Newspaper
of the
Motion
Picture
Industry

# MOTION PICTURE DAILY

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VOL. 36. NO. 127 NEW YORK, WEDNESDAY, NOVEMBER 28, 1934 TEN CENTS

## Para. Board Quits Today For New Deal

### Preliminary to Putting New Plan Up to Court

The board of directors of Paramount Publix will meet today to turn n its resignation to the board of the iew company in a procedure preiminary to submission of the reorganization plan for the company to Federal court here on Friday.

Members of the old board who formally resign today are Jules E. Brulatour, Emanuel Cohen, John Cecil Graham, Felix E. Kahn, Gilbert W. Kahn, Austin Keough, Maurice Newton, Sir William Wiseman, Adolph Zukor, Eugene Zukor, Walter B. Cokell and George Schaefer.

The initial membership of the new board is: Frank A. Vanderlip, Dr. Julius Klein, Percy H. Johnston, George W. Davison, Gerald Brooks, Maurice Newton and Adolph Zukor.

Final shaping of the reorganization

(Continued on page 8)

## Tri-Ergon Suit Is Filed Against Para.

Acting on the authorization granted by Federal Judge Alfred C. Coxe recently, American Tri-Ergon filed an action in U. S. District court here yesterday against the Paramount Publix trustees, Charles D. Hilles, Eugene W. Leake and Charles E. Richardson.

The action is based on Tri-Ergon's double print patent and asks an injunction and an accounting. Judge Coxe had authorized filing of the action against the trustees, but stipulated that after their counsel had made an answer to Tri-Ergon's bill of complaint, the action should be suspended pending the U. S. Supreme Court review of the U. S. Circuit Court of Appeals ruling upholding the validity of the Tri-Ergon patents.

## Philadelphia IEPA Acts on Clearance

Philadelphia, Nov. 27.—The Independent Exhibitors' Protective Ass'n. today carried forward its plan to draft a clearance schedule for this territory

(Continued on page 8)

## Levy Gives Family Type 6 Months More

The current production cycle of the "Little Women" school, based on the family-approved novels of several generations ago, is universally popular

(Continued on page 8)

# No Wide Code Revision In Prospect—Farnsworth

### Three Amendments Pending for Hearing Between Dec. 15 and 20

By BILL ORNSTEIN

Expressing satisfaction with the code and its operations, Deputy Administrator William P. Farnsworth yesterday told Motion Picture Daily there will be no general reopening or revision of the code within the next few months. Reports current that a revision was slated for February were news to him.

The only changes that will take place will be three amendments on which a public hearing will be held in Washington between Dec. 15 to 20. All three amendments will be made at the same time. The date will be set following a report from John C. Flinn, now on the coast, Farnsworth stated.

Changes involve the vaudeville section of the code, the recommendation to eliminate the leasing clause and the petition to permit relatives in one

(Continued on page 8)

## Loew's Blames K.C. Theatres for Cuts

Loew's yesterday attributed the price war in Kansas City to neighborhood houses in that city. A Loew executive stated that Loew's Midland was forced to cut its prices after neighborhood theatres adopted dual bills and giveaway policies.

The Loew official declared that the recently adopted policies in the neighborhood hurt business at the down-

(Continued on page 8)

## Fox Met Plan Calls For Sale May 1, '36

One of the provisions of the proposed reorganization plans for Fox Metropolitan Playhouses being drawn by the bondholders' protective committee will provide for sale of the circuit after May 1, 1936, Motion Picture Daily learns. The entire revamped

(Continued on page 3)

### No Paper Tomorrow

***Motion Picture Daily* will not publish tomorrow, which is Thanksgiving Day and a legal holiday.**

## Present French Film Quotas Extended Another Six Months

By PIERRE AUTRE

**Paris, Nov. 27.—The present French quota which was to expire Dec. 31 was extended an additional six months today.**

**Under the present quota, 94 foreign films may be imported but all dubbing must be done in France. This does not affect American product, but is aimed at other quota countries.**

**American films, however, will still be restricted to 15 houses in the entire country as they have been in the past.**

## Stage Gains; Hits at 75%, Survey Shows

That more stage productions are in sight than at any time in the past five years and that 75 per cent of these are classified as hits or potential hits is stated in a survey of the legitimate theatre situation in the current issue of *Motion Picture Herald.*

Theatre employment is up by 30 per cent over last year, the article goes on.

It is also stated that four dramatic productions from the 1933-34 season are still running, and that a Gilbert and Sullivan repertoire has been running since Sept. 3—a record for several years.

"New York is making a real effort to capitalize on film players' popularity by engaging them for stage plays—and the film folk are responding," the *Herald* states.

It is also added that 22 plays are in rehearsal, with at least a dozen more scheduled to get under way in a few days.

Among definite hits cited are: "The Distaff Side," "Merrily We Roll

(Continued on page 3)

## Coast Production In Slight Decline

Hollywood, Nov. 27.—Activity at the studios dropped off slightly for last week as compared with the preceding week with the chart registering 32 features and seven short subjects be-

(Continued on page 3)

## Sales Tax for New York City Seen as Sure

A two per cent sales tax in New York City loomed as a certainty last night as a result of the acceptance by the Board of Aldermen of Mayor LaGuardia's suggestions that enactment of a program was necessary immediately to prevent stoppage of relief payments next week.

Opposition among merchants' organizations mounted rapidly during the day, but the attitude of the aldermen was that if the Mayor was willing to accept responsibility for the enactment they would go along.

Passage by the Board of Estimate is necessary before the measure can become a law.

Whether the tax will apply to theatre admissions or not was not clear last night. Foods are specifically exempted. The state sales tax in effect some months ago applied only to sales of goods and not services. Amusements were regarded as services, or intangibles.

Another phase of the tax program calls for a three per cent tax on

(Continued on page 3)

## Allied Says M-G-M Leads Percentages

M-G-M leads on percentage contracts in the local territory, according to a survey made yesterday of Allied of New Jersey members at the regular meeting at the Lincoln. Fox is

(Continued on page 3)

MOTION PICTURE
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## *Hays Office Men to Attend Crime Talks*

Washington, Nov. 27.—With acceptances of invitations to attend the Attorney General's conference on crime coming in in large numbers, indications are that the largest auditorium in Washington will be required for the sessions to be held Dec. 10 to 13.

Names of those who have thus far signified their intention of attending were made public today by the Department of Justice. The list includes Carl E. Milliken, Charles C. Pettijohn and Gabriel L. Hess of the Hays office.

Among the organizations which will be represented are the three broadcasting chains, the National Congress of Parents and Teachers, National Education Ass'n, a number of religious groups and newspapers and press associations.

## *D. E. Griffith Arrives*

D. E. Griffith, managing director of First National Film Distributors, Ltd., Warners British distributing subsidiary, arrived yesterday on the *Olympic* with Mrs. Griffith. While here he will confer with J. S. Hummel, general foreign sales manager. He will be here two or three weeks.

## *Ampa Meeting for Today*

There will be a meeting of the Ampa today at the M. P. Club at 12:45 o'clock.

# *Insiders' Outlook*

*Collusion, friendly pre-holiday style, lurked among the typewriters yesterday what with this column going into a one-time merger, at least, with "Asides and Interludes," weekly department conducted by James P. Cunningham in the neighborly Motion Picture Herald. The collaborative effort, emerging as "What They Are Thankful for on Thanksgiving," stacks up something like this:*

Sam Goldwyn—Eddie Cantor.
Rubinoff—Eddie Cantor.
Anna Sten—Sam Goldwyn.
Busby Berkeley—Ditto.
Al Lichtman—Ditto.
Al Kaufman—Mae West.
Mae West—Boris Petroff.
Will Hays—?
Ed Kuykendall—Dave Palfreyman.
Adolph Zukor—End of the Paramount bankruptcy.
Leslie Thompson—Nate Blumberg.
Nate Blumberg—Vera, Lewis and Dodo.
Merle Oberon—Joe Schenck.
Joe Schenck—Darryl Zanuck.
Darryl Zanuck—"The House of Rothschild."
Frank Orsatti—Louis B. Mayer.
Louis B. Mayer—Irving Thalberg.
Sam Marx—Ditto.
Irving Thalberg—"The Barretts."
Tallulah Bankhead—"Jock" Whitney.

▼

James R. Grainger—Mrs. G.'s recovery.
Ed Schiller—Abram F. Myers.
Arch Selwyn—Harold B. Franklin.
Harold B. Franklin—Erpi.
Ben Hecht, Charles MacArthur, Earle W. Hammons—Erpi.
Bill Fox—Tri-Again.
Joe Breen—Legion of Decency.
Charles W. Bunn—Service charges.
Charles L. O'Reilly—Candy machines.
Joe Penner—Ducks.
Sidney Samuelson—Allied.
George Schaefer—Manny Cohen.
Arthur Ungar—Billy Wilkerson.
Billy Wilkerson—Trocadero and Vendome.
Lynn Farnol—Donahue and Coe.
Eddie Churchill—The Music Hall account.
Jack Cohn—Harry.
Harry Cohn—"One Night of Love."
Jean Harlow—Legion of Decency.

▼

Merian Cooper—Katharine Hepburn.
Ray Johnston—Double features.
Eddie Golden—Ditto.
Bob Kane—Sidney Kent.
Sidney Kent—Chase National.
Jeff Bernerd—That 7½ year contract.
Arthur Lee—The Ostrers.
S. Charles Einfeld—Stanley Shuford.
Ed Hatrick—Edwin C. Hill.
Laurence Stallings—Truman Talley.
Truman Talley—"The First World War."
Doctors—Carl Laemmle, Jr.
Carl Laemmle, Jr.—Sr.
Carl Laemmle, Sr.—"Imitation of Life."
Howard Cullman—The Roxy.
Harry Arthur—Fanchon and Marco.
Dave Sarnoff—J. R. McDonough.
J. R. McDonough—"The Invisible Man."

▼

Roxy—The Mastbaum, Philadelphia.
Upton Sinclair—Charlie Pettijohn.
Charlie Pettijohn—The Democratic Administration.
John Otterson—The U. S. Supreme Court.
H. G. Knox—Ditto.
Herbert Marshall—Gloria Swanson.
Gloria Swanson—Herbert Marshall.
Bob Gillham—A. O. Dillenbeck.
Hal Horne—Joe Miller (and his book).
Johnny Weismuller—Edgar Rice Burroughs.
Milton C. Weisman—The I. T. O. A.
George McL. Baynes—Broadway plays.
Howard Dietz—Si Seadler.
Si Seadler—His boy's gags.
Hortense Schorr—"The Captain Hates the Sea."
Martin Starr—Those beauty pageants.
Dave Blum—Arthur M. Loew.
Herb Yates—"Frankie and Johnnie."

▼

Walter Reade—That Sid Kent tore up the Mayfair contract.
Harry Goetz—"The Count of Monte Cristo."
Felix Feist—For pictures that meet release dates.
Y. Frank Freeman—S. A. Lynch.
S. A. Lynch—Southern Enterprises.
Harry M. Warner—William Randolph Hearst.
Albert Warner—Grad Sears and Andy Smith.
Jack Warner—Marion Davies.
Louella Parsons—Ditto.
Charlie Moskowitz—Gardenias.
David Loew—Marcus Loew.
Leopold Friedman—Bachelorhood.
N. L. Manheim, John Hicks, Joe Seidelman, Clayt Sheehan, Arthur Kelly, Mort Spring, Phil Reisman and Sam Morris—Foreign exchange.
John D. Clark—Paramount stock.
Tony Muto—Sol Rosenblatt.
Sol Rosenblatt—Nathan Burkan.
Bill Jaffe—Ditto.

▼

J. J. McCarthy—High-necked gowns.
Carl E. Milliken—Women's clubs.
Ben Schulberg—"Behold My Wife."
Sylvia Sidney—Sidney Kingsley.
Jimmy Durante—Nosegay.
Billy Ferguson—The King of Beasts.
Paul Gulick—WOR.
Fred Warren—Walter Chrysler, Jr.
W. G. Van Schmus—John D., Jr.
Skip Weshner—Joe Bernhard.
Joe Bernhard—Higher grosses.
Spyros Skouras—That impending 10-year contract.
Charles Skouras—Referee McNabb.
George Skouras—Fox Metropolitan.
George Brent—Garbo.
Garbo—"Woody" Van Dyke.

▼

Milton Diamond—American Tri-Ergon.
Hirsch, Newman, Reass and Becker—Ditto.
Charles Neave—Ditto again.
Ward, Crosby and Neal—Ditto once more.
Kenyon and Kenyon—Still another ditto.
Hughes, Schurman and Dwight—A.T.-E.; also Fox West Coast.
Ruth Chatterton—"Lux Program of the Air."
Mike Simmons—"The Bowery."
Charles Richardson, Eugene Leake, Charles D. Hilles—The Paramount bankruptcy.

(*Continued on page 3*)

## *Eastman Shows Loss on Big Board*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 38½ | 38 | 38 | — ½ | 1,300 |
| Consolidated Film Industries | 3¾ | 3⅝ | 3¾ | ..... | 300 |
| Consolidated Film Industries, pfd | 17¾ | 17¾ | 17¾ | + ⅛ | 700 |
| Eastman Kodak | 116 | 115 | 115 | —1½ | 700 |
| Eastman Kodak, pfd | 142 | 142 | 142 | — ½ | 2,000 |
| Fox Film "A" | 13½ | 13 | 13⅛ | — ⅜ | 1,800 |
| Loew's, Inc. | 35 | 34¼ | 34⅞ | — ⅛ | 6,600 |
| Loew's, Inc., pfd | 103½ | 103 | 103½ | +1¼ | 400 |
| Paramount Publix | 3⅜ | 3 | 3⅛ | — ⅜ | 17,700 |
| Pathe Exchange | 1¼ | 1 | 1⅛ | ..... | 1,600 |
| Pathe Exchange "A" | 14⅛ | 13¼ | 13½ | — ½ | 2,100 |
| RKO | 1⅞ | 1⅞ | 1⅞ | — ⅛ | 1,200 |
| Warner Bros. | 4⅝ | 4½ | 4½ | — ⅛ | 2,500 |

## *Technicolor Lone Curb Issue*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 12⅞ | 12⅞ | 12⅞ | ..... | 100 |

## *RKO Bonds Show Point Rise*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 10½ | 9⅝ | 9⅝ | — ⅞ | 13 |
| General Theatre Equipment 6s '40, ctf | 8⅞ | 8⅞ | 8⅞ | —1⅛ | 3 |
| Loew's 6s '41, ww deb rights | 104 | 103¾ | 104 | + ⅛ | 10 |
| Paramount Broadway 5½s '51 | 41½ | 41½ | 41½ | + ¼ | 5 |
| Paramount F. L. 6s '47 | 59½ | 58 | 58 | —1½ | 19 |
| Paramount Publix 5½s '50 | 59 | 58 | 58 | —1½ | 38 |
| Pathe 7s '37, ww | 99⅝ | 99⅝ | 99⅝ | — ⅞ | 2 |
| RKO 6s '41, pp | 33 | 33 | 33 | +1 | 2 |
| Warner Bros. 6s '39, wd | 59½ | 59 | 59¼ | ..... | 16 |

# Insiders' Outlook

(Continued from page 2)

Cecil B. De Mille—Manny Cohen.
Manny Cohen—George Schaefer, etc., etc.
Sam Katz—Nick Schenck.
Nick Schenck—Only one company to run.
John Flinn—The code.
Norman Krasna—"Small Miracle."
Walt Disney—Mickey Mouse.
Krazy Kat—Ditto.

◆

Harry Thomas—Nick Ludington, William Fiske and John Curtis.
John Curtis—Nick Ludington.
Dick Watts—The Soviet.
The Soviet—Dick Watts and Andre Sennwald.
Herschel Stuart—Jack Cohn's trip to Europe.
Abe Waxman—The Gaumont invasion.
Nate Spingold—A chauffeur who is patient.
Mary Pickford, Douglas Fairbanks—An attentive press.
Al Wilkie—A sound stomach.
R. E. Anderson—Wide Range.
Vincent Hart—Production in the East.
Jules Levy—Comfortable Pullmans.
Maurice McKenzie—A pipe with a long life.
Bob Rubin—That Warners didn't buy Fox Met.
Western Electric—Erpi.

◆

S. Barrett McCormick—Bob Sisk.
John A. Dowd—Ditto.
Bob Sisk—J. R. McDonough.
Root, Clark, Buckner and Ballantine; Saul Rogers and Samuel Zirn—The Paramount bankruptcy.
Helen Morgan—Pianos.
Bing Crosby—Rudy Vallee.
Jesse Lasky—"The White Parade."
Victor McLaglen—Eddie Lowe.
Eddie Lowe—Victor McLaglen.
Walter Wanger—Gullible press.
John Considine—"Sequoia."
Pan Berman—"The Gay Divorcee."
Ben Berinstein—I. T. O. A. Southern California.
Phil Goldstone—Metro.
Actors' Guild—Equity.
Equity—Actors' Guild.
Sol Wurtzel—Will Rogers.

◆

Sol Lesser—Harold Bell Wright.
Jimmy Cagney—Pat O'Brien.
Sid Grauman—Fanchon and Marco.
Al Jolson—Ruby Keeler.
Maurice Chevalier—Kay Francis.
Barnum—Bailey.
Potash—Perlmutter.
Selznick—Joyce.
John Zanft—Winnie Sheehan.
Mike Levee—The Warners.
Constance Bennett—Constance Bennett.
Joe Stern—Josef Von Sternberg.
Arthur Hornblow—Bundling.
Agents—Other agents' clients.
Fan Magazines—Jack (Hays) Lewis.

KANN

## Hal Horne Returns

Hal Horne, advertising and publicity chief for United Artists, returned to New York from Hollywood yesterday. While there, he laid exploitation plans for "Mighty Barnum."

## Coast Production In Slight Decline

(Continued from page 1)

fore the cameras. Eighteen features and 10 shorts will go into work within two weeks and 29 features and 20 shorts are ensconced in the cutting room.

Paramount leads on features with seven shooting, three preparing and none in the cutting room. Warners have six, two and six; Universal five, zero and three: Columbia four, two and three; Fox three, four and five; 20th Century one, zero and one; Radio zero, three and four. The independent division has six, four and seven.

## Fawcett to Continue Latest Acquisitions

Colonel Roscoe Fawcett, head of Fawcett Publications, who recently purchased *Motion Picture* and *Classic* to add to his list of fan magazines said yesterday that he had no definite publication plans other than to carry on in line with his present policies. He now controls six fan magazines.

No merger of any of the books is planned, Fawcett also said.

## Fox Met Plan Calls For Sale May 1, '36

(Continued from page 1)

plan will be submitted to the court on Dec. 12 for approval.

Contracts between the bondholders' committee and Randforce and Skouras, which provide for operation until May 1, 1936, are now being drawn and will be presented to George Skouras and Louis Frisch and Sam Rinzler within the next few days for signatures. If the independent operators agree to the terms of the one and one-half year pacts, the court will be asked to approve them.

## Flash Reviews

*The Marines Are Coming*— . . . lack of story originality keeps this one in the average column.

*Men of the Night*— . . . fast-moving, suspenseful crook melodrama . . . which ought to do nicely at neighborhoods. . . .

*These films will be reviewed in full in a later issue of* Motion Picture Daily.

## Many Executives on Road or About to Go

Some of the industry executives either traveling or expected to hit the Pullmans and book passage on steamship lines are:

Jack Cohn, vice-president of Columbia, left for the coast yesterday on a short trip. Last week he returned from a month's tour of foreign exchanges.

George Weeks, general sales manager of Gaumont British, was in Chicago yesterday and returns to New York Monday.

Sam Glaser, United Artists branch manager at Toronto, is in town conferring with home office executives. He expects to leave for home on Saturday.

A. H. Schwartz returned yesterday from Lake Placid after a month's vacation.

E. M. Saunders of M-G-M is in Kansas City.

Harry Gold, eastern division manager for U. A., was in New Orleans yesterday and is in Charlotte today.

Joseph Seidelman, Columbia foreign head, sails for Europe some time in January.

Joseph M. Schenck left for the coast Monday afternoon.

Nicholas M. Schenck doesn't intend to return from his trip to the studios until after the first of the year.

Arthur W. Kelly, in charge of foreign activities, arrives in Los Angeles from Tokyo on Dec. 7.

Charles L. O'Reilly returned from a two-day visit to Washington last night.

J. Arthur Hirsch arrived from Toronto yesterday. He operates the Consolidated theatre chain in Canada.

## Stage Gains; Hits at 75%, Survey Reveals

(Continued from page 1)

Along," "Lost Horizons," "Personal Appearance," "Within the Gates," "The Farmer Takes a Wife," "Life Begins at 8:40," "The Great Waltz," "Continental Varieties" and "Conversation Piece."

## Sales Tax for N. Y. Is Seen as Certain

(Continued from page 1)

receipts of utilities. There have been predictions that this would cause rate rises in gas and electricity, but this is something for the future to develop.

## Allied Says M-G-M Leads Percentages

(Continued from page 1)

second, Warners third and Paramount, Columbia, RKO, Universal and United Artists next in the order listed.

Voting on the basis of 24 members present, 20 declared that they had bought M-G-M on percentage. None listed the company on a flat rental contract. Exactly 13 companies, major and independent, were listed.

On flat rental deals, Universal led with Hollywood and Capital exchange tied for second.

Irving Dollinger, who acted as chairman of the meeting, also is chairman of the survey committee. Jack Unger of Hillside also is on the committee. A report of selling will be made every week so that the members can learn of any changes in distributors' plans. No names or theatres are attached to the individual reports at the meetings. Lou Levin will be chairman next Tuesday.

Louis Gold, chairman of the substitutions committee; H. Block, substituting for Jack Keil, chairman of the release date committee, handed in reports. The former committee is to guide exhibitors in bookings and the latter committee is to give members an opportunity to cancel within 14 days after release date in conformance with the code.

Performance of pictures at first runs was also discussed so that exhibitors can be guided in future bookings.

## ITOA Fails to Act On Joining Allied

The ITOA will not take any action today on plans to affiliate with Allied. At the regular meeting of the New York independent unit, Leon Rosenblatt, chairman of the national organization committee, will report that he held preliminary conferences with Sidney E. Samuelson, president of Allied, yesterday, but the matter was not gone into in detail. Further meetings between Rosenblatt and Samuelson will take place before a definite decision is reached by the ITOA.

## Tarbell Confers Here

Edward Tarbell, executive secretary of Allied of New York, yesterday attended a special meeting of several upstate members with Sidney Samuelson, president of the national organization. He leaves for Albany today.

## Harris Burial Today

San Francisco, Nov. 27.—Funeral services for Sam Harris, prominent western showman who died here yesterday, will draw theatre men from all over California and the west to this city tomorrow. Hundreds of floral pieces and messages of sympathy are being received by the family.

## Rites for J. L. Shannon

St. Louis, Nov. 27.—Funeral services will be held tomorrow for James L. Shannon, 66, one of the founders of the Empress Theatre. He died last Sunday after having been ill for about 10 years.

## Special Retains H. O.

C. J. Hirliman states that Special Screen Service has given up its branch at 630 Ninth Ave., but still retains its home office at 120 W. 41st St.

# Looking 'Em Over

## "Dealers in Death"

(*Topical Films*)

Clean-cut propaganda against war with many telling pictures to bear out remarks made by narrator Basil Ruysdael. Actual pictures of battlefield killings, production of ammunitions in foreign factories, treaties and armistices being signed and additional drama that has played a vital part in past wars are vividly revealed.

The main point this compilation of historic films tends to bring out is that war is for the benefit of munitions dealers. It is stated that every death on the battlefield cost $25,000 and there were 20,000,000 such killings in the last war. There is no mincing of words in trying to bring out the purpose and effects of war. It is one of the best propaganda films of its kind.

Produced by Monroe Shaff, Professor Walter B. Pitkin acted as editorial advisor and Burnet Hershey wrote the story. No code seal when caught last night. Running time, 68 minutes. "A."

The Happiest Thanksgiving Proclamation in History—Issued by 114 Famous Theatres!

TOMORROW!

AMERICA

THE SCREEN'S FIRST

WARNER BROS.' GIGAN
SPECTACLE—COMBINING
DIGGERS" AND THE THRILLS

FLIRTA

HEAR DICK SING
"Flirtation Walk"
"Mister and Missus Is The Name"
"No Horse—No Wife —No Mustache"
by Mort Dixon and Allie Wrubel

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ARY MUSICAL!
ARS-AND-STRIPES
EAUTY OF "GOLD
E COMES THE NAVY"

# TION WALK

ny in thrilling battle maneuvers on land, sea and air – filmed
cial cooperation of the War Department!

l the scenes of cadet life at West Point – shot on the spot
ole Cadet Corps as supporting cast!

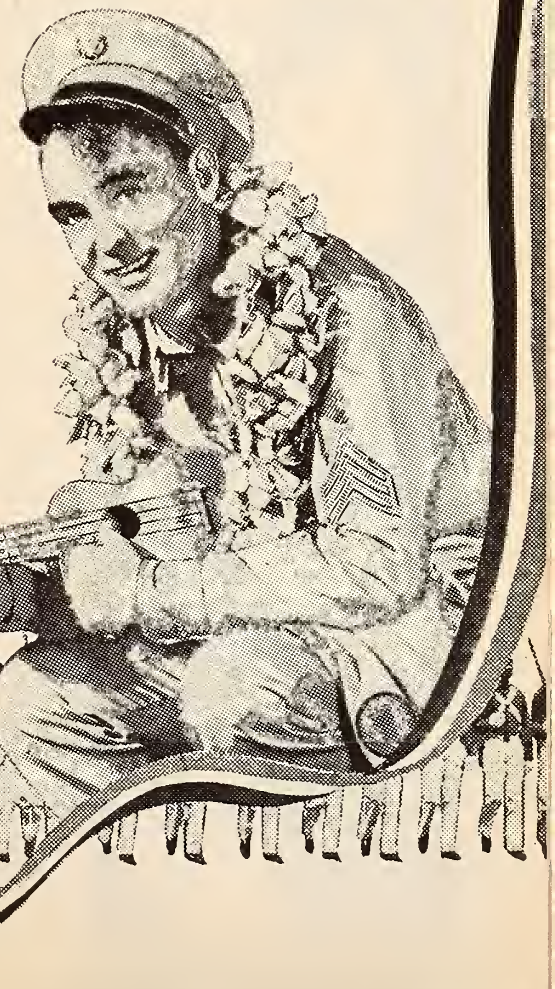
and Ruby's 3 new song hits. – Roar at Pat's wisecracks.

**R YOUR SENSES** to the spell of hundreds of exotic dancing
ic Hawaiian love rites!

**R YOUR HEART** to the most exciting love story ever told by
Singing Sweethearts! . . . *The Vast Cast Headed by*

**OWELL ★ RUBY KEELER ★ PAT O'BRIEN**

*nbers staged by the "Ziegfeld Follies" director,* BOBBY CONNOLLY
A FRANK BORZAGE PRODUCTION
*A First National Picture*



# WHO WILL BE WHO AT THE BOX OFFICE IN 1935?

Out today

# *The Ten Biggest Money-Making Stars of 1933-34*

*The independent exhibitors have voted in the annual poll of the biggest box office stars of the show year of 1933-34. The returns and analysis of the poll will be the exhibitors' best indication of who will be who at the box office of 1935.*

*in*

# MOTION PICTURE HERALD

# Para. Board Quits Today For New Deal

(Continued from page 1)

plan will be undertaken following today's board meeting and actual filing of the plan with the court will be through the new board on Friday with that body's recommendation for its acceptance by the court.

A speedy reorganization of Paramount thereafter is indicated, as every important bondholder, stockholder and creditor group is now in support of the plan, thus eliminating all sources of objection and delay of any moment. Several of the independent bondholder groups, notably those represented by Samuel Zirn and Robert Szold, have not yet subscribed to the plan but those who have represent, both in number and amount of qualified claims, the great majority of Paramount's obligations and their approval is expected to carry the deciding weight with the court.

### May Be Approved Before Jan. 1

If the plan lacked the support of any of the essential creditor groups, delays in putting it into effect might run into months. According to the present creditor lineup, however, a possibility is given to its final approval by the court before Jan. 1.

Of the initial members of the new board, Vanderlip and Klein represent the bondholders' protective committee. Vanderlip is a banker and director of numerous corporations. Klein, a business consultant, was assistant secretary of commerce in the Hoover administration and held many posts with the Department of Commerce. Johnston and Davison represent the Paramount creditor bank group. Johnston is president of the Chemical Bank & Trust Co. and Davison is chairman of the board of the Central Hanover Bank & Trust Co. Newton and Brooks represent the stockholders' protective committee. Newton is an executive of Hallgarten & Co. and Brooks is an executive of E. F. Hutton & Co.

Additions to the board to be made in the near future may include Charles A. McCulloch of Chicago, a director of Balaban & Katz, First National Bank of Chicago and numerous other large corporations, McCulloch, a business associate of John D. Hertz, would represent the First National and the Continental Illinois Bank & Trust Co., two of the Paramount creditor banks with an equity of approximately $2,000,000 in the new company.

Duncan Harris, realtor, of Brown, Wheelock, Harris & Co., may be another addition as a representative of the bondholders' committee. His real estate experience is regarded in reorganization circles as of special value to the new company. William Greve, vice chairman of Realty Associates, is insisting on representation on the board for Allied Owners, a subsidiary of Realty, and indications are that Louis J. Horowitz, who served as trustee in bankruptcy for Paramount for a brief period, may be approved for this representation.

The Paramount plan authorizes a full board of 16, but present plans call for a working membership of about 12. Deficiency on the board of men with actual film experience may be overcome, it is said, by the appointment of an executive advisory council, probably headed by Schaefer and Cohen, which would work in close harmony with the board.

# Levy Gives Family Type 6 Months More

(Continued from page 1)

with audiences in the hinterlands, but of doubtful appeal in the east, according to Jules Levy, Radio general sales manager, just back from a studio visit and a tour of the company's exchanges.

Radio has two new contributions to the cycle in "Anne of Green Gables" and "Little Minister." From observations of early performances of the first, and the same type of production from other companies, Levy predicts a minimum of another six months of box-office popularity for the cycle. Musicals rank with the new type of family entertainment in audience interest today, Levy found.

# Philadelphia IEPA Acts on Clearance

(Continued from page 1)

by appointing a committee to study the situation.

An advance story indicating that the independents would take this action was published in MOTION PICTURE DAILY Monday.

# Feel Effect of Strike

LOS ANGELES, Nov. 27.—Loew's State business suffered last night when street car strikers staged a riot near it. Other downtown houses reported slight losses due to the walkout, with neighborhoods profiting.

# Roach Stops in K. C.

KANSAS CITY, Nov. 27.—Hal Roach is an overnight visitor here. He is en route to New York.

NOW IN ITS THIRD BIG WEEK
GAIETY THEATRE, NEW YORK
A ROAD
SHOW
PICTURE
ENGLISH DIALOGUE
(ITALIAN VERSION ALSO
AVAILABLE)
NOW BOOKING
EUREKA PRODUCTIONS, INC.
723 Seventh Avenue, New York City
BRy. 9-0545

MUSSOLINI'S $2,000,000
ROMANTIC SPECTACLE
MAN
OF
COURAGE

# Loew's Blames K.C. Theatres for Cuts

(Continued from page 1)

town house to such an extent that the reduction in admission at the Midland was virtually forced upon the circuit.

Advices from Kansas City to the effect that a boycott was threatened against United Artists and M-G-M are news to home offices of the two companies. Edward M. Saunders, western division manager for M-G-M, is in Kansas City and it is believed he is in constant touch with the situation. Felix Feist is on the coast.

At United Artists both Al Lichtman, vice-president and general sales manager, and Paul Lazarus, western division manager, denied having received any protests from Kansas City exhibitors. One official of the company said that Loew's in playing "Kid Millions" was doing so on an old franchise which did not provide for a stipulated admission and hence there could be no breach of contract by the Midland when it reduced its price.

### Boycott Up to Fox Midwest

KANSAS CITY, Nov. 27.—Launching of Independent Theatre Owners Ass'n. boycott against M-G-M and United Artists hinges largely on support from Fox Midwest and exhibitors in the territory, said Jay Means, president, today.

Means revealed that the I.T.O. committee is seeking acceptance of the plan by theatres in the territory, as the local price war affects a 100-mile radius around Kansas City.

Fox Midwest strenuously protested Loew's price cuts to M-G-M and United Artists.

# Johnston Takes on Two Campi Hearings

W. Ray Johnston doubled in brass at the Code Authority yesterday. As soon as he completed his task on one of the Campi boards, he immediately took up the post as chairman of a special appeal committee which was due to hear four Pittsburgh cases. With Harry Hecht and A. J. Mertz he heard the appeals. They are:

Harry and Ike Browarsky, Bellevue, Bellevue, Pa., against Warners' Kenyon, Pittsburgh and Garden, Pittsburgh, on clearance. Harry Browarsky and his attorney, M. Leon Tolochko, acted for the plaintiffs, while I. Levinson, who hurried in from Philadelphia to attend, defended Warners.

Ike, Browarsky, Hippdrome, Pittsburgh, against Harry Kalmine, representing Warners' Kenyon, same city, on clearance.

E. J. Golden, Golden, Pittsburgh, against Center Vue Amusement Corp., Paramount, Warners, U. A., Columbia, Universal, RKO and Granada, same city on reduced admissions.

H. B. Seigel, Princess, Erie, Pa., against Palace, same city, on premature advertising.

# Band at Strand Opening

A parade followed by a concert of an American Legion band from Columbus Circle to the Strand, starting at 7:30 and continuing to 9:30 will be one of the features of the opening of "Flirtation Walk" tonight.

# Kent Sails Today

LONDON, Nov. 27.—Sidney R. Kent, Fox president, sails for New York aboard the *Berengaria* today.

# Farnsworth Sees No Wide Code Revision

(Continued from page 1)

studio to work for another company. With the exception of these amendments, no revisions are in sight.

Farnsworth is the only deputy administrator working under Compliance Director Sol A. Rosenblatt, who now has 1,500 people under him in his new post. Rosenblatt has charge of field administration and enforcement of all codes. He also is liaison between the NRA and the Department of Justice, Farnsworth said. He left last night for Washington after attending a Campi meeting.

Meanwhile Code Authority experts are working on an annual survey of activities of the 62 code boards throughout the country.

Campi forces have been working on the recapitulation for the past three weeks and plan to have it completed by Dec. 15. However, before sending it to Washington, the report will wait until the entire year is covered.

The survey will show the number of cases heard by each board and also individual determinations. Also included will be the dates when heard and disposed of.

At a meeting of secretaries of all code authorities in New York last week, it was stated that of all the codes the film draft was working the best.

Rosenblatt was supposed to take a plane from Washington to the coast yesterday, but because of bad weather was forced to take a train. He may change to a plane in Chicago or Kansas City, depending on flying conditions.

With 38 appeals to pass on, Campi left the Kansas City clearance and zoning schedule for the next meeting, Dec. 6. It's not definitely decided whether the plan will come up then for disposition. The appeal calendar is up to date now that the 38 cases have been chalked off.

Attending yesterday's session were Harold S. Bareford, Sidney Justin, Farnsworth, Willard McKay, Walter Vincent, Thomas Murray, Tyree Dillard, Jr. and W. Ray Johnston.

# Chadwick and Golden Appear for Perelman

PHILADELPHIA, Nov. 27. — I. E. Chadwick was the chief witness today in the Harry Perelman doubl featuring suit against major distributors, being heard in Federal cour here. The action is for an injunctio against dual bans in contracts.

The producer said independent make pictures of family calibre, adding they helped advance screen art. He admitted the majority of exhibitors might not favor doubles bu said the minority should have th right to dual. Edward Golden o Monogram testified sales were bein checked here by the ban.

Dismissal of the case was asked b Morris Wolf, defense attorney, on th ground testimony failed to show conspiracy to withhold product from theatres double featuring. He was overruled.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 128 NEW YORK, FRIDAY, NOVEMBER 30, 1934 TEN CENTS

## Denies Loew Started K. C. Price Slash

### Joe Vogel Asserts RKO Launched the Cuts

Charging that RKO walked out on a price agreement when it cut admissions at the Mainstreet from 55 and 35 cents to 40 and 25 cents with a vaudeville and picture policy, Joe Vogel states Loew's is not responsible for the price war for which it is blamed by Kansas City exhibitors.

Vogel explains that some time ago Sam Dembow, representing the Newman; Nate Blumberg, acting for the Mainstreet; Spyros Skouras, acting for the Uptown, and himself for the Midland agreed that prices should be increased so that straight picture houses would charge 40 cents evenings and 25 cents matinees while

(*Continued on page* 6)

## Allied Warned Not To Get "Panicky"

WASHINGTON, Nov. 29.—Allied members are urged "against getting panicky" over the Tri-Ergon situation, to await development of the forthcoming directors' meeting slated for New Orleans Dec. 11-12 and not to take title to their sound equipment pending further developments, in an organization bulletin released here Wednesday.

Included in the program of the di-

(*Continued on page* 6)

## *New Buying Combine Reported in South*

NEW ORLEANS, Nov. 29.—Reports persist that a new buying and booking combine consisting of independent theatres in three southern states will be formed shortly in spite of the assertions of theatre executives that they have no knowledge of such a move. It is understood the combine, should it materialize, will probably be headed by a prominent independent theatre man and will go into aggressive competition with existing circuits and cooperatives.

## *Report Favors Offer For Phila. Theatres*

PHILADELPHIA, Nov. 29.—A favorable report on Warners' offer of $1,645,000 for the four William Friehofer and Fred Nixon-Nirdlinger houses was given by William B. Sloan, executor of the Friehofer estate and

(*Continued on page* 6)

## Earnings Jump Predicted for Big Companies

### *Intake Up 10%, Savings Help, Writer States*

Larger earnings than at any time in several years are predicted for major film companies during 1934 by the *Wall Street Journal.* Box-office intake, in some instances, is running 10 per cent ahead of last year, the paper states, and operating economies with rent reductions add to this increase.

Most of the gains are accounted for in the Middle West and South, where Government expenditures have been heavy, the paper asserts, New York, New Jersey and Pennsylvania lagging behind other sections.

Loew's recent report of a net profit

(*Continued on page* 11)

## "U" Net for Nine Months Is $77,077

Universal Pictures and subsidiary companies report a net profit for nine months ending July 28 of $77,077.61. This is after providing for a non-recurring loss of $158,608.43, settlement of notes receivable from a theatre company in receivership, and $10,000 for estimated loss on funds in closed banks.

The net compares with a loss of $728,747.66 for the same period last year.

## *Suit Filed to Stop Cleveland Dual Bill*

CLEVELAND, Nov. 29.—An injunction suit seeking to restrain the Alhambra from showing duals has been filed in

(*Continued on page* 14)

### *Just Ducky*

**Louisville, Nov. 29.—Shirley Temple has been named a Kentucky colonel on the staff of Gov. Ruby Laffoon. She's the youngest on record.**

**Joe Penner has been likewise honored.**

## Options Delay Skouras Deal For FWC Pact

"Nigger-in-the-woodpile" holding up signatures to the 10-year joint operating contracts offered to Spyros and Charles Skouras on National Theatres Corp. is the annual option arrangement provided in the impending agreement.

The Skourases are objecting to the proposed year-to-year arrangement, which is slated to start Jan. 1, 1935, on the ground that they will not know in advance where they stand in operating the 400-odd theatres for the holding company. The 10-year pact is cancellable every Jan. 1.

Prior to Charles' return to the coast about a month ago, the deal was practically set, except for the option clause. Negotiations between the brothers and

(*Continued on page* 6)

## *Schwartz Opposing RKO-Skouras Setup*

Because of an agreement entered into between RKO and Skouras whereby the former waives protection on all product for Skouras theatres in Hempstead and Rockville Center, L. I., A. H. Schwartz has filed a protest with exchanges asking that the deal be

(*Continued on page* 6)

## *Vote Rogers Heaviest Draw In Herald's "Ten Biggest"*

Will Rogers was the biggest drawing card in America in the 1933-34 season, according to 9,000 independent exhibitors voting in *Motion Picture Herald's* "Ten Biggest Money-Making Stars" feature, an annual poll conducted by that publication.

Others in the order determined by percentages follow:

2.—Clark Gable.
3.—Janet Gaynor.
4.—Wallace Beery.
5.—Mae West.
6.—Joan Crawford.
7.—Bing Crosby.
8.—Shirley Temple.
9.—Marie Dressler.
10.—Norma Shearer.

The basis of the poll, as explained by the *Herald* was this:

"It is a story of tickets sold, not opinions ventured, a story of the players writing most of the black ink

(*Continued on page* 6)

## Para. Changes Put Plan Over To Next Week

### *Old Directors Quit and New Board Starts*

New revisions in the Paramount Publix reorganization plan undertaken following Wednesday's directors' meeting at which members of the old board turned in their resignations to the board of the new company, will again set back formal presentation of the plan to the Federal court until early next week.

Estimates made in reorganization quarters late Wednesday held that the necessary changes in and additions to the plan would, largely because of the Thanksgiving holiday, delay its submission to the court until Monday or Tuesday.

As exclusively stated in MOTION PICTURE DAILY of Wednesday, members of the old board of directors

(*Continued on page* 14)

## Vincent for Fewer And Better Films

PHILADELPHIA, Nov. 29.—That the industry would be better off if double featuring were eliminated and fewer but better pictures made was asserted by Walter Vincent of the Wilmer & Vincent circuit at the first hearing yesterday of defense witnesses in the Harry Perelman action for a Federal court injunction against dual bans in contracts.

"Double features and the 10-cent theatre are a menace to the industry,"

(*Continued on page* 14)

## *Estimate Roxy Net Will Top $100,000*

Net operating profit for the Roxy for the six months from July 1, 1934, to Jan. 1, 1935, will be between $100,000 to $110,000, according to theatre executives. This is after interest on receiver's certificates, taxes, lobby rent and physical improvements, but before fixed charges on outstanding

(*Continued on page* 11)

## *Jersey to Plan New Fight on Dog Races*

Another meeting of Allied and circuit heads in New Jersey will be held shortly to discuss the move to end dog races in the state. Necessary funds for retaining an attorney have been

(*Continued on page* 6)

MOTION PICTURE DAILY

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## Long to Edit Magazines

Ray Long on Wednesday was made editor of *Photoplay* and *Shadowplay,* recently acquired by the Macfadden Publications. He will divide his time between this city and the coast. Long, who left the magazine field three years ago, was until recently with Fox in a writing and editorial capacity.

Kathryn Dougherty, publisher of the magazines, made the appointment.

## J. T. G. A. Meets Sunday

The first meeting of the season of the Jewish Theatrical Guild of America will be held Sunday at the Ritz Theatre. George Jessel, first vice-president, will preside in the absence of Eddie Cantor, president.

## Film Chest Fund Mounts

HOLLYWOOD, Nov. 29.—Film workers have contributed $77,940 in the current Community Chest drive. This is more than one-third the $225,000 quota set for the industry. Many are doubling their last year's contribution.

## Cantor Luncheon Guest

Eddie Cantor will be guest of honor at a luncheon to be tendered by the Ass'n of Foreign Press Correspondents today at the Gotham. He sails tomorrow on the *Rex*.

## "Bovary" Held at Acme

"Madame Bovary," French production, is in a second week at the Acme.

# Insiders' Outlook

EXACTLY what do the names you read about every day mean at the nation's box-offices? A horde of exhibitors, independent of producer ownership or affiliation, furnish a telling answer in the current issue of *Motion Picture Herald* with results surprising and deflating to many Hollywood egos, the basis of the competition being the names of the ten performers whose pictures drew the greatest number of patrons from September 1, 1933, to September 1, 1934, and the number of times a specific player was mentioned. It's well worth consideration for the flurry which "The Ten Biggest Money-Makers of 1933-34" inevitably will let loose and for the wonderment its conclusions will create. . . .

▼

What price beauty now sounds like a pretty good and unanswerable question where the winner—Will Rogers—is concerned. He came out as head man, topping the sweet, the curvacious and the sexy as represented by Janet Gaynor, Mae West and Joan Crawford, as well as the decorative and competent Norma Shearer and the late, lamented Marie Dressler. He ran ahead of the manly, as symbolized by Clark Gable and Wally Beery and sent the national crooning menace, typified by Bing Crosby, down to defeat along with the others. That leaves Shirley Temple, the remaining member of the victorious ten, the only one from whom Will probably will escape professional darts of envy. . . .

▼

Interesting as all of this is and complimentary as it is to the publishing ingenuity of Big Brother *Herald,* this outpost finds itself particularly intrigued by what happened to all the others from the eleventh rating down the line to the 192nd which marked finis to the poll. For instance, to pick out some highlights only with this roving spotlight, Jimmy Cagney, Lionel Barrymore, Marion Davies, Buck Jones, Freddie March, Kay Francis, Bob Montgomery, Bill Powell and Lee Tracy are the eight names immediately ahead of Garbo, who ended at seventy-three per cent. Immediately ahead of them, in turn, are Katharine Hepburn, Joe E. Brown, Claudette Colbert, Jean Harlow, Eddie Cantor, Dick Powell, George Arliss, Warner Baxter and Wheeler and Woolsey. . . .

▼

Ken Maynard is two per cent up on Eddie Robinson, who necks and necks it with Myrna Loy at fifty-one per cent, while, in the grouping from forty-nine per cent—nobody earned fifty—to ten appeared fifty players, including eight co-starring combinations and these names:

Spencer Tracy, Ruby Keeler, Four Marx Brothers, Laurel and Hardy, James Dunn, Al Jolson, Richard Dix, Dick Powell-Ruby Keeler, George Raft, Irene Dunne, Zasu Pitts, Gary Cooper, Randolph Scott, Johnny Weismuller, John Boles, Jackie Cooper, Sylvia Sidney, Jack Holt, Dolores Del Rio, Marlene Dietrich, Charles Ruggles, John Barrymore, Charles Farrell, John Wayne, Jack Oakie, Claudette Colbert-Clark Gable, Constance Bennett (nineteen per cent), Slim Summerville, Clara Bow, Richard Barthelmess, Janet Gaynor-Charles Farrell, Paul Muni, Lilian Harvey, Barbara Stanwyck, Leslie Howard (surprising), Tim McCoy, Marie Dressler-Wallace Beery, Warren William, Tom Keene, Sally Eilers, Ronald Colman, May Robson, Charles Laughton, Lew Ayres, Helen Hayes (hold on!), Zasu Pitts-Slim Summerville, Burns and Allen, Dick Powell-Ginger Rogers, Alice Faye, William Powell-Myrna Loy.

▼

From ten per cent sliding to three, but princely in salary bulk regardless, are thirty-one men and women, many of them starred and featured regularly by producing judgment which now may find it wise to readjust values. Note, but also get, some of these:

Boris Karloff, Guy Kibbee, Miriam Hopkins, Anna Sten, Tom Mix, Richard Arlen, Harold Lloyd, Franchot Tone, Maurice Chevalier, Lanny Ross, Pat O'Brien, Bette Davis, Hoot Gibson, Fay Wray, Carole Lombard, Jan Kiepura, Cary Grant, Edmund Lowe, Claire Trevor, Buster Crabbe, Mary Pickford, Jimmy Durante, Rudy Vallee, Ralph Bellamy, Frances Dee, Doug Fairbanks, Jr., Jean Parker, Max Baer, Edna May Oliver, Gene Raymond and Gloria Stuart.

▼

The story goes further. Orbs may distend and no wonder over the monickers—alphabetic, this time—which make up the three per centers:

Bruce Cabot, Walter Connolly, Frankie Darro, Madge Evans, Glenda Farrell, Walter Huston, Hal LeRoy, Paul Lukas, Chester Morris, Marion Nixon Warner Oland, Claude Rains, Bob Steele, Diana Wynyard and Loretta Young.

And the two per centers, telling a story all their own:

Robert Armstrong, Fred Astaire, Ruth Chatterton, Stuart Erwin, Victor Jory, Otto Kruger, Elissa Landi, Baby Leroy, Victor McLaglen, Joel McCrea, Adolphe Menjou, Jack Pearl, Luis Trenker, Evelyn Venable, H. B. Warner and Robert Young.

▼

Carrying the unmasking to finality and complete debunking, forty-three others earned the dubious honor of one per cent, no more, no less. Here goes on them:

Judith Allen, Roscoe Ates, Rex Bell, Joan Bennett, Alice Brady, El Brendel, George Brent, Mary Brian, Clice Brook, Kitty Carlisle, Mary Carlisle, Leo Carrillo, Nancy Carroll, Henrietta Crosman, Andy Devine, Cliff Edwards, Douglas Fairbanks, Sidney Fox, William Gargan, Wynne Gibson, James Gleason, Neil Hamilton, Phil Harris, Charlotte Henry, Hugh Herbert, Edw. Everett Horton, Jack Hoxie, Pert Kelton, Francis Lederer, Jeanette MacDonald, Herbert Marshall, Frank McHugh, Jean Muir, Herbert Mundin, Ramon Novarro, "Pat" Paterson, Roger Pryor, Chic Sale, Ann Sothern, Ned Sparks, Lewis Stone, Kent Taylor and Dorothea Wieck.

▼

That's all there is, except to point out that Hollywood and its employers might do worse than forgetting each other and each other's empires sufficiently long to heed what the theatre industry now tells them. The social implications herein and their bearing on the coast's elite are something else again. You can't tell where all this might go. If right, supported by the might of these percentages, holds forth it would mean Constance Bennett at nineteen per cent giving up her sceptre to the Four Marx Men at forty-three. Hollywood has been cannonaded on flimsier excuse. . . .

KANN

## Universal Gains 2 on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 38½ | 38 | 38⅜ | + ⅜ | 700 |
| Consolidated Film Industries | 3⅝ | 3⅝ | 3⅝ | — ⅛ | 100 |
| Consolidated Film Industries, pfd | 17¾ | 17¾ | 17¾ | ..... | 900 |
| Eastman Kodak | 114⅝ | 114 | 114 | —1 | 1,000 |
| Fox Film "A" | 13½ | 13⅛ | 13¼ | — ⅛ | 600 |
| Loew's, Inc. | 35⅛ | 34¾ | 35 | + ⅛ | 7,900 |
| Loew's Inc., pfd | 104 | 104 | 104 | + ½ | 500 |
| Paramount Publix, cts | 3⅜ | 3⅛ | 3⅛ | ..... | 4,900 |
| Pathe Exchange | 1⅛ | 1 | 1⅛ | ..... | 600 |
| Pathe Exchange "A" | 14 | 13⅜ | 13⅜ | — ⅛ | 600 |
| RKO | 1¾ | 1⅝ | 1¾ | — ⅛ | 4,700 |
| Universal Pictures, pfd | 35 | 35 | 35 | +2 | 1,000 |
| Warner Bros. | 4⅝ | 4½ | 4½ | ..... | 2,900 |

## Technicolor Up 1⅜ on Curb as Sales Soar

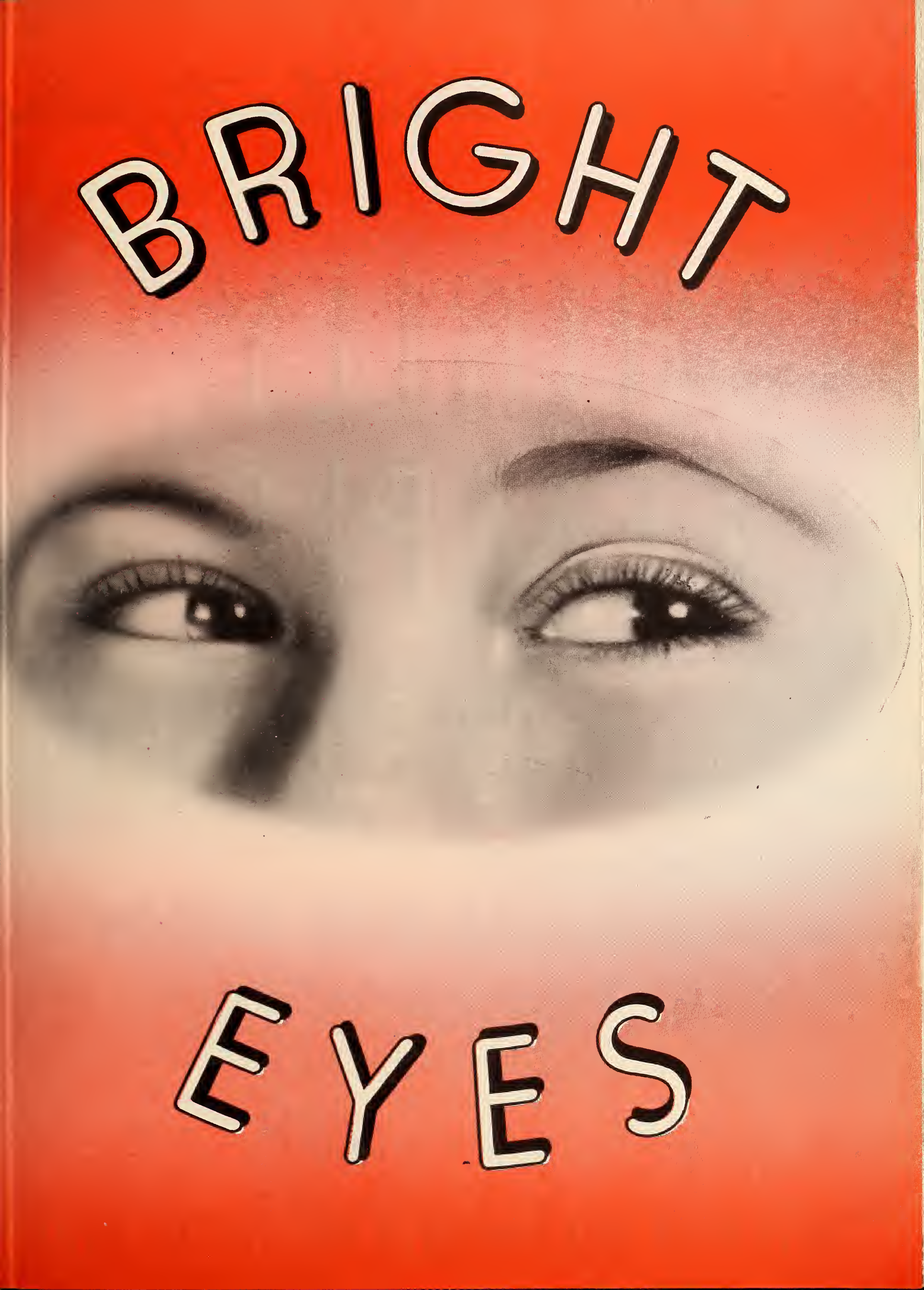
| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 14½ | 13 | 14¼ | +1⅜ | 6,000 |

## Most Bonds Drop or Stay Unchanged

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9½ | 8⅞ | 8⅞ | ..... | 9 |
| General Theatre Equipment 6s '40, ctf | 8¼ | 8¼ | 8¼ | — ⅝ | 10 |
| Keith B. F. 6s '46 | 64½ | 64 | 64 | ..... | 9 |
| Loew's 6s '41, ww deb rights | 104⅛ | 104 | 104 | ..... | 3 |
| Paramount Broadway 5½s '51 | 42½ | 42 | 42 | — ¼ | 16 |
| Paramount F. L. 6s '47 | 59 | 58½ | 58½ | + ½ | 20 |
| Paramount Publix 5½s '50 | 59 | 58 | 58 | — ½ | 10 |
| Pathe 7s '37, ww | 99⅛ | 99⅛ | 99⅛ | — ½ | 1 |
| Warner Bros. 6s '39, wd | 59¼ | 58½ | 58½ | — ¾ | 30 |

## Korda Signs Directors

LONDON, Nov. 29. — Alexander Korda, production head of London Films, has just signed two more directors—Rene Clair to direct "Sir Tristram Goes West" and Anthony Asquith to do "The Reign of King George V."


BRIGHT
EYES

*You've been waiting to play*

# SHIRLEY TEMPLE

# BRIGHT

## JAMES DUNN

Produced by Sol M. Wurtzel

*Directed by David Butler. Screen play by William Conselman. Story by David Butler and Edwin Burke*

FOX

**RELEASED DECEMBER 28th—YOUR YEAR'**

# *her in a picture like this!*

- By far Shirley Temple's most appealing picture . . . brimming with happiness, excitement, romance, tenderness.
- Showing America's darling as the tiny mascot of a big airport . . . the pal of every flier . . . and the particular buddy of one pilot who becomes her Daddy when her parents go to Heaven.
- An exploitation title with an exploitation star . . . and perfect entertainment for every family in the land!

## EYES

*Get the*
**ADVANCE EXPLOITATION SPECIAL**
*at your FOX Exchange!*

**BIGGEST SHOW WEEK**

# ◂ Purely Personal ▸

DAVID LOEW will see to it that when he plays golf in Hollywood the ball doesn't go near the M-G-M studios. Loew never visits the studios when he goes to the coast, he says, and intends to keep the rule on his next trip late in January.

Arthur Mayer, Herb Cruikshank, John Clark, Charlie McCarthy, Jack Ellis, Bernie Sobol, Irving Hoffman, Harold B. Franklin and Martin Beck among those lunching, pre-Thanksgiving Day style, at Sardi's Wednesday.

Katharine Hepburn, "The Little Minister" finished at Radio, arrived yesterday from the coast. She will remain east two weeks. The star spent Thanksgiving with her family in Hartford, Conn.

Helen Schorr, secretary to Burns and Allen, leaves with them on the Century today for California, where they will remain for about five months. Burns and Allen are scheduled to make several pictures for Paramount.

Rosita Moreno has been engaged by Paramount to play opposite Carlos Gardel in "Undying Love," a Spanish-language production to be made at the Eastern Service Studios in Astoria.

Bert Sanford, Erpi eastern division sales manager; Robert Horne, his assistant, and Bill Murphy, N. Y. salesman, have become members of the Erpi five-year club.

Herbie Holmes, winner of a "Kid Millions" audition contest over station WMC, Memphis, was in town Wednesday as a guest of United Artists.

Harry Browarsky, operating the Bellevue, Bellevue, and Hippodrome, Pittsburgh, left yesterday on the *Verago* for a southern cruise. He'll be away a couple of weeks.

Phil Stong has sold his new novel, "The Village," to Radio. John Robertson has been assigned to the direction of the picture.

Fred Kohlmar, production assistant to Samuel Goldwyn, has returned to the home office following conferences with the producer.

Arthur C. Bromberg, who distributes Monogram pictures in the south, is in town with Senator Arthur Gomez of Florida.

Rubinoff will conduct the Cincinnati Symphony Orchestra there at a benefit performance on Dec. 8.

Frank B. Elser and Marc Connelly's stage hit, "The Farmer Takes a Wife," has been bought by Fox.

Leo Justin has gone to Philadelphia for the week-end. He'll be back Monday.

Al Santell, back from London and the battle of Toeplitz, has checked into the Lombardy.

## Fred Quimby Is Due

Fred Quimby, short subject sales manager for M-G-M, arrives from Hollywood tomorrow after conferring with studio exceutives on production. Felix F. Feist, general sales manager, returns the latter part of next week. Arthur Loew, foreign head, arrives Dec. 24 from Paris on the *Ile de France*.

# Vote Rogers Heaviest Draw In Herald's "Ten Biggest"

(Continued from page 1)

into the theatre owner's books, not of the screen personalities appealing to the exhibitor personallly, though the results doubtless bespeak that majority preference also."

The vote is essentially an independent exhibitor verdict of player drawing power among audiences at independent theatres. The *Herald* explains the ballots were limited to showmen without producer or distributor affiliations, direct or indirect.

Rogers, now No. 1 man, stood sixth in the final vote for the 1931-32 season and second among the men for that year. In 1932-33, he ranked second to the winner and first among the men. This time, he leads all in both sexes.

Final standings were determined by the total number of times a player was mentioned, regardless of that player's relative specific position among the 10 nominations. The determining question included in each ballot was: "Please list me 10 players whose pictures drew the greatest number of patrons to your theatre from Sept. 1, 1933, to Sept. 1, 1934."

### More Receive Mention

A wider divertissement of player representation in the current poll also made itself apparent in that 208 rated mention as against 163 in 1932-33.

In point of company alignment, M-G-M emerged first with five: Joan Crawford, Norma Shearer, Clark Gable and Wallace Beery and the late Marie Dressler. Paramount had two. Mae West and Bing Crosby; Fox, two, Will Rogers and Janet Gaynor. Shirley Temple, criss-crossing between Paramount and Fox, properly may be claimed by both.

In the classification immediately below "The Ten Biggest," Katharine Hepburn came first with a rating of 278 per cent, or 12 per cent below Miss Shearer. Indicative of the difference in the percentages is the fact that Rogers, the winner, ended at 726 per cent. Ninety-seven players ranged from the Hepburn rating to 11 players in the four per cent brackets. Fifteen rate three per cent each; 16, two per cent each and 43, one per cent each.

## Jersey to Plan New Fight on Dog Races

(Continued from page 1)

pledged and counsel will be engaged within the next week or so.

Pari-mutuel betting in New Jersey has been declared unconstitutional and now exhibitors are going to the Supreme Court for affirmation of the lower court's decision.

## Journal Adds Previews

Hollywood, Nov. 29.—The *Wall Street Journal* has established a picture preview section and has appointed Harold Barham, son of Dr. Frank Barham, part owner of the *Herald-Express,* to the reviewing post.

## Mike Marco on Coast

Hollywood, Nov. 29.—Mike Marco arrived by plane from New York and Chicago today. He was in New York for a few days conferring with Harry Arthur and Jack Partington.

# Options Delay Skouras Deal For FWC Pact

(Continued from page 1)

Herman G. Place, vice-president of Chase National Bank, have been going on for some time. It now appears that S. R. Kent, president of Fox and National, will have to straighten out the disputed point upon his return from England next week.

Charles Skouras expects to return to the coast in two weeks, and when he leaves he will most likely have affixed his signature to the agreement now in dispute.

## Schwartz Opposing RKO-Skouras Setup

(Continued from page 1)

ignored and that the original protection RKO bought be upheld.

Exchanges, however, can do nothing. Managers claim that the protection argument has to be settled between the exhibitors themselves. Distributors do not want to become involved in the matter and are keeping hands off. Schwartz wanted RKO to waive protection in the same manner as Skouras, but RKO refuses, it is stated.

Product involved is all of Radio and Universal and 50 per cent of Paramount and Warners.

## RKO-Skouras About Set on Two Houses

Negotiations between RKO and Skouras for the latter to take over the Embassy, Port Chester, and the Strand, Rockville Center, are in the final stages with signatures expected in a week or so.

Management of the two RKO houses will change on Jan. 1, provided the deal goes through without any hitches.

## FitzPatrick Sails Soon

James FitzPatrick leaves for the coast about Dec. 15 via the Panama Canal route. When he arrives in Hollywood he will assemble his crew which will accompany him to Africa to make "Black Ivory," first of two independent features he will produce.

## Wilby Under Knife

Atlanta, Nov. 29.—Robert Wilby is at the St. Joseph Hospital recovering from an operation performed Monday.

Oscar A. Morgan, Paramount district manager, enters the Emory Hospital next week. He is slated for an operation as well.

## Lichtman May Go West

Al Lichtman may go to the coast around the first of the year. If he doesn't take the coast trip, he'll go south for a vacation.

# Denies Loew Started K. C. Price Slash

(Continued from page 1)

vaudeville-film theatres would charge 55 cents evenings and 35 cents matinees.

Last week, Vogel says, Blumberg called him up and asked that the agreement be called off because the Mainstreet was losing money and could not operate under the conditions agreed upon. The house, with the same vaudeville-picture policy, dropped its admission to those scheduled for straight film theatres.

Loew's then found that the Mainstreet's new scale was hurting the Midland and as a result reduced the matinee admission from 25 to 15 cents, leaving the 40 cents admission stand. The Midland is an all-picture house.

"That Kansas City exhibitors should charge us with price cutting is unfair. We didn't start it. RKO did, and you can quote me to that effect," Vogel said.

When asked about the Kansas City situation, Blumberg said he knew nothing about it.

## Allied Warned Not To Get "Panicky"

(Continued from page 1)

rectors, as outlined by Abram F. Myers, are these points:

1. Report on steps taken in furtherance of the legislative campaign and formulation of plans for intensifying the campaign.
2. Formulation of demands in behalf of independent exhibitors in case a new code is proposed to succeed the present one which expires next June.
3. Consideration of proposed new constitution to modernize Allied's basic law.
4. Report on status of Tri-Ergon, Ascap and Erpi matters and consideration of plan of future action.
5. Consideration of plans for expanding and strengthening the national association.
6. Plans for the annual meeting in January.

## Report Favors Offer For Phila. Theatres

(Continued from page 1)

supervisor of the theatres, at the second hearng yesterday on the advisability of the sale.

Giving figures on the mortgage indemnities of the houses involved, the Tower, Nixon, Roosevelt and Frankford, Sloan declared that "considering conditions," the Warner offer was a good one. James Williams, a realty expert retained to report to the special master, testified in the same vein. The hearing is to be resumed later.

## Warner Party Dec. 22

The Warner Club annual Christmas kiddie party will be held at the home office club room Dec. 22. It is limited to children, grandchildren and brothers and sisters, not over 12 years of age, of members.

★★
★★

**from New York Daily News for Warner Bros.' All-American Hit at Triumphant B'way Premiere!**

# "FLIRTATION WALK"

Starring

**DICK POWELL**
**RUBY KEELER**
**PAT O'BRIEN**
**THE WEST POINT CADETS**
**FRANK BORZAGE PRODUCTION**

*A First National Picture*

# SMILES!

BRIDGEPORT SMILES!
COLUMBUS SMILES!
NEW HAVEN SMILES!
NORFOLK SMILES!
READING SMILES!
RICHMOND SMILES!
SPRINGFIELD SMILES!
WORCESTER SMILES!
NASHVILLE SMILES!
INDIANAPOLIS SMILES!
WASHINGTON SMILES!
ROCHESTER SMILES!
LOUISVILLE SMILES!

**Get ready to join the GARBO SMILE that's spreading** *from* **Coast to Coast!**

# HOLD the PRESS Mr. Editor!

## NATIONWIDE REVIEWS ON GARBO IN "PAINTED VEIL" SPELL HAPPINESS IN EVERY BOX-OFFICE! READ 'EM AND LEAP!

**COLUMBUS Citizen**—"Garbo again triumphant . . . 'Painted Veil' an awe-inspiring and fascinating experience" . . .

**DAYTON Daily News**—"Garbo such as you have never seen . . . Most emotionally stirring scenes yet seen in pictures . . ."

**INDIANAPOLIS Times**—"Garbo reaches heights in 'Painted Veil' . . . a really great sensitive artist . . ."

**WASHINGTON Post**—"Garbo in 'Painted Veil' lays new claim to greatness among cinema stars . . ."

**CANTON Repository**—"Garbo at her best in glamorous role . . . shows a new side to her personality and there is more charm in her manner than in any of her pictures . . ."

**WASHINGTON Sunday Star**—"Garbo still the most important person in Hollywood . . . plays rings around many of her cinema sisters . . ."

**WASHINGTON Daily News**—"Garbo more human than in years . . . A grand movie . . ."

**CLEVELAND Plain Dealer**—"Unusually good . . ."

**PITTSBURGH Post-Gazette**—" 'Painted Veil' definitely one of the year's superior films . . . Star is still Garbo the Great . . ."

**DAYTON Journal**—"New fire in Garbo's acting . . . most entertaining picture . . ."

**OHIO State Journal**—"One of the few productions in which one may lose one's self completely . . . a beautiful picture . . ."

**PITTSBURGH Press**—"An unusually interesting picture . . . a picture of dignity, dramatic suspense, and excellent acting . . ."

**CLEVELAND News**—"Rises to intensely dramatic moments . . . Garbo-Brent a winning combination. . ."

**COLUMBUS Dispatch**—"Star rises to new heights in exceptional film . . ."

**WASHINGTON Evening Star**—"Garbo at her best . . . She is all that she has ever been . . ."

**RICHMOND News Leader**—"Garbo is beautiful in an absorbing story . . ."

**WASHINGTON Times**—"This is GARBO WEEK in the Nation's Capital . . ."

**PITTSBURGH Sun-Telegraph**—"This is real drama . . ."

**READING Times**—"Garbo greatest film star of them all . . . rises to greatest heights in 'Painted Veil' " . . .

**GARBO** *in* **"THE PAINTED VEIL"**
*with* HERBERT MARSHALL, GEORGE BRENT, Warner Oland, Jean Hersholt, Katharine Alexander
*Directed by* Richard Boleslawski • Based on the novel by W. Somerset Maugham
*Produced by* Hunt Stromberg • A Metro-Goldwyn-Mayer Picture

# "Love" Leads Minneapolis' Six 1st Runs

MINNEAPOLIS, Nov. 29.—"One Night of Love" bettered the Orpheum's average by $1,000 at $6,500 to leave this city's six first runs for the week just closed, while Gaumont British took second honors here with "Chu Chin Chow's" $3,000 at the World for its third week and made the best showing in St. Paul with a second week gross of $3,000 for "Little Friend."

The Metropolitan, St. Paul, just reopened, finished its opening week with $2,000 for "Girl of the Limberlost," equaling average for the house. "The White Parade" was good at the Paramount, running $500 over average.

Total first run business in Minneapolis was $23,000. Average is $21,000. Total first run business in St. Paul was $20,700. Average is $18,000.

Estimated takings:

*Minneapolis:*

*Week Ending Nov. 22:*

**"THE AFFAIRS OF CELLINI" (U. A.)**
CENTURY—(1,000), 25c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

**"365 NIGHTS IN HOLLYWOOD" (Fox)**
LYRIC—(1,000), 20c-25c, 7 days. **Gross:** $1,500. (Average $1,500)

*Week Ending Nov. 23:*

**"ONE NIGHT OF LOVE" (Col.)**
ORPHEUM—(2,900), 25c-50c, 7 days. Daphne Pollard heading five acts. **Gross:** $6,500. (Average, $5,500)

**"THE WHITE PARADE" (Fox)**
STATE—(2,300), 25c-40c, 7 days. **Gross:** $5,500. (Average, $5,500)

**"THE CRIME DOCTOR" (Radio)**
TIME—(300), 25c-35c, 7 days. **Gross:** $2,500. (Average, $2,500)

**"CHU CHIN CHOW" (Gaumont British)**
WORLD—(400), 25c-75c, 7 days, 3rd week. **Gross:** $3,000. (Average, $2,500)

*St. Paul:*

*Week Ending Nov. 22:*

**"THE GIRL OF THE LIMBERLOST" (Monogram)**
METROPOLITAN—(1,200), 25c, 7 days. **Gross:** $2,000. (Average, estimated, $2,000)

**"THE WHITE PARADE" (Fox)**
PARAMOUNT—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

**"THE AFFAIRS OF CELLINI" (U. A.)**
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500)

**"HAPPINESS AHEAD" (F. N.)**
ORPHEUM—(2,000), 25c-40c, 4 days. Five acts vaudeville. **Gross:** $2,500. (Average for the week, $4,000)

**"WEDNESDAY'S CHILD" (Radio)**
ORPHEUM—(2,000), 25c-40c, 3 days. **Gross:** $1,700. (Average for the week, $4,000)

**"I'LL FIX IT" (Col.)**
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

**"LITTLE FRIEND" (Gaumont British)**
WORLD—(300), 25c-75c, 7 days, 2nd week. **Gross:** $3,000. (Average, $2,000)

# "One Night" 2nd Week Omaha High

OMAHA, Nov. 29.—"One Night of Love" continued to top the town in its second week at the Brandeis, going to $4,200, over normal by $700.

"Transatlantic Merry-Go-Round" was also in the money, getting $8,500, up by $500, at the Paramount. "The Pursuit of Happiness" and "Menace," on a dual bill, pulled a strong $8,000 at the Orpheum.

Total first run business was $24,200. Average is $21,500.

Estimated takings:

*Week Ending Nov. 21:*

**"THE PURSUIT OF HAPPINESS" (Par.)**
**"MENACE" (Para.)**
ORPHEUM—(3,000), 25c-40c, 6 days.

(*Continued on page* 11)

# "Parade" Hits $15,000 Mark In Pittsburgh

PITTSBURGH, Nov. 29.—Business all over town was up last week, with one house, the Alvin, hitting a new high and several others achieving par or better. It was "The White Parade" that turned in the record-breaking week at the Alvin, the picture getting $15,000, which meant near capacity at every performance.

At the Stanley "The Gav Divorcee" was satisfactory at $12,000, although reports from elsewhere had the management visioning considerably more than that.

The Warner also shot into high with "Dr. Monica" and "Million Dollar Ransom," getting $6,700 for its best takings in several months. It was generally believed that the great publicity given "Dr. Monica" during the five months it has been held up by the Pennsylvania censors was in a large way responsible for the excellent business.

Total first run grosses were $64,000. Average is $55,000.

Estimated takings for the week ending Nov. 22:

**"THE WHITE PARADE" (Fox)**
ALVIN—(2,000), 25c-40c, 6 days. Stage: Johnny Perkins, Fritz and Jean Hubert, John and Edna Torrance, Master Michaels and Jerry Mayhall's band. **Gross:** $15,000. (Average, $10,000.)

**"GIRL OF THE LIMBERLOST" (Monogram)**
FULTON—(1,750), 15c-40c, 6 days. **Gross:** $4,000. (Average, $4,500.)

**"TRANSATLANTIC MERRY-GO-ROUND" (U. A.)**
PENN—(3,300), 25c-75c, 6 days. Stage: Thurston and his magic show. **Gross:** $22,000. (Average, $22,000.)

**"AMONG THE MISSING" (Col.)**
PITT—(1,600), 15c-30c, 6 days. Stage: Cortello's Dogs, Grace Doro, Yvonne-Victor revue, Three Olympics, Roy, Lee and Dunn, Claude and Marion, Joe Kelso & Co. Gross: $4,300. (Average, $4.500.)

**"THE GAY DIVORCEE" (Radio)**
STANLEY—(3,600), 25c-50c, 6 days. **Gross:** $12,000. (Average, $12,000.)

**DR. MONICA" (Warners)**
**"MILLION DOLLAR RANSOM" (Univ.)**
WARNER—(2,000), 25c-40c, 6 days. **Gross:** $6,700. (Average, $5,000.)

# "Young" and Show Pull in Oklahoma

OKLAHOMA CITY, Nov. 29.—"Young and Beautiful," with the help of a stage show the first four days of the week at the Liberty, took the only important money in town—$2,500. This is $500 over the normal take for a week.

"The Merry Widow" took a par $5,000 at the Warner, but "Peck's Bad Boy" and "Marie Galante" were both dull.

Total first run business was $12,300. Average is $13,500.

Estimated takings for the week ending Nov. 24:

**"MERRY WIDOW" (M-G-M)**
WARNER—(1,900), 10c-20c-36c-41c-56c 7 days. **Gross:** $5,000. (Average, $5,000)

**"PECK'S BAD BOY" (Fox)**
MIDWEST—(1,500), 10c-26c-56c, 6 days. **Gross:** $2,500. (Average, $4,000)

**"MARIE GALANTE" (Fox)**
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $1,800. (Average, $2,500)

**"YOUNG AND BEAUTIFUL" (Mascot)**
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. Rainbow Revue on stage. **Gross:** $2,500. (Average week, $2,000)

**"ONE EXCITING ADVENTURE" (Univ.)**
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $500. (Average week, $2,000)

## *Asks Opening Ban*

**Omaha, Nov. 29.—The newest move by the Legion of Decency here stumped showmen recently. The *True Voice,* Catholic weekly newspaper, which appears on Friday, asked its readers not to attend opening days at the Paramount and World theatres, which fall on a Thursday, until they have seen the newspaper and scanned the suitable and unsuitable list of pictures.**

# "Widow" Good Chicago Draw Despite Slump

CHICAGO, Nov. 29.—"The Merry Widow" was outstanding in its second week at the Roosevelt with a take of $14,000. This and "One Night of Love" in its fifth week at the Garrick, where it was still going strong, were the only two strong draws in town.

The slump was general with the total first run take down to $104,200. Average is $131,600.

Estimated takings:

*Week Ending Nov. 20*

**"THE MERRY WIDOW" (M-G-M)**
ROOSEVELT—(1,591), 25c-35c-50c, 2nd week, 7 days. **Gross:** $14,000. (Average, $11,000)

*Week Ending Nov. 22*

**"ONE NIGHT OF LOVE" (Col.)**
GARRICK—(900), 25c-35c-40c, 5th Loop week, 7 days. **Gross:** $6,200. (Average, $5,000)

**"HAPPINESS AHEAD" (F.N.)**
CHICAGO—(4,000) 25c-35c-68c, 7 days. Stage: Ted Lewis show and orchestra. **Gross:** $28,000. (Average, $34,600)

**"THE CASE OF THE HOWLING DOG" (Warners)**
ORIENTAL—(3,900). 25c - 40c, 7 days. Stage: Faith Bacon, Frank Libuse, Tommy Mack & Co., Gresham & Blake. **Gross:** $15,000. (Average, $15,000)

**"GREAT EXPECTATIONS" (Univ.)**
PALACE—(2,509), 25c-35c-50c, 7 days. Stage: Phil Cook, Foy Family, The Rimacs, Arthur Petley & Co. **Gross:** $16,000. (Average, $22,000)

*Week Ending Nov. 23*

**"TRANSATLANTIC MERRY GO ROUND" (U. A.)**
UNITED ARTISTS—(1,700). 30c-40c-60c, 2nd week, 5 days. **Gross:** $8,000. (Average, $17,000)

**"THE CAPTAIN HATES THE SEA" (Col.)**
APOLLO—(1,400), 25c-35c-50c, 7 days. **Gross:** $5,000. (Average, $12,000)

*Week Ending Nov. 24:*

**"YOUNG AND BEAUTIFUL" (Mascot)**
STATE - LAKE—(2,776), 20c - 25c - 35c, 7 days. Stage: Weist & Stanton, Rio & West, Pease & Nelson and other acts. **Gross:** $12,000. (Average, $15,000)

# "Captain," Revue, High in Portland

PORTLAND, Nov. 29.—"The Captain Hates the Sea," materially aided by Les Hite and the Cotton Club revue on the stage, helped the Paramount to soar to $9,200, or $4,200 over normal.

"One Night of Love" was moved into the Mayfair. It promises to run at least another fortnight.

"St. Louis Kid" at Hamrick's Orpheum had a steady build-up to $5,000, or $2,000 over par.

"Gay Divorcee" held up to normal

(*Continued on page* 11)

# "Lost Lady," Show $21,100 Capital Lead

WASHINGTON, Nov. 29.—Only "A Lost Lady" and "Evelyn Prentice" created a stir last week. The Earle, with the former, bulwarked by Waring's Pennsylvanians, went $3,500 over par with a $21,100 take and the latter at Loew's Fox brought in $23,500, some $3,000 over average.

With the exception of "The Lemon Drop Kid" at the Metropolitan, which did $4,600, or $500 over par, other pictures were weak.

"Mrs. Wiggs of the Cabbage Patch," at Loew's Palace, slipped $4,200, or down to a gross of $10,300. At Loew's Columbia, "365 Nights in Hollywood" did not quite make the grade at $3,000, just $100 under.

"Great Expectations" did not materialize at RKO-Keith's, $4,400 coming in in four days ending Nov. 19, when the Dickens opus was pulled for "Caravan," which, in the following three days, added another $4,800, bringing the week's take to $9,200, or $2,200 under a full first run week. Run of "Caravan" closed at 7:30 P. M., Nov. 24, when "Wednesday's Child" was set in to run until Thanksgiving.

Estimated takings, exclusive of tax, for the week ending Nov. 22:

**"A LOST LADY" (Warners)**
EARLE—(2,218), 25c-77c, 7 days. Stage: Waring's Pennsylvanians, with Poley McClintock, Rosemary and Priscilla Lane, Johnny Davis, Stuart Churchill, Scotty Bates, Clare Hanlon. **Gross:** $21,100. (Average, $17,600)

**"365 NIGHTS IN HOLLYWOOD" (Fox)**
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days. **Gross:** $3,000. (Average, $3,100)

**"EVELYN PRENTICE" (M-G-M)**
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Duncan Sisters, Diamond Boys, John Fogarty, Youthful Rhythms. **Gross:** $23,500. (Average, $20,500)

**"MRS. WIGGS OF THE CABBAGE PATCH" (Para.)**
LOEW'S PALACE—(2,370), 35c-77c, 7 days. **Gross:** $10,300. (Average, $14,500)

**"THE LEMON DROP KID" (Para.)**
METROPOLITAN—(1,591), 25c-40c, 7 days. **Gross:** $4,600. (Average, $4,100)

**"GREAT EXPECTATIONS" (Univ.)**
RKO-KEITH'S—(1,836), 25c-55c, 4 days. **Gross:** $4,400. (Average, 7 days, $11,400)

**"CARAVAN" (Fox)**
RKO-KEITH'S—Three days, to complete week of above. **Gross:** $4,800.

# "College Rhythm" Tops Indianapolis

INDIANAPOLIS, Nov. 29.—"College Rhythm" ran away with top box-office honors here last week by getting $8,500 at the Indiana. This was $1,500 over average.

"Hell in the Heavens" made a good showing at the Lyric, going to $7,750 on the week.

Total first run business was $24,250. Average is $25,000.

Estimated takings for the week ending Nov. 24:

**"GAMBLING" (Fox)**
APOLLO—(1,171), 25c-40c, 4 days. **Gross:** $1,000. (Average, 7 days, $2.500)

**"GREAT EXPECTATIONS" (Univ.)**
CIRCLE—(2,638), 25c-40c, 7 days. **Gross:** $2,500. (Average, $4,000)

**"COLLEGE RHYTHM" (Para.)**
INDIANA—(3,133), 25c-40c, 7 days. **Gross:** $8,500. (Average, $7,000)

**"HELL IN THE HEAVENS" (Fox)**
LYRIC—(1,896), 25c-40c, 7 days. Vaudeville. **Gross:** $7,750. (Average, $7,000)

**"WE LIVE AGAIN" (U. A.)**
PALACE—(2,431), 25c-40c, 7 days. **Gross:** $4.500. (Average, $4,500)

# "Lady," Show Lead Detroit With $18,200

DETROIT, Nov. 29. — "Lady by Choice," and a stage bill headed by Polly Moran, helped brighten the theatre outlook hereabouts last week. The take at the Fox was $18,200, over the line by $3,200.

Total first run business was $69,200. Average is $65,000.

Estimated takings for the week ending Nov. 22:

**"GAY DIVORCEE" (Radio)**
**(2nd Run)**
ADAMS — (1,770), 10c-30c-40c, 7 days. **Gross:** $6,800. (Average, $5,000)

**"A LOST LADY" (Warners)**
**"MRS. WIGGS OF THE CABBAGE PATCH" (Para.)**
**(2nd Runs)**
FISHER — (2,975), 10c-30c-40c, 7 days. **Gross:** $6,700. (Average, $10,000)

**"LADY BY CHOICE" (Col.)**
FOX—(5,100), 15c to 65c, incl. tax, 7 days. Stage: Polly Moran in person. **Gross:** $18,200. (Average, $15,000)

**"GENTLEMEN ARE BORN" (Warners)**
MICHIGAN—(4,100), 15c to 65c, incl. tax, 7 days. Stage: Borrah Minnevitch and His Harmonica Rascals, other acts. **Gross:** $23,000. (Average, $20,000)

**"CRIME WITHOUT PASSION" (Para.)**
**"READY FOR LOVE" (Para.)**
STATE—(3,000), 10c-35c, 7 days. **Gross:** $4,700. (Average, $5,000)

**"LIMEHOUSE BLUES" (Para.)**
United Artists—(2,070), 25c-50c, 7 days. **Gross:** $9,800. (Average, $10,000)

# "Captain," Revue, High in Portland

(Continued from page 10)

at the Music Box in its fourth week and was held for a fifth.

Total first run business was $30,400. Average is $25,000.

Estimated takings for the week ending Nov. 23:

**"EVELYN PRENTICE" (M-G-M)**
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $4,800. (Average, $5,000)

**"GIFT OF GAB" (Univ.)**
ORIENTAL—(2,040), 25c, 7 days. **Gross:** $1,800. (Average, $2,000)

**"ST. LOUIS KID" (Warners)**
HAMRICK'S ORPHEUM—(1,700), 25c-35c-40c, 7 days. Stage show. **Gross,** $5,000. (Average, $3,000)

**"THE GAY DIVORCEE" (Radio)**
MUSIC BOX—(1,000), 25c-35c, 7 days, 4th week. **Gross:** $2,000. (Average, $2,000)

**"CARAVAN" (Fox)**
**"LEMON DROP KID" (Para.)**
MAYFAIR—(1,700), 25c-35c, 6 days.ET
MAYFAIR — (1,700), 25c - 35c, 6 days. **Gross:** $2,800. (Average, $3,000)

**"CAPTAIN HATES THE SEA" (Col.)**
PARAMOUNT—(3,008), 25c - 35c - 40c, 7 days. **Gross:** $9,200. (Average, $5,000)

**"WE LIVE AGAIN" (U.A.)**
UNITED ARTIST—(945), 25c-35c-40c, 7 days. **Gross:** $4,800. Average, $5,000)

# "One Night" 2nd Week Omaha High

(Continued from page 10)

**Gross:** $8,000. (Average, $6,500)

**"TRANSATLANTIC MERRY-GO-ROUND" (U. A.)**
PARAMOUNT—(2,800), 25c-40c, 7 days. **Gross:** $8,500. (Average, $8,000)

**"BARRETTS OF WIMPOLE STREET" (M-G-M) (Second Run)**
**"ONCE TO EVERY BACHELOR" (Lib.)**
WORLD—(2,200), 25c-40c, 3 days. **Gross:** $1,400.

**"EVELYN PRENTICE" (M-G-M)**
**(Second Run)**
WORLD—(2,200), 25c-40c, 4 days. **Gross:** $2,100. (Average, $3,500)

***Week Ending Nov. 22:***

**"ONE NIGHT OF LOVE" (Col.)**
BRANDEIS—(1,500), 20c-25c-35c, 6 days, 2nd week. **Gross:** $4,200. (Average, $3,500)

# *'White Parade' Sensational In Philadelphia at $26,000*

PHILADELPHIA, Nov. 29.—The town's unexpected smash hit was "The White Parade," which gave the Fox its best week at $26,000 in over two years, topping even the Will Rogers figures. The picture holds for a second week. It may go a third.

Except for "Firebird" and the stage show at the Earle, which slightly topped the average, the rest of the town slumped. "Pursuit of Happiness," facing the competition of the stage show, now in its 11th week on a low box-office scale, couldn't get to first base and got only $7,500 at the Stanley. Total first run business was $73,100. Average is $66,900.

Estimated takings for the week ending Nov. 22:

**"OUTCAST LADY" (M-G-M)**
**"PECK'S BAD BOY" (Fox)**
ARCADIA—(600), 25c-35c-45c, 3 days each. **Gross:** $900. **Gross:** $700. (Average, 6 days, $2,400)

**"WE LIVE AGAIN" (United Artists)**
ALDINE—(1,200), 35c-40c-55c, 6 days, 2nd week. **Gross:** $6,500. (Average, $7,000)

**"THE MERRY WIDOW" (M-G-M)**
BOYD—(2,400), 35c-40c-55c, 6 days, 2nd week. **Gross:** $11,000. (Average, $12,000)

**"THE FIREBIRD" (F.N.)**
EARLE—(2,000), 40c-55c-65c. 6 days. Stage: Ed Lowry's revue. **Gross:** $13,000. (Average, $12,000)

**"THE WHITE PARADE" (Fox)**
FOX—(3,000), 40c-55c-65c, 6 days. Stage: Val and Ernie Stanton; Dick Remy and Ruth Diane; Continental Dancers. **Gross:** $26,000. (Average, $12,000)

**"WEDNESDAY'S CHILD" (Radio)**
KARLTON—(1,000), 30c-40c-50c, 6 days. **Gross:** $2,200. (Average, $3,500)

**"PURSUIT OF HAPPINESS" (Para.)**
STANLEY—(3,700), 35c-40c-55c, 6 days. **Gross:** $7,500. (Average, $12,000)

**"THE CAPTAIN HATES THE SEA" (Col.)**
STANTON—(1,700), 30c-40c-55c, 6 days. **Gross:** $5,300. (Average, $6,000)

## *Secrecy Veils CBS Increase in Stock*

Secrecy veils the reason behind Columbia Broadcasting System's increase in capital from $3,750,000 to $7,500,000. Executives of the company on Wednesday refused to make any comment on the move.

At a meeting of the board of directors earlier in the week, however, a 50 per cent stock dividend on the A and B shares, payable Dec. 27 to stockholders of record Dec. 13, was declared.

There are 111,244 shares outstanding, consisting of 49,194 A and 62,250 B shares.

## *Son to John Waynes*

HOLLYWOOD, Nov. 29.—A son has been born here at St. Vincent's Hospital to the John Waynes. Mrs. Wayne is the former Josephine Saenz. Mother and son are reported doing fine.

## *Opens Butte Exchange*

W. Ray Johnston has opened a Monogram Exchange in Butte, Mont., and has placed it in charge of the Sheffield System under the management of J. H. Sheffield.

## *William Watson, 50, Dead*

CLEVELAND, Nov. 29.—William Watson, 50, manager of the Warner Hippodrome here, died at his home last night after a long illness. His widow and two daughters survive.

## *Estimate Roxy Net Will Top $100,000*

(Continued from page 1)

bonds. This compares with $2,600 for the same period a year ago.

Up to last week the net was approximately $75,000 and it is expected that $10,000 will be added to this figure after the two-week run of "Imitation of Life," which ended the first week with a $44,000 gross. The house, being operated by Fanchon & Marco for Trustee Howard S. Cullman, has not had a red week since June 15.

At least two reorganization plans are being considered by the bondholders' committee, but because at least $750,000 cash is required before any reorganization plan can be adopted, it is unlikely that either of the plans will be accepted. In fact reorganization of Roxy Theatres Corp. will not take place for at least another year, according to insiders.

## *Trans-Lux Officers Reply to Meet Plea*

WILMINGTON, Nov. 29.—Officers of Trans-Lux Daylight Picture Screen Corp., filed an answer yesterday in Chancery Court here to the order issued last week by Chancellor Wolcott directing them to show cause why a stockholders' petition for appointment of a master to hold a stockholders' meeting for the election of directors should not be granted.

They claim the charges against them were not made in good faith and that control of the board is sought to set aside or disastrously change a contract merger with News Projection Corp., in order that the latter may be released from a judgment handed down by the N. Y. Supreme Court. Dismissal of the petition is asked.

## *"Flirtation" Opens Big*

Playing to capacity crowds, "Flirtation Walk" grossed $4,832 for its first two performances at the Strand Wednesday night, according to Warners.

## *New House for Augusta*

AUGUSTA, Kan., Nov. 29.—Construction of a theatre costing $80,000 will shortly be started here by D. A. Bisagno.

## *Friedman Plans Visit*

LONDON, Nov. 29.—Joe Friedman, general representative for Columbia here, sails for New York Dec. 11.

# Earnings Jump Predicted for Big Companies

(Continued from page 1)

of $7,479,897, or $4.50 a share on 1,464,205 shares of common after preferred dividends is cited as making this the strongest major company. It is also pointed out that the company has reserves in cash and Government securities totalling $12,527,649.

"It is probable," the article continues, "that directors will consider increasing the present $1 dividend rate, or declare an extra within the next month."

"Paramount, in receivership, probably has the second largest earnings of any company in the industry, although no official report has been made," the *Journal* writer continues.

"Net operating earnings in the first six months of this year were approximately $3,500,000, and there is apparently a good chance that profit for the year will be in the neighborhood of $6,000,000, although how this estimate may be changed by final auditing and possible write-downs, cannot be determined at the moment. As of June 30, the Paramount system had total cash of $16,630,000, of which about $4,000,000 is in the hands of the receivers. It has been estimated that total cash on hand will be around $20,000,000 at the end of the year.

**Sees RKO Revamping in 1935**

"This obviously furnishes an excellent basis for the reorganization of the company."

Reorganization of RKO early in 1935 is predicted.

Scaling down of the Fox capitalization has placed the company on a strong basis, the writer states. The net of $1,506,212, or 61 cents a share, on 2,436,409 shares of Class A and Class B common for the 39 weeks ending Sept. 29 is pointed out, and compared with a net loss of $226,346 for the same period in 1933. Negotiations for the sale of the company's Gaumont British stock may bring in from $3,000,000 to $7,000,000, the article states.

In commenting on Warners, the writer says: "Warner Bros. Pictures in 39 weeks ended May 26 reported a net loss of $558,836, against a loss of $5,021,774 in the 1933 period. Warner, although it has a heavy funded debt, has been able to avoid reorganization. However, considerable saving has been in effect in theatre rentals. Heavy funded debt of the parent company remains an obstacle in reducing overhead expenses."

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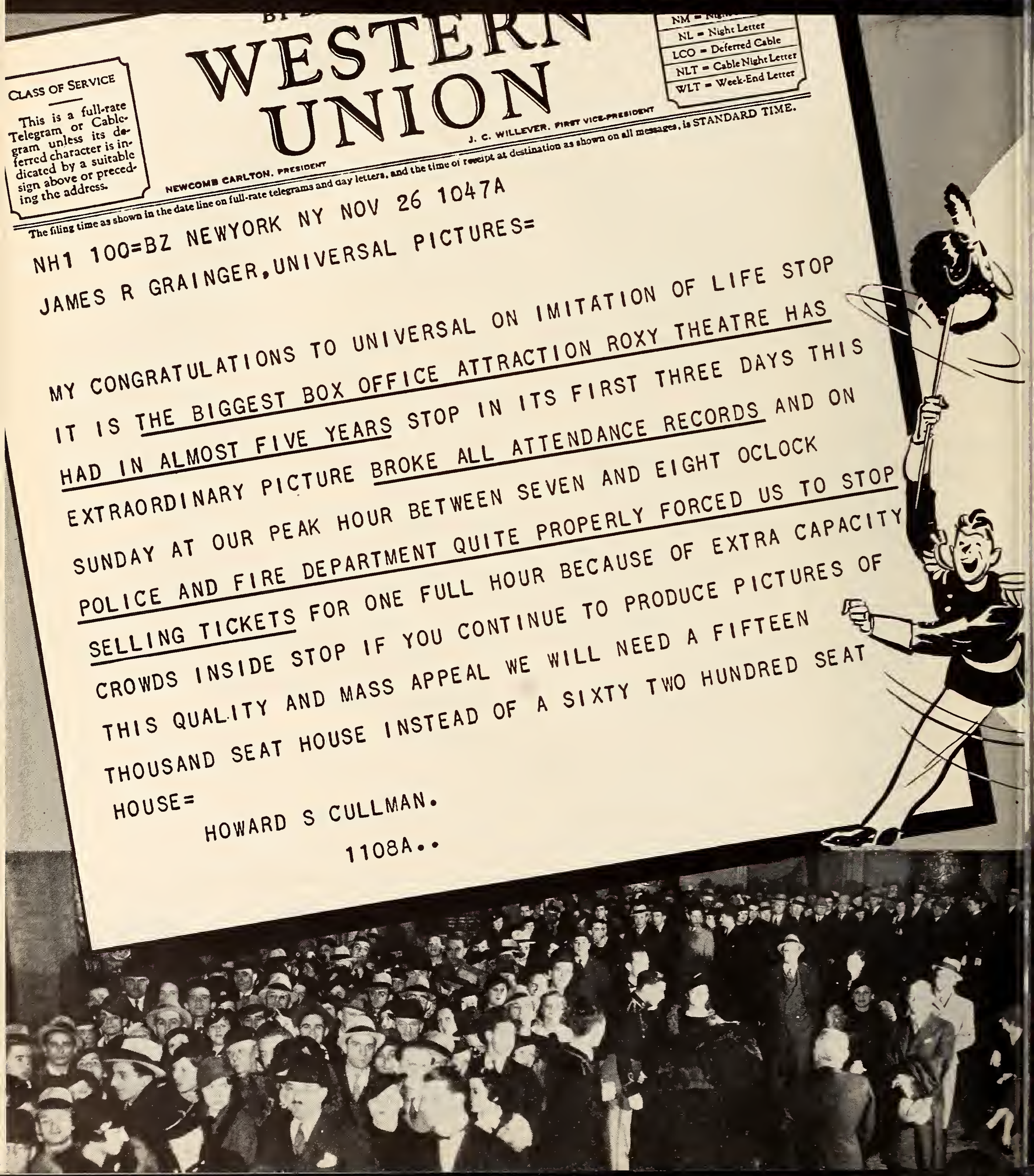

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# EY TALKS!

Claudette

**COLBERT**

*in*

Fannie Hurst's

# IMITATION OF LIFE

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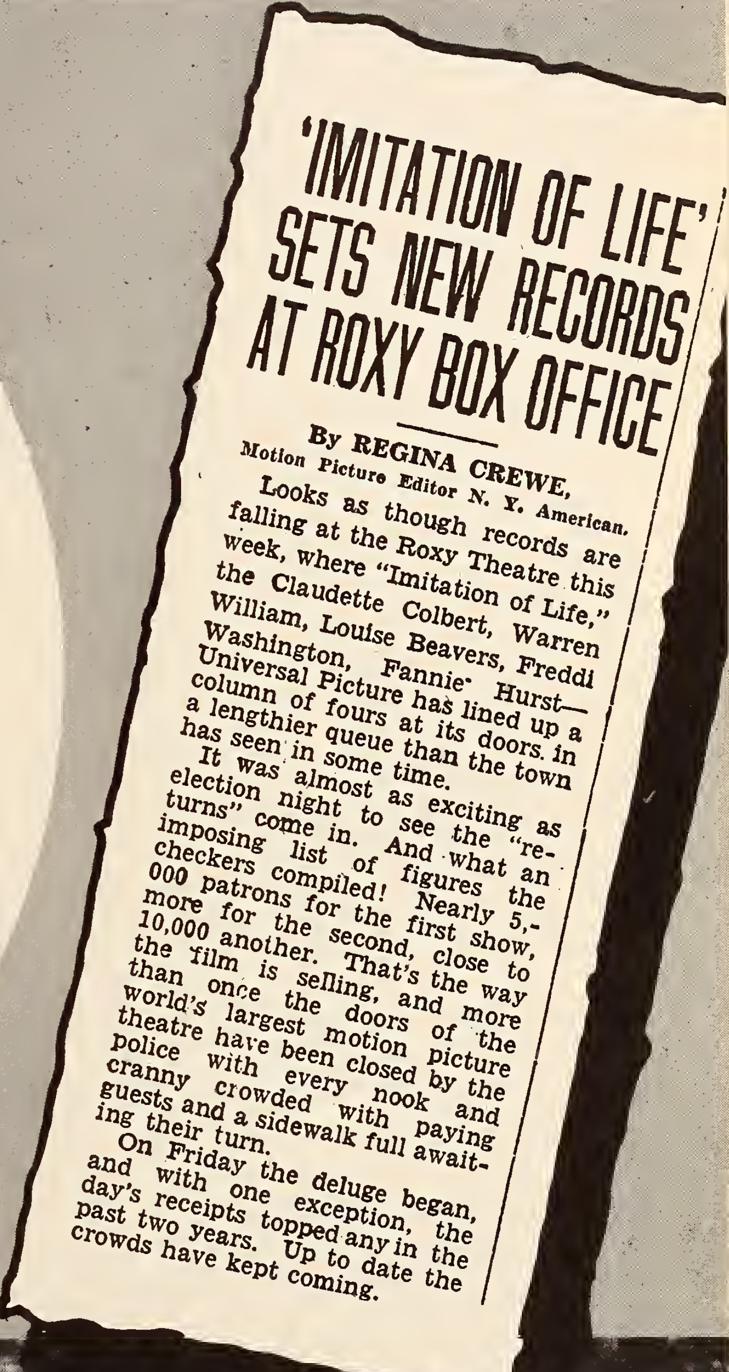

## 'IMITATION OF LIFE' SETS NEW RECORDS AT ROXY BOX OFFICE

By REGINA CREWE,
Motion Picture Editor N. Y. American.

Looks as though records are falling at the Roxy Theatre this week, where "Imitation of Life," the Claudette Colbert, Warren William, Louise Beavers, Freddi Washington, Fannie Hurst—Universal Picture has lined up a column of fours at its doors in a lengthier queue than the town has seen in some time.

It was almost as exciting as election night to see the "returns" come in. And what an imposing list of figures the checkers compiled! Nearly 5,000 patrons for the first show, more for the second, close to 10,000 another. That's the way the film is selling, and more than once the doors of the world's largest motion picture theatre have been closed by the police with every nook and cranny crowded with paying guests and a sidewalk full awaiting their turn.

On Friday the deluge began, and with one exception, the day's receipts topped any in the past two years. Up to date the crowds have kept coming.

CLAUDETTE COLBERT
Fannie Hurst's
IMITATIO
CHARLES CARLILE
THREE SWIFTS
DOROTHY CROCKER

# Para. Changes Delay Plan to Next Week

(*Continued from page 1*)

presented their resignations to the new Paramount Publix board. The new board, still incomplete, is comprised of the following: Frank A. Vanderlip, Dr. Julius Klein, Percy H. Johnston, George D. Davison, Gerald Brooks, Maurice Newton and Adolph Zukor.

The old board consisted of the following: Jules E. Brulatour, Emanuel Cohen, John Cecil Graham, Felix E. Kahn, Gilbert W. Kahn, Austin Keough, Maurice Newton, Sir William Wiseman, Adolph Zukor, Eugene Zukor, Walter B. Cokell and George J. Schaefer.

The new board at a session immediately, following acceptance of the old board's resignations, approved and adopted the so-called Kuhn, Loeb & Co. plan of reorganization, which now has the support of all essential creditor groups in addition to that of the bondholders' and stockholders' protective committees.

Every effort will be made, it was said, to present this plan to the court on Monday.

The new board issued only the following terse statement at the close of the meeting:

"At a meeting held this afternoon (Wed.) the Paramount Publix Corp. adopted a plan of reorganization which it will present to the court on Monday, Dec. 3."

The new board's identification of itself as "the Paramount Publix Corp." was interpreted to imply that no change of corporation name will result from the reorganization.

# *Para. Reel Claims Only 40% of "Beats"*

Paramount's publicity department heralded on Wednesday the modest triumphs of the company's newsreel during 1934, including a claim to national "beats" on 40 per cent of the most important screen news of the year.

On the remaining 60 per cent of the news, the publicity account states, "Paramount gives all reels an even break on the news." The release also claims for the reel 132 exclusive items of lesser importance.

Tom Waller was the blushing author.

# *IEPA Against MPTO If Warners Are In*

PHILADELPHIA, Nov. 29.—The Independent Exhibitors Protective Ass'n. will oppose a local merger with the M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware if Warner Theatres have membership in the consolidated exhibitor organization which would result, according to an article appearing in the current issue of *Film Bulletin,* the I. E. P. A. organ.

The article states that overtures for a merger of the local exhibitor groups have been made by representatives of the M. P. T. O.

# *Film Trio Reach Coast*

HOLLYWOOD, Nov. 29.—Jack Cohn, Bobby Connolly and Ricardo Cortez arrive Saturday from New York. They are all on the same train.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Here Is My Heart"*

(*Paramount*)

HOLLYWOOD, Nov. 29.—A lavishly mounted hokum comedy romance with music. Bing Crosby and Kitty Carlisle are teamed again for another typical Crosby offering.

In comparison with its predecessors, this succeeds to a point where Crosby followers should enthuse, while others looking for a logical straight narrative plot and suspense may be disappointed. A series of smart situations provoking laughs and admiration for the make-believe characters and the ridiculous mannerisms of a fourflushing royal family boosts the picture to a popular key.

The story depicts a millionaire crooner, Crosby, setting a fast pace for any millionaire playboy. He becomes involved in a search for an ancient pistol and reaches Monte Carlo, where, meeting a Russian princess, Kitty Carlisle, who is living with her family, Reginald Owen, Alison Skipworth and Roland Young, he forces his attentions upon her by impersonating a hotel waiter.

The situations involved thereafter become hilarious, with laughs and romance interpolated. When the family faces eviction from a hotel suite, Crosby saves the day. As the owner, he leaves Owen, Young and Miss Skipworth to manage the place, while he vanishes with the princess for a honeymoon.

Crosby introduces four new songs. Karl Struss' photography embellishes the exquisite backgrounds. Frank Tuttle's direction is commendable, getting the most from the story material. Production Code Seal No. 337. Running time, 80 minutes. "G."

## *"The Marines Are Coming"*

(*Mascot*)

HOLLYWOOD, Nov. 29.—Essaying two marines and their sweethearts in the familiar formula, a lack of story originality keeps this one in the average column.

The yarn concerns a lady-killer lieutenant of the Marine Corps, Bill Haines, who had been previously involved with the firebrand, Armida, in an imaginary country near the Canal Zone. Camped at San Diego, Haines crosses swords with a brother officer, Conrad Nagel, over the affections of Esther Ralston, trying, meanwhile, to be rid of the firecracker, Armida. On the eve of his wedding to Miss Ralston, he gets into a fight over unpaid bills in a cabaret in Tia Juana, is forced to resign from the corps, re-enlists as a private, goes to the tropics with a detachment hunting a notorious bandit known as Torch, is wounded and saves Nagel for Miss Ralston as Armida snares him.

The production, while pleasing to the eye, is talky in spots and, although containing humorous interludes with some situations slightly far-fetched but slam bang, the action will appeal to chapter play fans.

David Howard directed nicely from James Gruen's screen play with good photography by Ernie Miller and William Nobles.

The names of Haines, Miss Ralston, Edgar Kennedy and Hale Hamilton should aid the draw which, with Marine exploitation, should be predominately neighborhoods and duals. Previewed without production code seal. Running time, 68 minutes. "G."

*"Flirtation Walk," Wednesday night's opener at the Strand, was previewed by wire from Hollywood, Nov. 3.*

*"Captain Hates the Sea," another Wednesday premiere but at the Rialto, was reviewed by coast wire Oct. 15.*

*"Broadway Bill," yesterday's opener at the Music Hall, was also covered by the Hollywood previewing service on Oct. 26.*

# *Suit Filed to Stop Cleveland Dual Bill*

(*Continued from page 1*)

Common Pleas Courtt by Max Lefkowich, operator of the University Theatre. He claims it is a violation of the single feature agreement.

Before the agreement went into effect it was signed by Martin Printz as operator of the Alhambra. Printz now says he is only the manager and the house is operated by the owners, George Harvey and Sam Cowan. He contends that his signature is no longer binding now that he is not a partner-lessee.

# *Century Circuit Is Winner in Ad Cases*

Century circuit has won complaints against the Quentin and Glenwood theatres for premature advertising. In the first case, it was pointed out that a new operator took over the house on Nov. 1 and he was warned to discontinue advance advertising on pictures slated to run at the Century house.

With Herbert S. Keller of the Weisman, Quinn, Allan & Spett office as attorney, the Glenwood lost the decision, although Keller tried to interpret Part 5, Section C in the code for the benefit of the board.

# Vincent for Fewer And Better Films

(*Continued from page 1*)

Vincent said. "The industry is tending toward disintegration because too many films and too many poor films are being made."

Vincent, who is treasurer of MPTOA, said that while he had selective contracts with major companies he would buy a good feature of any independent company.

B. M. Golder, attorney for Perelman, aroused Vincent's ire when he asked if the MPTOA was not subsidized by the alleged film trust. "I wouldn't allow myself to be subsidized by anyone," Vincent replied heatedly.

Edward Jeffries, a Roxborough exhibitor, testified that his patrons had voted against double features and that school authorities had urged him to follow a single feature policy to permit the showing of educational shorts on the program. Fred Leopold, another exhibitor, stated that duals tended to eliminate good shorts. Depositions were taken from the following witnesses in opposition to duals: I. Hirshblond, W. T. Wilson, Williamsport; Herbert Elliott, George Lesey, Marcus Benn, Al Fisher, Luke Gring, Samuel Somerson, C. Stites, Abe Sablosky, George F. Weiland, Atlantic City, and George Kline and Benjamin Fertel, Philadelphia.

The plaintiff's cross examination centered on two general points, whether double features would mean more production and whether each theatre and neighborhood did not have its own problem. Witnesses answered in the affirmative, although the defense stressed that if double featuring became general, exhibitors would be hard put for product.

Defense Attorney Morris Wolf said he would call both local exchange men and home office sales executives for Monday's hearing to refute charges of conspiracy. The session was adjourned to Monday.

# *Rosenblatt on Coast On Harmony Mission*

LOS ANGELES, Nov. 29.—Compliance Director Sol A. Rosenblatt arrived from Washington yesterday with the assertion his mission was to effect harmony between the actors' and writers' five-five committees and producers and to end the deadlock in negotiations between players and studios. He added he would also assist writers in completing a draft of a code of fair practice that would meet with the satisfaction of producers.

Rosenblatt declared the agents' pact was not in accord with the NRA as it affects the film code, adding that nothing can be done until the draft is revised to conform with NRA requirements.

Meanwhile Rosenblatt will confer behind closed doors with all committees concerned, beginning Saturday.

# *Flynn Denies He'll Succeed Will Hays*

HOLLYWOOD, Nov. 29.—Edward J. Flynn, secretary of state of New York yesterday publicly denied recent rumors that he might succeed Wil Hays. He also discounted reports tha he might join the legal staff of Radio Assailing both stories as "ridiculous," Flynn said he is here chiefly on vacation with his wife.

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VOL. 36. NO. 129 NEW YORK, SATURDAY, DECEMBER 1, 1934 TEN CENTS

## Circuits Move To Fight Free Socony Shows

### *Will Open in New Haven And Go on Air*

Circuit theatre representatives yesterday mapped plans for combating the free entertainments being sponsored by Standard Oil Co. which open at New Haven tonight and contemplate a two and one-half months' tour of the country.

Meeting at M. P. P. D. A. headquarters, representatives of the national circuits were agreed that Standard Oil's exploitation shows are of high enough calibre to completely kill theatre patronage on the nights they are staged in many cities of small and medium size and to seriously curtail patronage in others. Guy Lombardo and his orchestra head the Standard Oil free show troupe, with Cross & Dunn, Jane Roberts and others billed as feature acts.

The performances will be staged in theatres, hotel ballrooms or auditoriums of large seating capacity and will be broadcast nationally from local stations. Tonight's opening performance at New Haven will be in the

(*Continued on page 3*)

### *Free Radio Theatre Planned in Chicago*

CHICAGO, Nov. 30. — Competition will be furnished local houses with the completion of a free radio theatre just announced by the *Chicago Tribune.* The structure, adjoining the *Tribune* building, will be a deluxe theatre to which the public will be invited. It will have a seating capacity of 600. Ernest A. Grunsfeld, Jr., of Chicago is announced as the winner of $2,500 in a nationwide contest for the theatre's design.

### *First Run Product Scarce in Paterson*

PATERSON, Nov. 30.—Inability to secure first run independent pictures has been giving A. Louis Ginsberg, manager of the local Majestic, several worries. He switched recently from second runs to first runs and vaudeville.

Before the switch took place, he spent heavily to give the theatre repairs needed. He's pulling crowds.

"Just another three or four months like the last two, and I won't be worrying so much," he said.

*On time film delivery assured by members of National Film Carriers, Inc.*—Adv.

## *B'way Up and Going; Takes Better, Big Week-End Seen*

Business along Broadway smacks of the old days.

Second week of "Gay Divorcee" tallied a handsome $85,000 at the Music Hall. This figure is $9,000 less than the first stanza. The Roxy with "Imitation of Life" garnered its best gross since Fanchon & Marco have been operating the house for Howard S. Cullman. The tally here was $44,000 and the second week looks big.

After a month's tenancy at the Astor at two-a-day, "The Merry Widow" garnered $42,670 at the Capitol in its first week at popular prices. The Rivoli, winding up the third and last week of "Kid Millions," got $25,000. "The Private Life of Don Juan" opens there today.

The Palace with "St. Louis Kid" took in $11,500 for the week and

(*Continued on page 3*)

### *Selling Tickets on Commission Stopped*

CINCINNATI, Nov. 30.—The Roosevelt, local colored house, has been ordered by the local grievance board to stop employing boys from the colored Y. M. C. A. to sell tickets for which they were paid a commission. Complaintant was the Lincoln, this city.

The board dismissed an overbuying complaint of C. F. Pfister, Mayflower, Troy, O., against Schine, operating

(*Continued on page 3*)

### *Production Project Begun in Charlotte*

CHARLOTTE, Nov. 30. — Willis Fellows is behind a movement to start production here. A 10-acre site about five miles from this city has been acquired as a studio site.

The plans announced call for a studio building 300 ft. x 150 ft. The company is called Southern M. P. Studios. According to Fellows, Wilfred North will be brought from the coast to direct the first picture.

### *Move for Abolition Of Double Features*

WASHINGTON, Nov. 30.—The abolition of double features and a better planning of programs today was urged by a special committee of the National Council of Teachers of English, seeking improvement of pictures for children.

The criticism of double features is based upon an assertion that frequently exhibitors carry "undesirable and

(*Continued on page 3*)

### *Have 388 Houses*

**Warners' annual financial statement discloses that the company and its subsidiaries operate 388 theatres located in 21 states.**

**During the past year, the report states (meaning the fiscal year ending Aug. 25), the company released 56 features and 126 one and two-reel shorts. This year, it is stated, it plans to release 60 features and 130 shorts.**

## Group of Four To Run RKO's British Sales

By **BRUCE ALLAN**

LONDON, Nov. 30.—A committee of management, composed of E. D. Leishman, Ralph Hanbury, Frank Tilley and C. Dawson, will operate Radio Pictures, Ltd., thereby abolishing the former post of managing director held by Sol G. Newman until his death recently.

The arrangement emphasizes the statement made in New York a few days ago by Ned E. Depinet that it was the company's intention of filling Newman's post by promotions from the ranks.

Leishman becomes chairman of the board and Hanbury, general manager.

E. D. Leishman is a British subject and was born in Grangemouth, Scotland, on Nov. 9, 1899, according to *Motion Picture Almanac.* He was employed by the Bank of Scotland for three years and by the Bank of Montreal for six, was a flyer and officer

(*Continued on page 4*)

### *British Lion Signs Perry, Tennis Star*

LONDON, Nov. 30.—Sam Smith of British Lion Pictures has signed Fred Perry, top ranking tennis player of the world and English Davis Cup star, for a series of shorts titled "How to Play Tennis."

Dan Maskell, British professional champion and coach of the English Davis Cup team, has been signed as

(*Continued on page 3*)

## Warners Cut '34 Loss to $2,530,513

### *Under Previous Year's Deficit $3,761,234*

Warner Bros. Pictures, Inc., yesterday reported a net loss for the year ending Aug. 25 of $2,530,513.68. Last year for the same period the loss was $6,291,748.46.

For the year ending Aug. 27, 1932, the loss was $14,095,054.06. All these losses are after interest, amortization, depreciation and other charges.

The company's financial position was strengthened by cutting the accumulated deficit from $19,547,005.06 to $16,346,563.77. The net loss from operations was $2,530,513.68, but the company realized a profit of $13,132,597.78 from various sources. This was due in some measure to receipt of $5,099,789.48 from several sources, including $3,099,789.48 from Erpi, after deducting Federal income and state taxes; profit on redemption of six per cent convertible debentures and preferred stock and bonds of subsidiary companies, adjustment of income tax reserves of prior years, adjustment of other reserves and profit on sale of an investment in an affiliated company.

Two items given as a loss of $683,452.31 were due to loss on sale of capital assets and appropriations by

(*Continued on page 3*)

### *Particulars Sought In Tri-Ergon Suits*

Six motions to require American Tri-Ergon to furnish bills of particulars on its patent infringement allegations were filed yesterday by Columbia, M-G-M, Reliance, 20th Century, Universal and Warners in Federal district court here.

The motions, which will be set for argument before Judge Robert P. Patterson next week, ask for particulars from Tri-Ergon as to the basis of its infringement charges and the claims it relies upon in bringing the actions.

### *Canada Legion Move Spreads to the West*

TORONTO, Nov. 30.—The Legion of Decency movement, recently begun in Ontario, has spread to the Canadian west.

At Edmonton, Alberta, Archbishop O'Leary has requested members of the

(*Continued on page 4*)

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## A. A. Lowe Enroute Here

A. A. Lowe, treasurer of U. A. in India, is en route here aboard the *Britannic* and is due Dec. 9.

SAN FRANCISCO, Nov. 30.—Arthur W. Kelly, vice-president in charge of foreign distribution for U. A, who is scheduled to arrive here Dec. 4, will leave immediately for Los Angeles and New York, arriving in the east Dec. 10.

## Add to Gaumont Staff

New appointments to the Gaumont British staff include: Jack Erickson, salesman, San Francisco; Tony Hartford, salesman, Seattle; Gene Spear, booker-salesman, Seattle; David McElhinney, salesman, Salt Lake City; E. E. Andreason, salesman, Denver.

BOSTON, Nov. 30.—Milton J. Hill has been appointed salesman for Gaumont British here. He was formerly with M-G-M and United Artists.

## Weeks Back Monday

George W. Weeks, Gaumont British general sales manager, returns to New York Monday having completed a coast-to-coast tour to build up a national sales organization.

## "Civilized" to Hoffberg

J. H. Hoffberg Co., Inc., has acquired from Raspin Prod. the foreign distribution rights to "Are We Civilized?"

## SoundEquipmentMen To Ponder Tax Today

A meeting of the independent sound equipment manufacturers and distributors will be held today at the offices of S. O. S. Corp. to consider filing a formal protest with the Commissioner of Internal Revenue against the five per cent excise tax on sound amplification and reproducing equipment.

The session will be held jointly with the Entertainment Apparatus Manufacturers Ass'n.

## Liberty Set in England

Wardour Films, Ltd., subsidiary of British International Pictures, will distribute Liberty pictures in the United Kingdom under the terms of a deal just signed by Arthur Dent, managing director of Wardour, and Budd Rogers, general sales manager of Liberty.

Liberty has also just closed deals for its complete list with F. & M. and the E. M. Loew circuit in New England.

## Reich for Finer Films

BERLIN, Nov. 30.—In banning two German films yesterday on the ground they were "cheap stuff," Dr. Paul Joseph Goebbels, Minister of Propaganda and Public Enlightenment of Germany, told the home industry it would have to turn out better grade pictures as the Reich was disgusted with the present product. The prohibited films were "Love Conquers" and "A Child, a Dog and a Tramp."

## Cantor Europe-Bound

Eddie Cantor sails today on the *Rex* for Europe. His wife, Ida, and his three eldest daughters, Marjorie, Natalie and Edna accompanying him.

Cantor expects to return some time in February and will report to Hollywood in April to begin work on his next Goldwyn picture.

## "Copperfield" for Capitol

Although originally slated for the Astor at two-a-day, "David Copperfield" has been booked into the Capitol for Christmas Week.

## Pons-Radio Deal Set

Lily Pons yesterday completed negotiations with Radio to appear in one picture.

## "U's" Dinner-Dance To Be Held Tonight

Universal Club will hold its annual dinner-dance at the Astor tonight with an attendance of 550 anticipated. The main ballroom will be converted into a ship's interior and the general idea behind the function will be tied up with an imaginary trip to Bermuda. Jack Berger and his Astorians will furnish the music and much of the talent will be by Mentone Prod. which is making a series of shorts for Universal release.

## Laemmle Sailing Off

Carl Laemmle, Jr., will not sail for Europe today as scheduled, since he suffered a relapse in an attack of grippe that has laid him low for the past week.

He now plans to get away on the *Conte di Savoia* in two weeks.

## Comedians Portland Hit

PORTLAND, Nov. 30.—A combination of Wheeler and Woolsey on the stage and their picture, "Kentucky Kernels," on the screen knocked a few records for the well known loop at Hamrick's Orpheum. The Thanksgiving Day gross was $2,000.

## Start "Custer's Stand"

HOLLYWOOD, Nov. 30.—Stage and Screen Prod., Inc., has started work on a 25-reel serial, "Custer's Last Stand." Rex Bell, Buzz Barton and William Farnum are in the cast.

## Korda Signs Laughton

LONDON, Nov. 30. — Alexander Korda, production head of London Films, has signed Charles Laughton for the lead in "Sir Tristam Goes West." U. A. will handle the release in America.

## Selander Succeeds Brod

HOLLYWOOD, Nov. 30.—Lester Selander has been named chairman of the assistant directors' section of the Academy executive committee. He succeeds Sidney S. Brod, resigned, who is no longer an assistant director.

## Goetz Off for London

Harry H. Goetz, head of Reliance Pictures, sailed last night on the *Olympic* for London in search of stories and talent for next season's lineup. He expects to return Dec. 18.

## New Loew Highs Set On Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 39 | 38¾ | 39 | + ⅝ | 600 |
| Consolidated Film Industries, pfd | 18 | 17⅝ | 17¾ | ..... | 1,700 |
| Eastman Kodak | 113½ | 112 | 112¼ | —1¾ | 900 |
| Eastman Kodak, pfd | 140 | 140 | 140 | —2 | 1,400 |
| Fox Film "A" | 14¼ | 13¼ | 14¼ | +1 | 2,400 |
| Loew's, Inc. | 36¼ | 35 | 36¼ | +1¼ | 16,600 |
| Loew's, Inc., pfd | 105 | 104¼ | 105 | +1 | 300 |
| Paramount Publix | 3¼ | 3⅛ | 3¼ | + ⅛ | 3,100 |
| RKO | 1⅞ | 1¾ | 1⅞ | + ⅛ | 1,300 |
| Universal Pictures, pfd | 37 | 37 | 37 | +2 | 3,000 |
| Warner Bros. | 4¾ | 4⅝ | 4¾ | + ¼ | 1,000 |

## Technicolor Lone Curb Issue

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 14½ | 13⅞ | 14¼ | ..... | 1,300 |

## All Bond Issues Show Gains

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9 | 8½ | 9 | + ⅛ | 4 |
| General Theatre Equipment 6s '40, ctf | 8¾ | 8⅝ | 8¾ | + ½ | 15 |
| Loew's 6s '41, ww deb rights | 104½ | 104 | 104¼ | + ¼ | 12 |
| Paramount Broadway 5½s '51 | 42 | 42 | 42 | ..... | 5 |
| Paramount F. L. 6s '47 | 59 | 58 | 59 | + ½ | 16 |
| Paramount Publix 5½s '50 | 58½ | 58½ | 58½ | + ½ | 10 |
| Warner Bros. 6s '39, wd | 59 | 58¾ | 58¾ | + ¼ | 7 |

## ◂ Purely Personal ▸

JAMES BARTON has finished his work in "Tobacco Road" and leaves tomorrow for Hollywood to start work for Radio in "The Taming of Zenas Henry."

IAN HUNTER, recently signed by First National, is scheduled to arrive here from London in about two weeks. He will work in "A Midsummer Night's Dream."

FRED WARING and his orchestra open at the Paramount Christmas week, inaugurating the new stage policy at the Broadway house.

MARY PICKFORD is on her way back to Hollywood. She plans to organize a coast production of "The Farmer Takes a Wife."

GEORGE JESSEL and SHIRLEY ROSS, the latter an M-G-M player, will appear at the Capitol starting next Friday.

GEORGE BATCHELLER is in from the coast and will remain until January. MAURY COHEN didn't accompany him on this trip.

HARRY BUXBAUM, who has been spending the last few days in Boston, returns Monday. He is visiting his brother.

CHARLES L. O'REILLY goes to Philadelphia today to attend the Army-Navy game.

HUGH WALPOLE gets in from Hollywood next week and after spending two days here will sail for England.

ROSARIO BOURDON, NBC orchestra director, has been signed to do a series of Brunswick records.

AL SCHWALBERG of Warners is back from his coast trek.

MAX COHEN opened the Stadium, latest in his circuit, Thursday night.

AL SELIG returned from Buffalo yesterday.

GEORGE SCHAEFER is in the south for a brief rest.

ED KUYKENDALL is due in town Monday from Columbus, Miss.

TONY MUTO is due back from Washington the first of next week.

VINCE HART is on the sick list.

## Is Guest of Roosevelt

SCRANTON, Nov. 30.—M. E. Comerford was a week-end guest of President Roosevelt at Warm Springs, Ga. Leaving Bloomsburg, Pa., Friday by plane, Comerford picked up Frank C. Walker at Washington and the two continued by air to Georgia. Comerford and Walker were the President's guests at dinner Saturday night and also spent Sunday at Roosevelt's Warm Springs home.

## Form Two Theatre Firms

ALBANY, Nov. 30.—Branwin Amusement Corp., New York City, has been chartered to exhibit pictures and vaudeville. Alexander Stone, Elizabeth Hirsh and Edward M. Brandriss are the incorporators.

Vandyke Amusement Corp., New York City, has been chartered for the same purpose. Rose Bernholz, Gertrude Mendelson, and Ethel Kutcher, are directors.

# Circuits Move To Fight Free Socony Shows

(Continued from page 1)

Shubert, a 2,000-seat legitimate theatre, and will be broadcast from WICC. From New Haven the troupe goes to Concord, N. H. Details of the itinerary are being closely guarded by representatives of Standard Oil in charge of the exploitation project and by the representatives of the participating performers.

Music Corp. of America, the Guy Lombardo representative, declined to reveal the itinerary, stating that no publicity for it was desired except locally, and then only a few days in advance of engagements. It is understood, however, that the troupe will play about 40 cities throughout the country.

Just what line of opposition to the Standard Oil's free shows is open to theatres was not determined by the circuit representatives at their meeting in the Hays office yesterday. Warners have already registered a protest with Compliance Director Sol A. Rosenblatt on the grounds of unfair competition. Other theatre companies are expected to add their complaints to that of Warners. Other methods of protest and retaliation suggested yesterday will be held in abeyance, it is understood, until attempts have been made by industry leaders to arrive at an understanding with high Standard Oil officials. This procedure may involve a request that admissions comparable to those of a first run theatre be charged for the performances.

Theatre representatives will probably meet again next week on the same subject.

## British Lion Signs Perry, Tennis Star

(Continued from page 1)

his playing partner. William T. Tilden, 2nd, will do the commentary in all the reels.

Perry's amateur standing will not be jeopardized, since the series has the approval of the Lawn Tennis Ass'n.

It is understood here that Fred Perry will turn professional and join the Tilden Tennis Tours, Inc., some time in March. The troupe includes Elsworth Vines, George Lott and Lester Stoeffen. Whether or not Warners' offer to Perry, made last summer, to make a series similar to British Lion still holds is problematical.

## New Schine Dividend

Gloversville, N. Y., Nov. 30.—Schine Theatres, Inc., has declared a dividend of 75 cents a share on account of accumulations on the no par $3 preferred stock, payable Dec. 1 to stockholders of record Nov. 20.

After this payment overdue dividends will be $5.25 a share.

## Jack Stebbins Better

Hollywood, Nov. 30.—Jack Stebbins, who was recently removed from The Chief at Albuquerque because of a sudden illness, is making steady progress toward recovery.

# B'way Up and Going; Takes Better, Big Week-End Seen

(Continued from page 1)

opened big with "Gay Divorcee" yesterday. The Strand hit $10,319 with "Gentlemen Are Born" and the Rialto with "Menace" fared badly with $9,000. "The Captain Hates the Sea" opened big at the Rialto on Thanksgiving Eve and hit the second highest opening day gross since Arthur Mayer took the house. "Lost Patrol" still holds the first-day record. "College Rhythm" at the Paramount ended the first week at $27,000.

Broadway operators are excited over the week-end school holiday, following Thanksgiving. The school lay-off is expected to perk up intakes today and tomorrow.

"Flirtation Walk" at the Strand is holding to capacity audiences since its opening Thanksgiving Eve. According to Warners the picture hit a new record for Thanksgiving Day business.

## London Flash Review

By BRUCE ALLAN

**London, Nov. 30.—"The Iron Duke," Gaumont British production, which opened at the Tivoli tonight, is undoubted box-office and an outstanding spectacle. It presents Wellington (George Arliss) as a man and statesman rather than as a soldier, reaching its highest pitch in the scene picturing his speech in the House of Lords for tolerance toward the beaten enemy. This is magnificently acted and produced.**

**The Waterloo scenes are brilliant, with the charge of Scots Greys and Highlanders the highlight. Other big scenes are the ball at Brussels on the eve of the battle and peace conference at the Paris Opera.**

**The story shows Wellington in a battle of wits with "Madame," niece of Louis XVIII, who secures Ney's execution in the Duke's absence, but is sent into exile on his return. The afterwar parallel with Europe today is emphasized in the dialogue.**

**Running time, 90 minutes. "G."**

## Move for Abolition Of Double Features

(Continued from page 1)

inappropriate" pictures on the same bill with recommended features, hampering efforts to improve the public taste.

With the elimination of double features, the committee recommended that programs be unified so that each will consist of a single feature and appropriate short subjects, that undesirable advertising trailers be eliminated, that more informational and less sensational trailers be substituted, and the neighborhood theatre week-end programs be planned to meet the needs of the family groups.

## Santell Goes West

Al Santell left New York for Hollywood by rail yesterday, but will be back early in the new year en route to London again where he has pending a lawsuit against Toeplitz Prod. The action developed out of direction of "The Dictator" for which Santell was employed. Claiming unreasonable demands were made out of line with his contract, Santell did not finish the picture but resorted to law.

## Buy Terre Haute Site

Terre Haute, Nov. 30.—The Scherer Theatre Co., with houses at Linton and Clinton, has purchased from J. T. Rousch and the Rousch family a site on Wabash Ave. The company refuses to disclose its plans.

## Selling Tickets on Commission Stopped

(Continued from page 1)

the Piqua, at Piqua, O. George V. Lynch, of the Schine home office, at Gloversville, N. Y., attended this hearing.

A dismissal verdict also was rendered in the overbuying complaint of S. S. Steenwood, Majestic, Nelsonville, O., against M. S. Porter, Orpheum, same city.

In the case of Steenwood vs. Porter, based on reduced admissions, respondent was ordered to adhere to prices in contact, which specifies 10, 15 and 20 cents. Evidence showed respondent had been double featuring at a five-cent admission during the summer, but had recently advanced the admission to 10 cents. This, however, was below the minimum set forth in contract.

## Set Up New Clearance

New Orleans, Nov. 30.—Jeanerette, Franklin and New Iberia have been zoned together by the clearance and zoning board as a result of a complaint of Laurence Lampo of Jeanerette. Lampo complained that Affiliated Theatres, which book for the houses in Franklin and New Iberia, were demanding 30 days' clearance over his house, which had not been granted in the past and that Fox, which has sold him "Judge Priest" and "Peck's Bad Boy," took the films away to give them to Affiliated.

Under the new arrangement first runs get 15 days' clearance and second runs get priority over third. This cuts down the Affiliated demand for clearance, but also puts Lampo on a third run basis for the bulk of major product.

## Dismiss Cleveland Case

Cleveland, Nov. 30.—The Steinberg vs. Shea overbuying case was dismissed upon evidence today by unanimous vote of the grievance board. The plaintiff had charged inability to obtain product of this or any other year for any designated run. The board ruled no proof had been produced that the respondent was guilty of the charges.

# Warners Cut '34 Loss to $2,530,513

(Continued from page 1)

directors for investments in and advances to affiliated companies.

The report disclosed that the company has $4,664,137.62 in cash on hand and that a further amount not to exceed $200,000 is expected from Erpi. The exact total will not be known before April 26, 1937.

The company has speeded up its amortization of films by cutting the total amortization from 52 weeks to 30. Under the new schedule a film is devalued 74 per cent at the end of 13 weeks; 96 per cent at the end of 26 weeks and 100 per cent at the end of 30 weeks.

The consolidated balance shows mortgages and funded debt totalling $86,487,734.19. Last year it was $90,627,930.73, and on Aug. 23, 1931, it was $104,898,926.97. This is a reduction of $18,411,192.78 in the funded debt in three years.

Total current and working assets are listed as $168,342,026.33.

## "Flirtation" Start Makes Warners Grin

Warner executives went into a smile cycle yesterday when telegraphed reports on opening day engagements of "Flirtation Walk" convinced them the new Powell-Keeler musical is in the big money division. New house records were advanced for the picture by the company and the following highlights reported by the home office on Thanksgiving Day engagements in scattered spots:

Albany—Opening day's take was $2,647, topping "World Changes," "Footlight Parade" and "Wonder Bar."

Akron, O.—Strand played first day Thanksgiving to smash business, ahead of "World Changes," "Footlight Parade" and "Wonder Bar."

Bridgeport, Conn.—Cameo reports business way ahead of "Footlight Parade" and "Wonder Bar."

Charleroi, Pa.—Coyle broke 42-year house record for opening day (Thursday).

Cleveland—Thanksgiving Day was first full day at Hippodrome and grossed $4,098, which is big and way above "Footlight Parade" and "Wonder Bar."

New Haven—Roger Sherman topped gross of previous Thanksgiving Day by 50 per cent for a smash take.

Philadelphia — Stanley had biggest Thanksgiving Day in its history. Grossed $6,995 opening days (Thanksgiving) topping first day of "Footlight Parade" and "Wonder Bar."

Plainfield, N. J.—Walter Reade sent following wire to A. W. Smith, Jr.—"I cannot resist opportunity to send wire calling attention to gross at the Strand. Never grossed as much money in one day since Spanish War."

Youngstown, O.—Warner here did best Thanksgiving Day's business in years.

Worcester, Mass.—Opened at Warner topping receipts recorded on Thanksgiving Day of last year by $97.

## Stage Show Return Set for St. Louis

St. Louis, Nov. 30.—F. & M. will start stage shows at the Ambassador on Dec. 7, according to Charles Kurtzman. A 20-piece orchestra will be assembled under the direction of D'Arteaga.

Negotiations with the union have been on and off for a period of six weeks. The St. Louis may be reopened, it is said, for roadshows and traveling musicals.

# Group of Four To Run RKO's British Sales

(*Continued from page 1*)

in the Royal Flying Corps during the war and port representative in London for the U. S. Shipping Board for two years. Leishman was with Universal for approximately 12 years, his various posts there including that of assistant to the treasurer, chief auditor of exchanges, assistant to the general sales manager, the manager of American exchange operations and home office representative in Europe. Latterly, he has been representing Radio in the Far East and as general European representative for that company.

Ralph Hanbury has been sales manager for Radio in England for several years. He will be in active charge under the new setup, but Leishman will be the final word on British activities.

Frank Tilley, was one-time editor of *Kinematograph Weekly* of London. Since holding that post, he has been identified with production, but more particularly with publicity and advertising, Currently, he is publicity director for British Radio.

Dawson is secretary of the English distributing company.

## *Denies Predicting Television on Jan. 1*

"I have made no such statement to radio dealers at the Pennsylvania nor to anyone else," declared David Sarnoff yesterday in denying the report published in MOTION PICTURE DAILY on Tuesday that home television sets will be ready for installation beginning Jan. 1.

Sarnoff stands by his comment on television made in his annual report to RCA stockholders on Feb. 24 of this year when he declared:

"It has been the policy of the management to refrain from definite prediction as to the time when television might be brought from the research laboratory and offered on a commercial basis to the American public. While it is impossible to anticipate the exact time when this development can be introduced on an industrial basis, it may nevertheless be said that the progress made by the corporation's laboratories and engineers, especially during the year under review (1933), has brought us much nearer the goal, when transmission of sight will supplement transmission of sound."

## *Delays Pickford Ruling*

Decision was reserved yesterday by Frederal Judge Robert P. Patterson on the motion of Arthur F. Driscoll, Mary Pickford's attorney, for a writ to restrain Edward Hemmer from offering purportedly scandalous evidence to back his $250,000 suit for services he claims he rendered the actress "as her manager and advisor from 1913 to 1920."

## *Goodrow to 1st Division*

NEW ORLEANS, Nov. 30.—F. F. Goodrow, who for sometime past has been operating Goodrow Attractions, has been appointed exchange manager for First Division in this territory.

# *Looking 'Em Over*

## *"The Secret Bride"*

(*Warners*)

This is a mystery story with a political background. It moves rapidly, with a nicely balanced cast and some fine photography.

Barbara Stanwyck is the secret bride. She is the daughter of the governor (Arthur Byron) and elopes with the attorney general of the state (Warren William). They return after a justice of the peace wedding to find the governor facing impeachment because it has been learned that a man whom he has pardoned has committed suicide after his secretary has deposited $10,000 to the governor's private account.

Miss Stanwyck is convinced her father has been framed. Acting on this theory, she gets her husband to retain an incriminating letter found in the dead man's files. The plot complications develop rapidly as William's confidential investigator (Douglas Dumbrille) is murdered in front of William's house as he greets William's secretary (Glenda Farrell).

At the trial of Miss Farrell, who is accused of murder, the secret marriage is bared by Miss Stanwyck, who comes to the girl's defense. As the governor is about to be impeached Grant Mitchell, secretary to the dead man, who had been pardoned, confesses he is the killer of Dumbrille and is in on a plot to ruin the governor.

The situations are developed for all the suspense there is in them. Better than average entertainment. Production Code Seal No. 384. Running time, 65 minutes. "G."

## *"Life in the Congo"*

(*Kinematrade*)

Another of the African adventure films. This one furnishes little that is new. For the most part it is the record of a safari into the gorilla country of the Kivu Mountains of Darkest Africa. The climax of the picture, which was made by the Ben Burbridge expedition, is a gorilla hunt in which several young specimens are captured alive and another of huge proportions is slain.

This portion of the film contains the only really exciting scenes to be found in the entire footage.

What precedes is simply a collection of routine shots of wild beasts, native life and customs and the long, arduous trek through the jungle, with a couple of animal combats thrown in for good measure. The gorilla scenes come too near the close of the picture to retrieve "Life in the Congo" from mediocrity.

The picture further suffers from poor photography and recording that is equally bad. The production has been provided with a running commentary that might have been better.

No code seal. Running time, 60 minutes. "G."

## *Canada Legion Move Spreads to the West*

(*Continued from page 1*)

diocese to sign pledges and to act accordingly. Churchmen of other denominations have also become agitated and have drawn up a slightly different form of pledge.

In the Maritime Provinces, however, the statement has been issued from a church source that the Legion of Decency will not be organized there "because there is no need for it."

Premier M. F. Hepburn of Ontario showed distinct signs of wrath when lists of films were published for the guidance of the faithful, one group being tagged "not appropriate."

"If the Legion of Decency wants to advertise a picture, let them advise people not to see it," the Provincial premier exclaimed hotly. "That's the best way to get people to go and see it."

Hepburn declared he had had no communication from the legion regarding his plans. "All I know about it is what I have read in the papers." Regarding censorship in Ontario, he asserted that the new board had given complete satisfaction. "So far, we have had no call whatever to interfere with the judgment of the board itself," he added.

## *Chicago Publicity Men Join an Ass'n.*

CHICAGO, Nov. 30.—Publicity representatives from various branches of the amusement field have virtually completed formation of a new organization, the Chicago Amusement Publicists' Ass'n., or CAPA as it hopes to become known.

The need for such an organization resulted from the recent Film Relief Dinner Dance when the film folks received exceptional cooperation from newspapers and other agencies.

Among the purposes set forth in a proposed charter are the following: To establish a higher standard of conception and subsequent publication of publicity material; to exchange ideas for the betterment of the amusement field; to foster publicizing of legitimate and meritorious events; to foster closer contact between allied amusement publicists; to cooperate in every way to publicize the City of Chicago as the leading amusement center.

Members so far include Duke Hickey, Universal; Herb Elisburg, Essaness Theatres; Lou Abramson, Allied Theatres of Illinois; Larry Stein, Warner Theatres; Fritz Blocki, Jones, Linick & Schaefer; Fred Bartow, M-G-M; Ted Weber, *Daily Times;* Sam Clark, Warners; Al Sobler, Medinah Michigan Ave. Club; Oscar Schenk, *Chicago American*; Al Fuller, Palmer House; Dan Goldberg, *Variety*; Nat Green, *Billboard*; John Joseph, RKO; Joe McKeown, Schoenstadt Theatres; Cal Hermer, *Box Office*; William K. Hollander, B. & K.; Harry Holmquist, MOTION PICTURE DAILY, and others.

Headquarters have been established at the Congress Hotel.

# "Happiness" At $33,000, Boston High

BOSTON, Nov. 30. — "Pursuit of Happiness" at the Metropolitan was high for the week, taking in $33,000, or $5,000 above average, while Keith's went to $9,500, or $3,500 above its usual take, with "Great Expectations." Loew's State was $3,000 above par, $16,000, with "We Live Again."

Total first run business was $108,500. Average is $94,000.

Estimated takings for the week ending Nov. 22:

**"GAMBLING" (Fox)**
BOSTON—(2,900), 25c-50c, 7 days. Vaude. **Gross:** $18,000. (Average, $16,000.)

**"365 NIGHTS IN HOLLYWOOD" (Fox)**
**"THE FIREBIRD" (Warners)**
FENWAY—(1,800), 30c-35c, 7 days. **Gross:** $10,000. (Average, $9,000.)

**"GREAT EXPECTATIONS" (Univ.)**
KEITH'S—(3,500), 25c-65c, 7 days. **Gross:** $19,500. (Average, $16,000.)

**"WE LIVE AGAIN" (U. A.)**
LOEW'S STATE—(3,700), 35c-50c, 7 days. **Gross:** $19,000. (Average, $16,000.)

**"PURSUIT OF HAPPINESS" (Para.)**
METROPOLITAN — (4,350), 30c-65c, 7 days. "Anatole's Affairs of 1935." **Gross:** $33,000. (Average, $28,000.)

**"365 NIGHTS IN HOLLYWOOD" (Fox)**
**"THE FIREBIRD" (Warners)**
PARAMOUNT—(1,800), 30c-50c, 7 days. **Gross:** $9,000. (Average, $9,000.)

## *Admitted to Federal Bar in Philadelphia*

PHILADELPHIA, Nov. 30.—An interesting sidelight at the Harry Perelman double features case before Judge George A. Welsh in Federal court, was the admittance of Mrs. Jeanette Cohen to practice law in the Federal court here.

The ceremony was a complete surprise to Mrs. Cohen, who practices law under her maiden name of Jeanette Willensky. As private counsel for the Independent M. P. Exhibitors Ass'n, which is vitally interested in the Perelman case, she was sitting in the courtroom as spectator when Benjamin M. Golder, attorney for the plaintiffs in the case, suddenly moved that the Court permit her to be enrolled as an attorney in the Federal courts. Judge Welsh acquiesced and administered the oath. She was formerly Golder's secretary when he was a member of Congress.

Mrs. Cohen, or Miss Willensky, as she is known in legal circles, is the wife of Dr. David J. Cohen, of Overbrook, and is the mother of a three and a half year old daughter.

## *Pathe Gets Refund*

WASHINGTON, Nov. 30.—A refund to Pathe Exchange, Inc., of New York, of $89,945 on its 1924 tax return has been ordered by the Internal Revenue Bureau.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 130 NEW YORK, MONDAY, DECEMBER 3, 1934 TEN CENTS

## Work on Plan For Para. Is In Final Rush

### *Expect to Have It Ready For Court Today*

Final work on the Paramount Publix reorganization plan was rushed through the week-end with attorneys working all day Saturday and Sunday in an effort to have the plan ready for filing with the Federal court some time today.

Week-end indications were that the work would be completed and copies of the plan off the presses by late today. A slight hitch in the routine, however, could delay filing of the plan until tomorrow, it was stated. The week-end work on the plan was largely that of copy reading and the correcting of proofs, the actual content of the plan having been set late last week.

Regardless of the actual filing of the plan, the Paramount Publix trustees,

(*Continued on page* 4)

## Para. Bonus Suit Move Coming Soon

A Federal court procedure by the Paramount Publix trustees to recover more than $3,000,000 paid in cash bonuses in 1929 to Adolph Zukor, Jesse Lasky, Sidney Kent, Sam Katz, Ralph Kohn and B. P. Schulberg will be inaugurated this week.

The bonus agreements on which the action will be based provided for payment to Zukor and Lasky of a seven per cent dividend after payment to common stockholders of a $4 dividend; five per cent to Kent and Katz

(*Continued on page* 4)

## *Sunday Opening Up Again in Hartford*

Hartford, Dec. 2.—Another public hearing on whether theatres shall be allowed to open at 2 P.M. Sundays will be held this week by the Board of Aldermen. The aldermen expect to act on the proposal on Dec. 10.

A proposal for Sunday opening was tabled at the meeting held Nov. 12.

## *ITOA-Allied Tieup Prospect Held Dim*

There is very little hope that the I.T.O.A. will affiliate with Allied. According to Allied leaders, the I.T.O.A. must come within certain specifications before it will be considered for membership in the national

(*Continued on page* 7)

## *Louisiana Two-Year Debt Law Has Many Limitations*

New Orleans, Dec. 2. — Huey Long's two-year debt moratorium law doesn't mean that anybody can refuse to pay bills for two years, it develops, and film executives are breathing easier.

In fact, the law doesn't even apply to debts contracted since the passage of the act. Anybody who wants to take advantage of the act for old debts has to prove he can't pay.

Administration of the law will be in the hands of State Bank Examiner Jasper S. Brock. He is a big business man and has held his post under five governors. Both debtors and creditors must appear before him.

Since this became known the frequently heard remark: "Well, I won't be paying you anything for the next two years" has sounded less ominous.

The act is now in effect, but the

(*Continued on page* 4)

### *Industrialist*

**Washington, Dec. 2.—Under Sol A. Rosenblatt's new post as compliance director of the NRA, he has approximately 1,600 people on his staff with a monthly payroll of $340,000.**

## Confab Nears To Designate Union Scales

Compliance Director Sol A. Rosenblatt is expected to call a meeting in New York Friday of union, independent and circuit theatre heads for conference to set up a basic wage scale for this territory.

Now on the coast straightening out studio problems, Rosenblatt is due to return to Washington on Wednesday. On Thursday he is expected in New York to attend the regular Campi session. After the Code Authority meeting, Rosenblatt is expected to stay over a day for the union confabs.

About two weeks ago, the fact-finding committee, appointed by Rosenblatt some time ago to make a survey of local conditions, reported to Washington its findings. It is now up to the compliance head to set up the basic scale.

From some reports, it is held that small houses will have to pay about

(*Continued on page* 7)

## *Rosenblatt Fights to End Coast Deadlock*

Hollywood, Dec. 2.—Compliance Director Sol A. Rosenblatt is continuing his conferences with key men on both sides in the tussle between producers and actors and writers over a code of fair practice, with nothing thus far taking sufficient form to warrant a statement.

General opinion here is that unless writers and actors modify their demands the deadlock will continue.

## Signal Corps Worries Over War Negative

Washington, Dec. 2.—Loss of invaluable negatives made during the World War unless action is taken to duplicate them is seen in the rapidly aging stock now in possession of the U. S. Signal Corps.

Nearly 1,500,000 feet of negative and postive, not all of which has yet been classified, is in the fireproof, temperature-controlled vaults of the corps' laboratory. Some of the material has been shown to the public as part of the features made by many producers, but some of it has never seen the light since it was developed.

Need for an appropriation of about $35,000 for protection of these films has been laid before the Budget Bureau in the hope that funds would be provided in the next War Department appropriation bill. Several attempts have been made in the past to secure money, but the picture situ-

(*Continued on page* 7)

## *Nickel Scales Win Ruling in Buffalo*

Buffalo, Dec. 2.—A move to wipe out five-cent admissions here has been temporarily lost by a decision of the grievance board dismissing the complaint of Nicholas J. Basil, head of Basil Bros., against the Senate, Allendale, Jubilee, Circle, Marlowe, Unity, Orpheum, Plaza and Ellen Terry theatres. The board ruled the complaint was improperly set up and presented.

(*Continued on page* 7)

## New National Theatre Group Being Talked

### *Progress Depends Upon Exhibitor Attitude*

Plans for a new national exhibitor organization are being formulated by a number of independents here. Crystallization depends on cooperation from theatre men throughout the country.

According to exhibitors working on the latest idea to establish a new countrywide independent organization, the country will be divided into Congressional districts with an exhibitor leader in each state for every congressman. Support for the "little man" will be sought.

Leaders in each state will contact their congressman and also form organizations to operate within their own states. Both Allied, M. P. T. O. A. and independent units will be approached.

Both the I. T. O. A. and Allied in New York have been broached on the plan. Nothing definite has yet been

(*Continued on page* 4)

## *Metzger Quits BIP; In Theatres, Liquor*

Los Angeles, Dec. 2.—Lou B. Metzger has severed his connections with John Maxwell as American representative for British International. The arrangement is entirely amicable, Metzger having determined the step because of acquisition of another theatre property to run in conjunction with the Spreckles, San Diego. He is now also active in the liquor business here.

## *Tax Rule Given on Sound Installation*

Washington, Dec. 2.—Expenditures for the transportation or installation of sound equipment in theatres may be capitalized as part of the cost of the equipment itself, it is held by the U. S. Board of Tax Appeals in a decision upholding the action of the Century Circuit, Inc., of Delaware.

It is also ruled that such equipment may be amortized over a period of five

(*Continued on page* 4)

## *Equipment Firms to Test U. S. Sales Levy*

A test suit to determine the right of the Department of Internal Revenue to collect a five per cent sales tax on sound reproducing equipment

(*Continued on page* 4)

MOTION PICTURE
DAILY

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## Extend RKO Listing

The governing committee of the N. Y. Stock Exchange has given an extension of two years from Dec. 1, 1934, to Dec. 1, 1936, to RKO for listing a balance of 1,740,000 shares of common stock. First authority for the listing was granted under application A-9855.

## Meyers an Associate

HOLLYWOOD, Dec. 2.—Zion Meyers, who left Columbia recently to become assistant to Pandro Berman at Radio, moves up to associate producer following completion of "Roberta," which Berman is supervising.

## "Ahoy" Showing Tonight

"Jack Ahoy," the G. B. musical starring Jack Hulbert, will be shown tonight for charity at the Ritz-Carlton with tickets selling for $10 each. The showing's proceeds will go to the Travelers' Aid Society.

## Pert Kelton to Tour

HOLLYWOOD, Dec. 2.—Pert Kelton will take a leave of absence from RKO on Dec. 15 to make a series of personal appearances in various key cities.

## Opening for Charity

LONDON, Dec. 2.—The opening performance of "The Iron Duke" at the Tivoli Friday night grossed £7,285 (approximately $36,425), all of which went to charity.

# Insiders' Outlook

SIGNS of the times: *The Wall Street Journal* predicting better financial statements, meaning profits, are well up on the horizon for 1934; there's a paper that usually knows what it is talking, and writing, about. Earlier: Loew's statement, sans comment with the figures providing their own sensation, however, and telling even those who scan quickly that the year to Aug. 31, 1934, was better than the previous twelve months by almost $2,500,000. Later: Universal Pictures for the nine months to July 28 showing a net of $77.077. Not much black, you might point out but compare what's happened with a loss of $728,747, same period previous fiscal year, for the real slant. Still later: Warners, those musical boys, cutting their loss for the fiscal year to Aug. 25 by $3,761,234 and exactly 78 cents, or from $6,291,748.46 to $2,530,513.68. A loss, yes, but also what a gain! . . .

▼

The Loew eye-dazzler, of course, is the standout. Current profits at $7,479,897 compare with $4,034,289 last year and are half of the five-year record of '30 when the net touched $14,600,032. This is the company, let it be told once again, which has a producing arm that spends and spends coin of the realm on its attractions by virtue of what apparently is a pipe line from the mint in Washington to the cashier's wicket in Culver City. Metro's starring personnel, as everyone knows, is the most expensive in the industry. It has men like Mayer and Thalberg and Ruben cutting in on the profits; stars like Garbo who get somewhere between $250,000 and $300,000 a picture; producers, like Selznick, who get four thousand times one dollar a week in salary and yet the company's earnings record is what it is. This, it, therefore, seems, is as good a time as any to recall what Nick Schenck said in a handful of words many months back: "There is nothing in this business which good pictures cannot cure." . . .

▼

Pokings into the recesses of this department's memory recall the yarn, some weeks old now, of Philadelphia, its houses and a denial of Harry M. Warner that he was talking a theatre deal there on a personal basis. The company had no comment to make when asked at the time if the palavers tied in with corporate expansion. Now comes a court hearing on the advisability of selling four houses owned by the William Freihofer and Fred Nixon-Nirdlinger estates to prove that the Warners—corporation, not brothers—were and are interested in such a purchase. Facts, or many of them, have a way of asserting themselves. Sooner or later. . . .

▼

John S. Roberts, associate superintendent of schools in New York, has been delving into the film problem with those untold thousands of children who attend the public schools very much in mind. As is customary in matters of that sort, Roberts finished up with a report. It does a nice see-saw and divides the blame equally with the schools themselves, the producers and that nebulous butt of most reports: society at large. When Roberts states, as he does, this, it is easy to agree with him:

> "Fundamentally, the problem confronting the schools and the public generally is the problem

(*Continued on page 8*)

## Five New Highs Set on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc. | 40¼ | 39¼ | 40¼ | +1¼ | 2,100 |
| Consolidated Film Industries, pfd. | 18¼ | 17⅞ | 18⅛ | + ⅜ | 3,100 |
| Eastman Kodak | 113½ | 112¼ | 113½ | +1⅛ | 500 |
| Fox Film "A" | 14⅜ | 13⅞ | 14 | — ¼ | 3,700 |
| Loew's, Inc. | 37 | 36⅜ | 36⅝ | + ⅜ | 11,700 |
| M-G-M pfd. | 27½ | 27½ | 27½ | + ¼ | 100 |
| Paramount Publix, cts | 3½ | 3¼ | 3½ | + ¼ | 1,800 |
| Pathe Exchange | 1⅛ | 1⅛ | 1⅛ | ..... | 300 |
| Pathe Exchange "A" | 14¾ | 14½ | 14¾ | + ¼ | 200 |
| RKO | 1⅞ | 1¾ | 1¾ | — ⅛ | 1,400 |
| Universal Pictures, pfd. | 40 | 40 | 40 | +3 | 20 |
| Warner Bros. | 5⅛ | 4¾ | 5 | + ¼ | 14,900 |
| Warner Bros., pfd. | 21¾ | 17 | 21⅝ | +6⅛ | 910 |

## Trans Lux Up ⅛ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 14¼ | 14¼ | 14¼ | ..... | 200 |
| Trans Lux | 2 | 2 | 2 | + ⅛ | 100 |

## Warner Bonds Gain Point and Half

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9⅛ | 9 | 9 | ..... | 9 |
| Loew's 6s '41, ww deb rights | 105 | 104 | 105 | + ¾ | 13 |
| Paramount Broadway 5½s '51 | 43½ | 43 | 43 | +1 | 7 |
| Paramount F. L. 6s '47 | 60¼ | 59¾ | 60 | +1 | 11 |
| Paramount Publix 5½s '50 | 60½ | 59½ | 60½ | +2 | 28 |
| Warner Bros. 6s '39, wd. | 60¼ | 58¾ | 60¼ | +1½ | 86 |

# Purely Personal

JOE HORNSTEIN will hold a housewarming tomorrow to inaugurate opening of his own office in the Film Center Building. The free meal ticket starts at 12 noon.

JACK LYONS, former secretary of state, today throws open the doors of his new chop house in the West Fifties. The film and stage fraternity know him well.

BOOTH TARKINGTON'S "Rennie Peddigoe" and HERBERT GORMAN'S "Suzy" have been purchased by M-G-M.

GENE FOWLER and SIDNEY SKOLSKY have arrived in town from the coast by plane.

SAUL BORNSTEIN is due in from Hollywood on the *Santa Paula* tomorrow.

## Duals Bad Business, Declares Brylawski

WASHINGTON, Dec. 2.—Double featuring is just "bad business," declared A. Julian Brylawski, M. P. T. O. president, speaking before a luncheon meeting today of the committee on photoplay appreciation of the National Council of Teachers of English, now in convention here.

Brylawski briefly sketched the development of double featuring from the time when film theatres went in for big stage prologues. When some 1,100 features were made each year, this practice was not so bad, Brylawski stated, but with the advent of sound feature production has fallen off to such a point that to double feature is bad business.

Short subjects, Brylawski said, have in part paid the penalty for double features, for with twin bills the necessity for a supporting program has been minimized. For example, he said, there were 1,262 shorts made in 1929, but only 741 in 1934. And not all of these were screened, for an astonishing number of short subjects are purchased but never used.

Block booking was ardently defended by Brylawski. He termed the practice the film counterpart of what in other industries is just wholesale buying.

## Shearer in Supply Post

B. F. Shearer of Seattle has succeeded Joe Hornstein as vice-president of the Independent Theatre Supply Dealers' Ass'n. Hornstein resigned when he left Warners' subsidiary, Continental Theatre Accessories.

W. J. Katz has been elected to the board.

## Cullman's Second Year

On Dec. 15, Howard S. Cullman celebrates his second year as receiver and trustee for the Roxy. He held the receiver's post for a year and a half. About five months ago, the house went into bankruptcy under Section 77B of the bankruptcy law, when he was made trustee.

## May Go Third Week

Roxy officials today will decide whether to hold "Imitation of Life" for a third week. Indications on Saturday were that the picture would go a third stanza, but yesterday's business was the deciding factor.

## While music fills the Air

THEY *quarrel* FOR THE *fun* OF IT!

THEY *kiss* FOR THE *thrill* OF IT!

THEY *laugh* FOR THE *love* OF IT!

The delightful story and the magic melodies that made "Music in the Air" the marvel of Broadway stage hits. Plus the singing of John Boles...the glamour of Gloria Swanson. A show with lift and swing...lilt and spectacle. Sweet box office music, *to you!*

# Music in the Air

*Music by Jerome Kern.*
*Lyrics and libretto by*
*Oscar Hammerstein, 2nd*

## GLORIA SWANSON

**and JOHN BOLES**
**DOUGLASS MONTGOMERY**
**JUNE LANG**
**Al Shean • Reginald Owen**
**Joseph Cawthorn • Hobart Bosworth**

FOX

*An Erich Pommer Production. Directed by Joe May.*

Continuity by Robert Liebmann, Screen play by Howard I. Young and Billie Wilder. Dances by Jack Donahue.

SONGS *to remember it by:*

"I've Told Every Little Star"..."There's a Hill Beyond a Hill"..."I am So Eager"..."One More Dance"..."We Belong Together"

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# Variety Club Chatter

## Cincinnati

CINCINNATI, Dec. 2. — ELMER DRESSMAN and A. M. THOMPSON, connected with local radio station WCKY, which is owned and operated by Barker L. B. WILSON, were the kings for a day last week, providing outstanding talent of the ether lanes.

LEVITT BUGIE has joined the local Fox office as sales representative.

GEORGE SMITH has shaken the Cincinnati dust for his new assignment as Paramount manager at San Francisco, taking with him the well wishes of his friends here.

## Cleveland

CLEVELAND, Dec. 2. — The local Variety Club has discontinued its weekly king for a day luncheons. Instead, there will be a business meeting luncheon the first Monday of the month. And also once a month, the date to be designated by the president, there will be a king luncheon with special entertainment.

## Detroit

DETROIT, Dec. 2.—The Detroit Variety Club was entertained at its weekly luncheon by WILLIE and EUGENE HOWARD.

Kings for a day were: MANNIE GOTTLEIB, DAVID IDZSL, FRANK DOWNEY, CARL SHALIT and H. M. RICHEY.

Election of officers will take place Dec. 3 in the club rooms.

In addition, an amendment to the club's constitution, creating a board of trustees, composed of all past presidents and the current president, for the purpose of supervising expenditures will be voted upon.

## Washington

WASHINGTON, Dec. 2.—Variety Club will hold its first smoker on the evening of Dec. 3 with Barkers WOLF and MAKOVER in charge of the festivities as kings for a day. There will be no noon luncheon on that day.

# Louisiana Two-Year Debt Law Has Many Limitations

(*Continued from page* 1)

organization for administering it has not been fully developed.

"Little sympathy will go to the man who is able to pay," says Brock. "Every petitioner who seeks to use the act is required to furnish a full financial statement of his income, assets and liabilities, and, in addition, is to be thoroughly investigated. Ten regional offices centrally located throughout the state will be set up and level-headed men with good judgment will be placed in charge of them."

After hearing both sides of the case Brock will attempt to secure an amicable adjustment between creditors and debtors. Courts are still open to dissatisfied creditors, but if they lose they have to pay court costs.

A prominent credit man here says debtors will hesitate to use the act because it might injure credit standing. Its provisions do not apply to debts owed to the state or the Federal Government.

## Allied Men to Hold Des Moines Meeting

DES MOINES, Dec. 2.—An estimated attendance of 1,800 midwest exhibitors is expected at a meeting called here during the second week of January by Allied Theatre Owners of Iowa and Nebraska.

Code problems will be the principal topic of discussion, according to Lester F. Martin. A dinner and screening of new pictures will be part of the program.

## Nassers, Marcus Here

George and James Nasser, San Francisco neighborhood theatre operators, are in New York. At the St. Moritz.

Louis Marcus, former Publix partner in Salt Lake, is also visiting. At the Waldorf.

## Para. Bonus Suit Move Coming Soon

(*Continued from page* 1)

and three per cent to Kohn. Schulberg received a 1929 bonus of $130,000. The payments to Zukor and Lasky aggregated $757,000 each; to Katz and Kent, $606,000, and to Kohn, $303,000.

For the first quarter of 1930 the bonuses were paid mostly in stock, except to Schulberg, who received cash. Bonuses for the last three quarters of 1930 were waived by those entitled to them under the agreements. In 1931 no bonuses were paid and the agreements were abrogated in 1932 while still having a year to run. Consolidated earnings of Paramount in 1929 were $15,544,544, or approximately $4.82 per share on the common stock outstanding. In 1930 earnings were $18,381,178.

Leave to file the suit will be sought of the Federal district court here by the trustees today or tomorrow.

## Work on Plan for Para. in Final Rush

(*Continued from page* 1)

Charles D. Hilles, Eugene W. Leake and Charles E. Richardson, will continue in administrative charge of the company's assets until such time as the plan has been accepted by the court. At that time a court order is issued discharging them from their duties.

Presentation of the plan to the court, today or tomorrow, will be on behalf of the new board of Paramount Publix with that board's recommendation for its acceptance by the court. The reorganization will not result in a change of name for Paramount Publix.

# New National Theatre Group Being Talked

(*Continued from page* 1)

done, but it is understood Allied is in favor of it. Allied for some time has been advising members to contact congressmen on legislative matters.

Connecticut and Pennsylvania units are next to be contacted. No name has been set for the proposed organization. For the present, the sponsors are calling it "League of Forgotten Men."

## Tax Rule Given on Sound Installation

(*Continued from page* 1)

years, even though the Commissioner of Internal Revenue has determined that it has a useful life of 10 years.

The company entered into contracts in 1928 and 1929 with Erpi and RCA Photophone for the installation and use of sound equipment in theatres operated by three of its affiliates, under which the company was required to pay the cost of transportation and installation. Deductions for those charges were disallowed by the commissioner. But the board held that "considering the contracts in their entirety it appears that under them petitioner acquired a license, the cost of which may be said to be the amount expended in the installation of the equipment it was licensed to use."

## Equipment Firms to Test U. S. Sales Levy

(*Continued from page* 1)

will be inaugurated by a group of 15 manufacturers who met Saturday to devise a program of opposition to the levy, J. A. Tanney, head of the S. O. S. Corp., in whose offices the meeting was held, stated.

Samuel Edelstein was retained as attorney in the action and Morris Levison of Simonoff, Peyser and Citron, as accountant. Assessments will be levied against the 15 manufacturers of theatre sound equipment and public address systems represented at the meeting to finance the Federal court action and these will probably be passed on to the exhibitors using their equipment, it was stated. Names of the manufacturers were withheld. The meeting also voted to forward a protest against the tax to the Internal Revenue Department.

## W. A. Johnston Now On Monogram Staff

HOLLYWOOD, Dec. 2.—William A. Johnston, pioneer trade paper man and founder of *Motion Picture News* has joined the Monogram writing staff to work on "The Mystery Man" script. Ray McCarey will direct.

Another Monogram assignment has Jefferson Parker assigned to do added dialogue on "The Great Go Gold," which Arthur Lubin will direct.

## See Mayer-Breen Truce

HOLLYWOOD, Dec. 2.—An amicable settlement of the dispute between Louis B. Mayer and Joseph I. Breen over cuts sought in M-G-M's "Forsaking All Others" was expected over the week-end.

# *The*
# TRADE PAPERS HAIL DOUG FAIRBANKS' TRIUMPHANT RETURN!

•

"SHOWMANSHIP ANGLES ABOUND IN THIS PICTURE! Doug is admirable, as agile and as virile as ever! Ladies will love the romance and the spectacle!" — *Motion Picture Herald*

"PRODUCED ON A GRAND SCALE with subtlety, exquisite imagery and breadth of imagination! Doug amply justifies Don Juan's reputation for glamorous sex appeal and charm of presence!"

— *Hollywood Reporter*

"A BIG ATTRACTION FOR SHOWMEN! It has immense possibilities!"

— *Jay Emanuel Publications*

LONDON FILMS
present

*Douglas*
**FAIRBANKS**

in

**ALEXANDER KORDA'S**
production of

*The Private Life of*
**DON JUAN**

*with* MERLE OBERON
BENITA HUME · BINNIE BARNES
*and the beautiful leading ladies*
*of "HENRY VIII"*

*Released thru*
UNITED ARTISTS

## Confab Nears To Designate Union Scales

(Continued from page 1)

$80 a week for the booth. In larger houses, the figure will vary.

When Rosenblatt sits down with theatre and union representatives, it is understood he will lay down the law and brook no delays in getting a scale formulated. Some accounts have it that the scale set up will be binding to all parties for the next 10 years. However, Rosenblatt may even demand a truce between the various operators' unions. This will mean the end of cross-picketing by Local 306 and Allied.

## *Nickel Scales Win Ruling in Buffalo*

(Continued from page 1)

This clears the way for filing an amended complaint later.

The board's vote was 3 to 1, Sidney Samson, Fox manager, dissenting. Samson held that exhibitors whose contracts do not call for a 10-cent minimum admission must be excepted from the complaint.

Another 3 to 1 decision was rendered in the issuance of a cease and desist order against the Riverside, Schine house. Basil's complaint that the Riverside's "kiddies' pay day" device was in violation of the code forbidding reduced admissions was upheld, with Jack L. Berkowitz, manager of the Standard exchange, dissenting.

An attempt of the Lyric, fourth run house operated by George N. King, Binghamton, to gain a higher classification, has been turned down by the clearance and zoning board. King protested against alleged advantages enjoyed by houses of the Comerford circuit in Binghamton—the Riviera, Strand, Capitol, Star, Symphony, Regus, Suburban and Avon, and against United Artists, RKO, Paramount and Warners, with which thc Comerford theatres have contracts.

## *K. C. Board Refuses Bank Night Appeal*

Kansas City, Dec. 2.—Ruling the J. F. Rigney bank night case is a closed chapter, the local grievance board has refused to reopen it at the request of R. W. McEwan, bank night distributor, who claims Campi's ruling that the complainant's and respondent's theatres must be in direct competition applies in this instance.

Rigney recently filed a certificate of compliance after his film service was ordered stopped. The board will, however, hear further evidence to establish the element of direct competition in two cases remanded by Campi.

The competitive factor was the basis of dismissal by the board of a "cash night" complaint filed by the Dickinson, Marceline, Mo., against the Fox DeGraw, Brookfield, Mo. The ruling was the towns are not competitive, as they are separated by a distance of 20 miles.

The board issued a cease and desist order against the Orpheum, Parsons, Kan., on complaint of Dickinson's Uptown, same town, charging bank night operation. The respondent's defense was the Dickinson house was running grocery nights, but the complainant told the board he was discontinuing them.

## *Seek to End Iola Row*

Kansas City, Dec. 2.—The local grievance board is attempting to settle a competitors' "dog fight" in Iola, Kan., by mutual agreement on price and policy between the three theatres involved. If the operators file a written agreement with the board, complaints filed by the Dickinson against the Uptown and Kelley will be dismissed. Otherwise the board will sit as a Local Industrial Adjustment Agency on Dec. 5 in an effort to conciliate the differences. The theatres are accusing each other of dualing at a dime, two-for-ones and similar practices.

## *Order 5c. Shows Stopped*

Detroit, Dec. 2.—The grievance board has issued an order directing W. W. Brown of Grand Rapids and several Detroit exchanges to observe the minimum price stipulation in contracts in so far as they prohibit five-cent admissions for matinees. The complaint was brought by Allen Johnson of the Royal and Our Theatres of Grand Rapids.

## *M-G-M Signs Webb*

Hollywood, Dec. 2.—M-G-M has signed Clifton Webb, New York musical comedy star, to a long term contract. He was featured in "Three's a Crowd" and "As Thousands Cheer." His first vehicle will probably be the "Life of Johann Strauss."

## *Roy Turk Dead on Coast*

Hollywood, Dec. 2.—Roy Turk, song writer with Warners and M-G-M the past three years, is dead here from pneumonia following an operation two weeks ago. His widow, Gladys, survives.

## *Gill Contract Expires*

Hollywood, Dec. 2. — Gwenillan Gill's contract with Paramount has expired. She is en route to her home in Scotland.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"The Man Who Reclaimed His Head"*

(*Universal*)

Hollywood, Dec. 2.—This is a powerful drama made vividly human by Claude Rains' splendid characterization and promises to take the rank of one of the season's most discussed pictures.

The locale is France in 1915. Told in retrospect, the story deals with interest-gripping situations. Spurred on by his wife (Joan Bennett), material happiness and ambitions, Rains becomes a brilliant political ghost writer for Lionel Atwill, a publisher of peace propaganda.

With war declared Atwill sacrifices his humane ideals to the patriotic but selfish blandishments of the munitions makers. Conscripted to the front and disillusioned, Rains overhears a conversation linking Atwill with his wife. As Miss Bennett castigates Atwill for his duplicity, Rains, an A.W.O.L. soldier, confronts the pair.

Murderous combat, simultaneous with an air raid, completes Rains' narrative with Lawyer Henry O'Neill agreeing to defend Rains and confident that on the evidence no jury will convict him.

This is an exploitation picture because of the topical war maker atmosphere. Rains' acting alone is a worthy bid for popular support. Miss Bennett gives a sympathy-winning performance in a difficult role. Atwill matches Rains' pace. O'Neill, Baby Jane and Henry Armetta please in the principal supporting roles. Edward Ludwig's direction capitalizes the dynamic punch of the Jean Bart screen play. Production code seal, No. 424. Running time, 80 minutes. "G."

## *"Grand Old Girl"*

(*Radio*)

Hollywood, Dec. 2.—Brim full of old-fashioned hokum, this film carries entertainment for the entire family. The story glorifies the American school teacher, personified by May Robson as the principal of a small town high school who strives to oust some crooked politicians, proprietors of gambling houses in the neighborhood of the school, to remove temptation from her beloved pupils. After being dismissed from her lifelong job for meddling in the Big Shot's underhanded affairs, she is reinstated by the President of the United States, a former pupil, as he passes through the town on a tour of the country.

Romance is supplied by a student, Mary Carlisle, and a truck driver, Fred MacMurray. Direction is expertly applied by John Robertson for humor, tears and hurrahs. Miss Robson turns in another knockout performance. Allan Hale registers as the town rounder and so does Etienne Girardot in a comedy role of Miss Robson's secretary. Gavin Gordon is effective as the President. Lucien Andriot's photography is good.

The picture should go to good attendance where Miss Robson draws them and where shows giving emotional satisfaction to solid home folks are pullers. Reviewed without production code seal. Running time, 70 minutes. "G."

## Signal Corps Worries Over War Negative

(Continued from page 1)

ation has never been brought separately before the bureau as it has this year.

About 1,100,000 feet of this film consists of pictures taken by the Signal Corps during the war, about 650,000 feet with the American Expeditiionary force and the rest of it in this country. There are about 250,000 feet of unclassified film, and some 70,000 feet of foreign films, mostly British but including four priceless reels taken by the Germans and secured by the Government with a captured submarine.

For several years officials of the Signal Corps have been alert to the danger of loss through the aging of the films. Some film has already deteriorated to such an extent as to be useless, although, fortunately, none of any importance.

### May Make New Negatives

If funds can be secured, the Signal Corps plans to make new negatives and also master positives of the pictures it has, after classifying them and rejecting the least interesting material and duplications.

The classification of the films would be so conducted as to result in the development of a picture library of World War activities—a history superior to any which could be written in words and of vast potentialities of value to future generations.

These films would be stored in fireproof vaults at the lowest temperature desirable. Also, if desired, copies would be made for storage in the new Archives Building now nearing completion, in which will be kept all of the permanent records of the Government.

The submission to Congress of thc budget by the President in January will disclose whether the plea of the department for funds for the protection of these films has been granted.

## *ITOA-Allied Tieup Prospect Held Dim*

(Continued from page 1)

organization. As yet it is not known whether the I.T.O.A. can meet the regulations laid down by Allied.

Members of the local unit have not yet decided whether they want to tie up with Allied. One meeting has been held with Sidney Samuelson, president. It was an informal discussion. Another meeting is slated.

At the last I.T.O.A. session, the subject of affiliation did not come up. The second meeting between Samuelson and I.T.O.A. representatives may be held today or tomorrow. In the event the session is held, the matter of national affiliation will come up at the local unit's regular meeting on Wednesday.

## *Moore to Coast Soon*

Hollywood, Dec. 2.—Grace Moore will complete her concert tour and return to Hollywood in time for the holidays. Her next starring picture for Columbia is slated to start early in January. The story is an untitled original being prepared by Sidney Buchman.

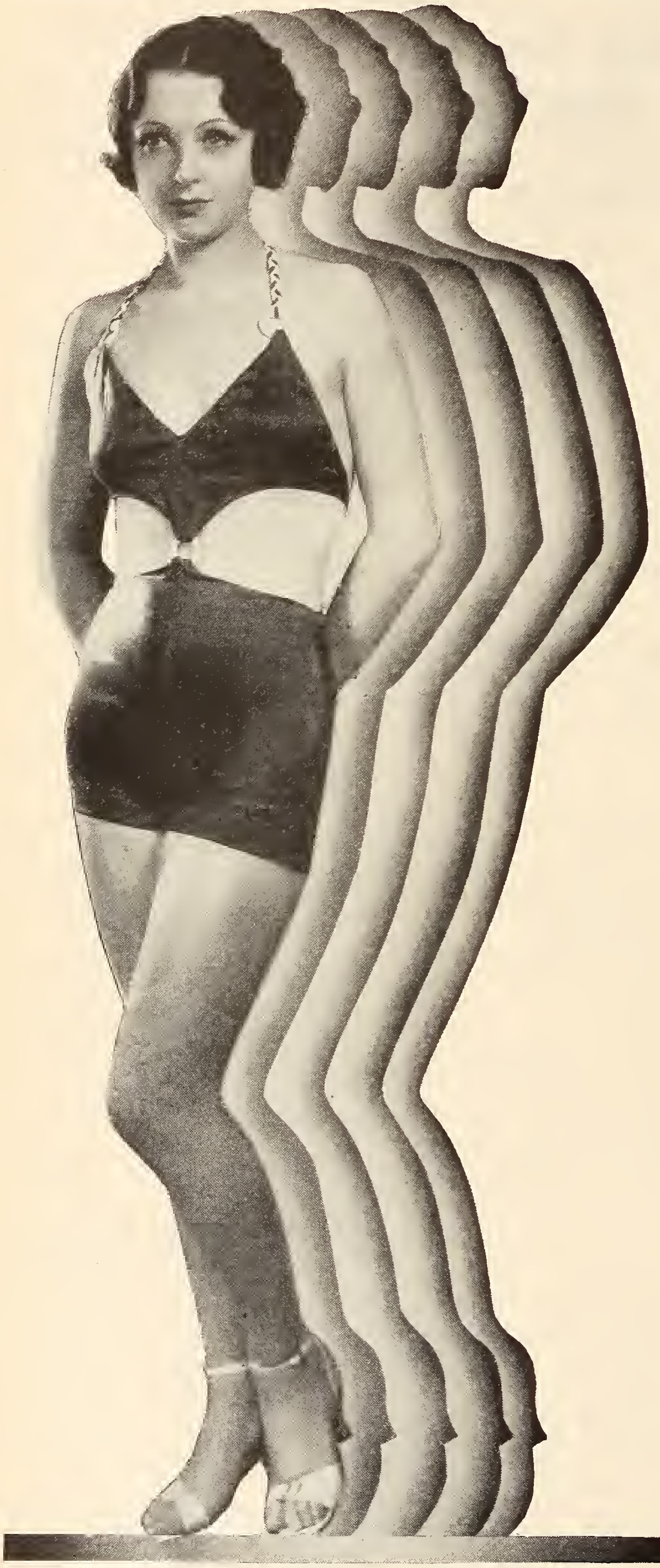

FIGURE IT FROM ANY ANGLE, GENEVA MITCHELL IS AMONG THE BEAUTIES WHO CAN FORM THOSE BOX-OFFICE LINES FOR "NIGHT LIFE OF THE GODS" . . .

***Lowell Sherman's Universal hysteric of hilarity!***

## Insiders' Outlook

(*Continued from page 2*)

of improving the tastes and standards of the public. It is the same problem which is met in questions relating to the improvement of the stage, books, civic standards and ideals and all other improvements for better living."

▼

An easy-to-make observation, but what's to be done about it? Roberts fails to point out that extremely important something.

> "The public has the remedy in its own hands. If it likes good pictures it will refuse to patronize the poor ones. If poor pictures are not patronized, they will not be produced."

The question of good taste can and should be subscribed to by the producing end of the industry. The measure of improvement on that end is almost considerable. The job—thankless and profitless—of educating the public to better standards is a task best advanced by endowments, not profit-sharing corporations in business to return a net which will keep stockholders and some others happy. Or, at this late junction in the crossroads, is it necessary to again go into the song and dance, plus titles and grosses, of those meritorious pictures which practically all producers have turned out at one time or another to find the public simply refused to be elevated? . . .

▼

While neither Skouras nor Randforce has signed the revised operating contracts for Fox Metropolitan Playhouses which permit a sale of the circuit after May 1, 1936, this provision has been included in the plan of reorganization. If approved by the court at the Dec. 12 hearing, the two operators would be obliged to accept it or withdraw from the Fox Met picture. Prior to the court's approval of this provision, however, neither operator will give voluntary approval to it. This provision for a sale of the circuit at a future date, together with cancellation of the Skouras and Randforce contracts, is the only change which has been made in the original Fox Met plan of reorganization which was published exclusively in MOTION PICTURE DAILY of May 22. . . .

▼

Changes in the critics' battery along Broadway are rifting the air, in a casual sort of manner. Entangled in the rumors are one tabloid, one standard-sized newspaper and their respective purveyors of the cinema, pure and not so pure. . . . The Music Hall's standard of daily newspaper advertising continues high, dignified and constantly refreshing. If Eddie Churchill, on behalf of his Donahue and Coe minions, views this as a compliment, he's welcome to the orchid. borrowed from Winchell. . . .

▼

Bunions, the soft, painful and sensitive kind, have been bruised in certain quarters by some of the content of "The President Vanishes." The results are several: (1) Back to the coast has gone the picture for dry cleaning, reported slight; up will go Walter Wanger's blood pressure. (2) Pre-release planned on Broadway with a date set for the Paramount Theatre finds itself moved back to conform with general release which stays, as is, for January. Paramount now is figuring on a splash opening in Washington while Congress heaves in its early throes. . . .

KANN

## "Lady" with Calloway Is Hit in K.C.

KANSAS CITY, Dec. 2.—With Cab Calloway on the stage and "Lady by Choice" on the screen, the Mainstreet's $19,000 was the only outstanding take, one of the big ones of the year. Whether from this competition or not, business at other first runs was down. Stormy weather two days during the week hurt grosses.

Total first run business was $43,100. Average is $38,300.

Estimated takings:

***Week Ending Nov. 25:***

**"PURSUIT OF HAPPINESS" (Para.)**

NEWMAN—(1,800), 25c-40c. 7 days, plus Saturday midnight show. **Gross:** $5,800. (Average. $7,000.)

***Week Ending Nov. 22:***

**"LADY BY CHOICE" (Col.)**

MAINSTREET—(3,100), 25c,-35c-40c, 7 days, plus Saturday late show. Stage: Cab Calloway and his orchestra, with Aida Ward, Nicodemus, Five Percolators, Elma Turner. **Gross:** $19,000. (Average, $10,000.)

**"WE LIVE AGAIN" (U.A.)**

MIDLAND—(4,000), 25c-40c, 7 days, plus Saturday midnight show. **Gross:** $8,300. (Average. $10,000.)

**"CHEATING CHEATERS" (Univ.)**

TOWER—(2,200). 25c-35c, 7 days, plus Saturday midnight show. Stage: "Candyland" revue. with Ben Yost, 3 Emerald Sisters and others. **Gross:** $6,000. (Average. $7,000.)

***Week Ending Nov. 23:***

**"WHITE PARADE" (Fox)**

UPTOWN—(2,000), 25c-40c, 9 days. **Gross:** $4,300. (Average, 9 days, $4,300.)

## *May Open Phila. Keith*

PHILADELPHIA, Dec. 2.—Keith's, at 11th and Chestnut Sts., under lease to Warners, is rumored for a reopening around the first of the year. It is understood it will be a second run, taking films from the Mastbaum, which gets under way Dec. 24 under Roxy's direction. Opening film for the Mastbaum will probably be "Sweet Adeline."

Opening—Today—5 p.m.
**Jack Lyons Chop House**
Radio City
102 West 50th Street

# *Out today*

*The Box Office Check-Up of 1934, defining values and personalities that have gone into the making of this year's outstanding motion pictures as infallibly proven at the nation's box offices; comprising a tabulation of the Box Office Champions from August 1933 to June 1934, naming the players, directors and others who contributed to the production of these notable pictures, and including Box Office ratings for the year of 192 stars and players compiled from the Motion Picture Herald's recent poll of independent exhibitors.*

# *The Box Office*
# *CHECK-UP*
# *of 1934*

# Announcing the Opening of New York's Modern Supply Store

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VOL. 36. NO. 131 NEW YORK, TUESDAY, DECEMBER 4, 1934 TEN CENTS

# Paramount's New Setup Goes Before the Court

## Supreme Court To Rule Upon Uniform Pact

### Grants Fox Appeal from Thacher Decision

WASHINGTON, Dec. 3.—Legality of housands of contracts between exibitors and distributors will be determined by the U. S. Supreme Court, which today granted an appeal of Fox Film Corp. for review of a decision of the Minnesota Supreme Court holding the uniform contract illegal.

Specifically, the court will rule whether the inclusion prior to the Thacher decree in the Paramount case of the compulsory arbitration provision so affected the contract that its entire contents were illegal after the elimination of the provision.

The Minnesota court held the contract to be null and void because the illegality attaching to the arbitration provision permeated the entire document.

In the case before the court, A. B.

(Continued on page 2)

## FWC Sale Held Up For Court Hearing

LOS ANGELES, Dec. 3.—Although Referee Samuel McNabb has approved the sale of Fox West Coast to National Theatres Corp., the sale cannot become effective until the U. S. District Court reviews a petition on behalf of Marshall Square Theatres, operating the Orpheum, San Francisco, and Harry L. Hartman, operating the Orpheum, San Diego.

This petition, filed Saturday, asks the court to review the case on the ground that the present sale petition does not provide for a settlement of the suit now pending in which the claimants are seeking $3,750,000 damages for asserted monopoly of first runs in both cities.

A hearing will take place within 10 days.

## Palmer Gets Right To Fox Met Appeal

Leave to appeal from an order of Federal Judge Julian W. Mack denying Archibald Palmer, counsel, the right to examine members of the bondholders' committee of Fox Metropolitan Playhouses under Section

(Continued on page 2)

*Dependable film delivery by members of National Film Carriers, Inc.—Adv.*

## Para. Trustees Sue K., L. On Employes' Stock Sale

Kuhn, Loeb & Co., former Paramount bankers, yesterday were named in an action instituted in Federal court by the Paramount Publix trustees, who were granted leave by Federal Judge Alfred C. Coxe to compel officers of the banking house to account for any profits made by them in connection with their participation in the Paramount employes' stock purchase plan.

The step came as a surprise and may result in sensational developments if and when the action comes to trial. It was reported the suit may have a determining influence in future financial participation of Kuhn, Loeb in Paramount.

In addition to the action against Kuhn, Loeb, the trustees were also authorized to proceed with actions for an accounting from former directors and officers of Paramount for similar participation in the employes' stock purchase plan and for the payment of salaries and bonuses to officers named in excess of a "reasonable" amount.

Named in the complaint are Felix M. Warburg, Jerome J. Hanauer, Gordon Leith, George W. Bovenizer, Lewis L. Strauss, Sir William Wiseman, Roger W. Kahn, Addie W. Kahn, Gilbert W. Kahn (as executors for Otto H. Kahn), and John Mortimer Schiff, Casimir I. Stralem and Warburg (as executors for Mortimer L. Schiff), all representing Kuhn, Loeb associates.

Former Paramount officers and directors named were Frank A. Bailey, Jules E. Brulatour, Gayer G. Dominick, Harold B. Franklin,

(Continued on page 4)

## Feist Favors Quick Move in K. C. Rate War

KANSAS CITY, Dec. 3.—If Kansas City is to have a price war, Felix F. Feist, general sales manager of M-G-M, is in favor of an intensive one, "to get it over with quickly," he said during a stopover here Sunday en route from the coast.

"All I know is what I have read in the trade papers, as I have been away from my office a number of weeks," he said. "But if Kansas City theatres are determined to cut admissions, let them all do it at once, because the next move will be price increases."

Feist characterized as "stupid" the movement under way among local independents to boycott M-G-M and other distributors furnishing product to first runs which cut prices too deeply. He said such a move would not

(Continued on page 6)

## Charge Duals Cut Quality, Kill Shorts

PHILADELPHIA, Dec. 3.—A strong battery of New York film executives, bulwarked by local exchange managers representing practically all major companies, today gave it as their opinion double features resulted in poorer and cheaper pictures and were killing off the short subject field. The opinions took the form of testimony in the resumed trial of the Perelman suit aimed at the alleged clause in exhibitor-distributor contracts ruling off double features in local theatres.

J. Robert Rubin and William F. Rodgers represented M-G-M; Ned Depinet and William Youngman, RKO; Earle W. Hammons, Educational; Al Lichtman and Edward Raftery, United Artists; A. W. Smith, Jr., and Harold Bareford,

(Continued on page 6)

### Hearing Set for Dec. 27 At Which Creditors Can Object

The reorganization plan for Paramount Publix was presented to the Federal court yesterday in the name of the company and with the support of all of the large bondholder, stockholder and creditor committees.

A hearing on an order to show cause why the plan should not be placed in effect was set for Dec. 27 by Judge Alfred C. Coxe, at which time creditors will be given an opportunity to register objections to the plan.

In its final form, as presented to the court yesterday, the plan is unchanged in any major details from earlier drafts made available to creditors during the past few weeks and published from time to time in MOTION PICTURE DAILY.

Salient provisions of the plan contemplate settlement of the claims of holders of the old debentures in the

(Continued on page 4)

## BIP-First Division Still Talking a Deal

**By BRUCE ALLAN**

LONDON, Dec. 3.—A reciprocal deal between British International and First Division admittedly is under way, but, according to Arthur Dent of the former company, it is "some way" from agreement. In the interim, there will be no successor named to fill the post just vacated by Lou B. Metzger.

Dent told MOTION PICTURE DAILY today that the parting was amicable and was predicated largely on Metzger's desire to devote his time to his theatre business.

## Report M-G-M Seeks To Drop Astor Deal

M-G-M is dropping the Astor and Walter Reade, who recently leased the house to the distributor for 10 years starting Jan. 1, 1935, is negotiating a settlement, it is understood.

The house has been dark since "The Merry Widow" bowed out recently after a four-week run. Originally slated for a two-a-day, "David Copperfield" has been booked into the Capitol for Christmas Week. M-G-M's next big attraction is "Sequoia," which, like "David Copperfield," goes into the first run M-G-M house.

MOTION PICTURE
DAILY

(Registered U. S. Patent Office)

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## *B. F. Sharick Passes*

B. F. Sharick, father of Andrew H. Sharick of Universal, is dead at the home of another son, Edmund Sharick, in Buffalo. He had been a stock farmer all his life and was 96 years old. Andrew Sharick has gone to Buffalo to attend the funeral, which takes place today. Two daughters, Flora Griswold and Mildred Miller, also survive.

## *William Watson Buried*

CLEVELAND, Dec. 3.—William Watson, former manager of the Warner Hippodrome, who died last Wednesday at his home here, was buried in Starkville, Miss.

## *Gets Steele Westerns*

Guaranteed Pictures, Co., Inc., has acquired foreign distribution rights to eight Bob Steele westerns being produced by A. W. Backel for Supreme Pictures.

## *To Open in Springfield*

Harry C. Arthur plans to open the Art, Springfield, Mass., on Christmas. The 1,000-seat house is being remodeled and Charles C. Caballero will manage.

## *Cantor Big in Columbus*

Eddie Cantor's "Kid Millions" set a record at the Ohio in Columbus by grossing $8,400 in the first three days of its run there, it is reported by United Artists.

## *Palmer Gets Right To Fox Met Appeal*

(*Continued from page* 1)

21-A of the Bankruptcy Law was granted yesterday by Circuit Court Judge Martin Manton.

Palmer will seek a preference on the Circuit Court calendar tomorrow for the argument of his appeal. As counsel for Fox Met bondholders who have not deposited with the committee, he is seeking the right to examine the committee members, he said, to determine whether a single banking group dominates the committee and to bring out the business affiliations of the members.

## *Roach Opens Office Here*

Hal Roach has opened his own office in the Loew Building on the ninth floor. He was slated to arrive last week from Culver, Ind., where he visited his family, but when he reached Chicago, Roach decided to fly back to the studio.

## *D. A. Ross Is Married*

Densmore A. Ross, vice-president of Ross Federal Service, Inc., was married on Saturday to Grayce Naomi Ruland of Jackson Heights at St. Paul's Church, New Rochelle.

## *Royster to New Post*

Harry L. Royster, formerly in charge of Paramount's Southohio Theatres Corp., is due here in about a week to be reassigned to a new theatre post by Y. Frank Freeman, vice-president of Famous Theatres Corp.

## *Elsie Ferguson Returns*

HOLLYWOOD, Dec. 3.—Elsie Ferguson will return to pictures as a member of the cast of "Becky Sharp," which John Hay Whitney is producing in the new-process Technicolor.

## *"Don Juan" Set Back*

"The Private Life of Don Juan" will open at the Rivoli on Saturday instead of Wednesday.

## *"Baboona" in January*

Fox will release "Baboona," the latest Martin Johnson jungle film, some time in January.

## *London Films to Do "Lawrence" in Color*

LONDON, Dec. 3.—"Lawrence of Arabia" will be the first picture which London Films will make in Colourgravure. Production gets going in June.

Terms of the deal between the two companies are now available. London Films acquire 100,000 shares of Colourgravure stock priced at 25 cents a share and an option to buy 26,000 additionally at 50 cents a share. Gerrard, in turn, gets 100,000 of $5 six per cent cumulative income debentures of London, these shares carrying rights to be converted into deferred ordinaries. London agrees to pay Gerrard a quarterly royalty on films made in the color process.

Fashion shots in the current issue of Pathetone Weekly are latest examples of Colourgravure which B.I.P. used in "Radio Parade." The results are viewed as promising, but uneven.

## *Vocafilm Motion Argued*

Motion to prevent A. T. & T., Western Electric and Erpi from filing an amended answer in the $65,000,000 anti-trust suit of Vocafilm Corp. of America was argued yesterday before Federal Judge John C. Knox. The matter is being held under advisement by the court.

## *May Increase Dividend*

Wall Street reports are that directors of Loew's at tomorrow's meeting may increase the annual dividend rate on the common from $1 a share basis to $2 a year through the declaration of a quarterly dividend of 50 cents or else pay $1 a share extra.

## *"Galante" Gets $10,500*

Second week of "Marie Galante" at the Mayfair garnered $10,500. Grossing $20,000 Friday, Saturday and Sunday of the second week, the Roxy is holding "Imitation of Life" for another stanza.

## *Signs Jan Kiepura*

Paramount has signed Jan Kiepura, star of "Be Mine Tonight," the deal having been closed in Berlin on Saturday, it was learned yesterday. He comes over in May.

## *Warner Trading Heavy on Big Board*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 41⅜ | 39¾ | 40½ | + ¼ | 2,400 |
| Consolidated Film Industries | 3¾ | 3¾ | 3¾ | + ⅛ | 200 |
| Consolidated Film Industries, pfd | 18⅜ | 18 | 18⅜ | + ¼ | 3,700 |
| Eastman Kodak | 113¾ | 113¼ | 113¾ | + ¼ | 11 |
| Fox Film "A" | 14⅛ | 13⅞ | 14 | ..... | 4,100 |
| Loew's, Inc. | 36⅝ | 35¾ | 36¼ | — ⅜ | 11,100 |
| M-G-M, pfd. | 27⅛ | 27⅛ | 27⅛ | — ⅜ | 100 |
| Paramount Publix | 3½ | 3¼ | 3⅜ | — ⅛ | 2,800 |
| Pathe Exchange | 1⅛ | 1⅛ | 1⅛ | ..... | 200 |
| Pathe Exchange "A" | 14⅝ | 14¼ | 14¼ | .. ½ | 900 |
| RKO | 1⅞ | 1¾ | 1¾ | ..... | 1,400 |
| Universal Pictures, pfd | 42 | 40 | 42 | +2 | 3,000 |
| Warner Bros. | 5¼ | 5 | 5⅛ | + ⅛ | 10,400 |
| Warner Bros., pfd | 23½ | 21⅝ | 22 | + ¼ | 23,000 |

## *Technicolor Slips Quarter on Curb*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 14¼ | 14 | 14 | — ¼ | 1,000 |
| Trans Lux | 2 | 2 | 2 | ..... | 300 |

## *Paramount Broadway Bonds Up 1½*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 8⅞ | 8½ | 8½ | — ½ | 13 |
| General Theatre Equipment 6s '40, ctf | 8⅝ | 8⅜ | 8⅜ | — ⅜ | 18 |
| Keith B. F. 6s '46 | 64½ | 64½ | 64½ | + ½ | 2 |
| Loew's 6s '41, ww deb rights | 104¼ | 104¼ | 104¼ | — ¾ | 1 |
| Paramount Broadway 5½s '51 | 44½ | 43⅝ | 44½ | +1½ | 13 |
| Paramount F. L. 6s '47 | 60 | 60 | 60 | — ¼ | 2 |
| Paramount Publix 5½s '50 | 60¼ | 60¼ | 60¼ | — ¼ | 5 |
| Pathe 7s '37, ww | 99½ | 99½ | 99½ | + ⅜ | 2 |
| Warner Bros. 6s '39, wd | 61¼ | 60 | 60¼ | ..... | 50 |

# High Court to Rule Upon Uniform Pact

(*Continued from page* 1)

Mueller, Minnesota exhibitor, contracted for 46 pictures at a cost o $1,837 and refused either to accept play or pay, contending that the contracts were the result of combinatio and conspiracy in violation of th anti-trust law and in restraint o trade.

Suit was brought by Fox for collection, and both the trial court and th Minnesota Supreme Court held th contracts illegal and void.

In bringing the case to the highes tribunal, Fox asked the court to pas on the effect of its decision in th Paramount case and render a ne opinion on the legality of modifie types of the standard license agreement adopted after Judge Thache had declared the old form, includin the arbitration clause, to be outlawe

The court, it was argued, shoul announce whether it intended th Paramount decisioin to hold the entire contract illegal, whether the illegality of the arbitration provisio "tainted or infected" the entire document, whether the decree was intended to save other rights under th contract, and whether it intende to deprive both parties of a further rights and obligations.

### Cites Original Decision

In its decision, the Fox brief contended, the Minnesota Supreme Cour admitted that only the arbitratio clause was illegal and that the remaining provisions were enforceabl but subsequently held that the "illegal arbitration clause taints the whol contract with illegality," a determination which, it is claimed, is not i accordance with the original decision.

Other decisions, some by the highest state courts and others by Federal courts, have held that the illega arbitration provision, did not make th entire contract void, it was argue the brief pointing out that there ar still many outstanding contracts, bu that the provision for arbitration ha been deleted therefrom.

"If the correct interpretation of th Paramount case is that there wa nothing illegal in the standard exhibition contract except arbitratio and that it did not permeate and tain and make illegal the remainder o the contract," it was pointed out, "i would seem to be true that such decision would extend to and so effec every other identical standard exhibition contract containing such illega arbitration clauses, that such arbitration as a remedy would be abo ished in all such contracts. An ill gal consideration is no consideratio No court could thereafter legally a mit in evidence the illegal arbitr tion clauses in a standard exhibitio contract."

If there is any misunderstandin about the decision, it was declare "the fourth largest industry and ov 22,000 theatre owners will be swampe with litigation and loss for years t come."

## *Schulberg Due Dec. 10*

B. P. Schulberg is due from th coast Dec. 10 to discuss his new pr duction plans. Yesterday he formall severed his connection with Paramount.

*This year again*

# FOX STARS WIN THE "FIRSTS"

**in Motion Picture Herald's nation-wide box office star vote!**

**WILL ROGERS**

*first*

among MEN STARS

Every exhibitor in America was asked by Motion Picture Herald to name his biggest money-making stars...and they voted FOX stars top ranking in all divisions...with Will Rogers named grand champion . . . the country's greatest box office attraction!

**JANET GAYNOR**

*first*

among FEMININE STARS

**SHIRLEY TEMPLE**

*first*

CHILD STAR EVER IN THE "FIRST TEN"

## THEY SHINE IN *10 more* THIS SEASON:

**4** more from **WILL ROGERS**
"The County Chairman" and three other extended-run hits.

**2** more from **JANET GAYNOR**
Including "One More Spring" (co-starring with Warner Baxter)

**4** more from **SHIRLEY TEMPLE**
"Bright Eyes" (released Dec. 28th) and 3 other all-family sell-outs.

**WATCH THAT FOX STAR LIST!**

# Paramount's New Plan Put Before Court

(*Continued from page* 1)

amount of $25,835,571 on the basis of $500 of new 20-year, 6 per cent sinking fund debentures and five shares of new cumulative, convertible, 6 per cent preferred stock of $100 par value for each $1,000 of such claims. Holders of common stock outstanding in the amount of 3,220,902 shares will receive for each such share, ¼ share of new common stock and a warrant evidencing the right to subscribe for a period of 60 days, at $2, for one unit consisting of ¼ share of new common and 1/5 share of new cumulative, convertible 6 per cent second preferred stock of $10 par.

The bank debt of $13,368,932 is to be settled with the payment in cash of $5,175,131, including interest to Jan. 1, and for the $9,813,095 balance, the banks will receive for each $1,000 of their claims, $500, principal amount, new 20-year, 6 per cent, sinking fund debentures and five shares of new cumulative convertible 6 per cent first preferred stock of $100 par.

### Para. Broadway Plan Included

Included in the plan is the plan of reorganization for Paramount Broadway Corp. with its $8,875,000 principal amount of old bonds outstanding, secured by a mortgage on the Paramount Bldg. The plan provides for an issue of new bonds in the same amount, to be the obligation of the new Broadway company and retaining the Paramount Bldg. as security. Until one-half of the new bonds have been retired the issue will be entitled to fixed interest of three per cent annually and to an additional two and one-half per cent but payable only out of income remaining in any year after making provision for cumulative sinking fund and certain other restrictions. Interest for the remaining half of the issue will be at a fixed 5½ per cent annually. The sinking fund to which the new issue will be entitled will be payable out of income of the new Broadway company and will have the benefit of the new leases on both the Paramount Theatre and office space in the building. These leases provide for 117,592 square feet of office space at a fixed rent of $188,147 annually for an initial term of 10 years and two additional terms of five years each, but terminating when the principal amount of new bonds outstanding has been reduced to $4,437,500. The theatre lease calls for a fixed rent of $260,000 annually for a similar period, subject, however, to percentages of gross receipts and the retirement of the new bonds.

### To Guarantee B'way Interest

Until one-half of the new Broadway bonds are retired payment of the fixed interest of three per cent and the application of $100,000 annually to the purchase or redemption of the new bonds will be guaranteed by the new Paramount Publix.

The $23,644,255 Allied Owners' claim, based on the construction for Paramount of seven theatres, the Brooklyn Paramount, Alabama at Birmingham, Paramount at Fremont, O., Paramount at Glens Falls, N. Y., Pitkin and Kings, Brooklyn, and Valencia, Jamaica, is settled in the plan. The latter three houses were assigned to Loew's under a lease agreement of 1927. The settlement calls for the issuance of new securities in the same amount as would be issued to holders of $5,000,000 of general claims or old debentures of Paramount; payment of $150,000 in cash; purchase of the Alabama for $1,000,000; and leasing of the Paramount theatres at Brooklyn, Glens Falls and Fremont for 20-year terms at fixed rentals.

The total claims remaining against Paramount at the time of the filing of the plan aggregated $83,622,-852. The plan contemplates that after the settlements and eliminations, only $55,000,000 of that amount will require the issuance of new securities. Provision is made for caring for an additional $10,000,000 of claims, but stipulation is made that the plan shall not become effective if the total amount of claims exceeds $65,000,000.

On this basis, capitalization of the new company is expected to be not more than $27,500,000 of 20-year, 6 per cent, sinking fund debentures; $27,500,000 of cumulative, convertible 6 per cent, first preferred stock of $100 par value; $6,441,806 of cumulative, convertible 6 per cent second pre-

(*Continued on page* 6)

# *Argues Allied Owners Rate Directors on Para. Board*

A demand that Allied Owners, as the largest single creditor of Paramount Publix, have representation on the new board of that company was made yesterday by Archibald Palmer, attorney for bondholders, at a hearing on a plan of reorganization for Allied before Special Master Oscar Lewis in Brooklyn.

Palmer asserted that a clause should be inserted in the reorganization plan providing that, as part of the settlement of its $23,000,000 claim against Paramount, one or more Allied representatives be included on the board of the reorganized company. Settlement of Allied's claim, involving the leasing of three theatres, purchase of a fourth and issuance to Allied of approximately $5,000,000 in securities of the new Paramount company are included in the reorganization plan of the latter. William Greve, vice-chairman of Realty Associates, an Allied affiliate, has already asked factors in the Paramount reorganization for a place on the new board as Allied's representative. No action has been taken as yet on his request.

Lewis adjourned the Allied hearing to Dec. 7 to await a pending ruling from the U. S. Circuit Court of Appeals which will decide whether Manufacturers Trust Co., as trustee for Allied Owners debentures, will have a voting right in the reorganization.

## *Who's Who on the New Board*

**Last-minute shifts in the initial board of directors of Paramount Publix resulted in the supplanting of George W. Davison, chairman of the board of Central Hanover Bank & Trust Co., and originally nominated as one of the representatives of the creditor bank group, by Charles A. McCulloch of Chicago, as a bank group representative, and the addition of Duncan G. Harris as a bondholders' representative and Henry R. Luce as a stockholders' representative.**

**The initial board, thus, is comprised of the following nine members:**

**Gerald Brooks, an investment executive with E. F. Hutton & Co., and a representative of both stockholders and bondholders, particularly large British insurance companies with Paramount holdings.**

**Duncan G. Harris, realtor, member of Brown, Wheelock, Harris & Co., a representative of bondholders.**

**Percy H. Johnston, president of Chemical Bank & Trust Co., a representative of the bank group.**

**Dr. Julius Klein, business consultant, former Assistant Secretary of Commerce in the Hoover administration, a representative of bondholders.**

**Henry R. Luce, one of the founders, editor and publisher of *Time* and *Fortune* magazines, a representative of stockholders and youngest member of the board, 36 years old. Will be a board consultant on production material.**

**Charles A. McCulloch, director of many corporations, including the First National Bank of Chicago, one of the creditor banks; former business associate of John D. Hertz; co-receiver for Insull utility companies, and representative of the First National and the Continental Illinois banks on the board.**

**Maurice Newton, investment executive associated with Hallgarten & Co., and a former member of Paramount boards; a representative of stockholders.**

**Frank A. Vanderlip, director in many corporations and a representative of bondholders.**

**Adolph Zukor, president of Paramount Publix.**

**A warning against a board composed of too many bankers and not enough industry men was sounded by Archibald Palmer, attorney, who said he represented creditors, when the plan was presented to court yesterday. Palmer indicated he would make inquiry into the business associations of the proposed directorate when the plan goes to Federal Judge Alfred C. Coxe for hearing, Dec. 27.**

# K., L. Sued on Stock Sale to Para. Workers

(*Continued from page* 1)

Arthur S. Friend, Daniel Frohman, Felix Kahn, Gilbert Kahn, Sam Katz, Sidney Kent, Ralph Kohn, Jesse Lasky, Frederick G. Lee, Elek J. Ludvigh, Maurice Newton, Maurice Wertheim, Theodore F. Whitmarsh, Sir William Wiseman, Herman Wobber, Adolph Zukor, Eugene Zukor and executives for the late Casimir I. Stralem and William H. English.

In all, seven causes of action are sought to be taken by the trustees, Charles D. Hilles, Eugene W. Leake and charles E. Richardson, who were advised by their counsel, Root, Clark, Buckner & Ballantine, that probable grounds for the action exist and that, therefore, court determination of the issues is required.

The Kuhn, Loeb action asks for an accounting by those named of their participation in the Paramount employes stock purchase plan, which involved the setting aside in 1930 of 250,000 shares of stock for purchase at $52 per share. The market value of the stock at the time is said to have been considerably higher. The allegation is made that the Kuhn, Loeb defendants acquired some of these shares and the defendants will be asked to account for actual or potential profits and for any resultant loss incurred by Paramount.

### Must Account for Conduct

The Paramount directors named in the action will be asked to account for their official conduct in that capacity. Zukor, Lasky, Kent, Katz and Kohn may be subjected to actions to compel them to return to Paramount more than $3,000,000 allegedly received in excess of reasonable compensation from 1927 to 1930, inclusive. Another action will ask the directors to account for alleged losses incurred by Paramount through the "buying or selling of its own capital stock in the open market" from October, 1929, to January, 1930, and from June, 1930, to January, 1931.

Other causes of action will seek full recovery for any damages found to have been incurred by Paramount as a result of any violation of duties by officers or directors in connection with the formulation and carrying out of the employes stock purchase plan. A separate action against Robert Craig Montgomery, associate or Cravath, de Gersdorf, Swaine & Wood, special counsel for Paramount, was also authorized in connection with alleged participation in the plan.

Unofficial estimates place the total amount of the recoveries which may be sought for Paramount in the seven actions at more than $12,000,000. The trustees of the company, who will be discharged from that capacity with the adoption of the Paramount plan of reorganization, have been assured that the new, or reorganized Paramount will make provision for carrying on the actions after reorganization.

## *S. R. Kent Arrives Today*

S. R. Kent, president of Fox, arrives this morning from England on the *Berengaria*.

IT'S READY . . . BOOK IT NOW . . . FOR XMAS WEEK! . . . FOR NEW YEAR'S WEEK!

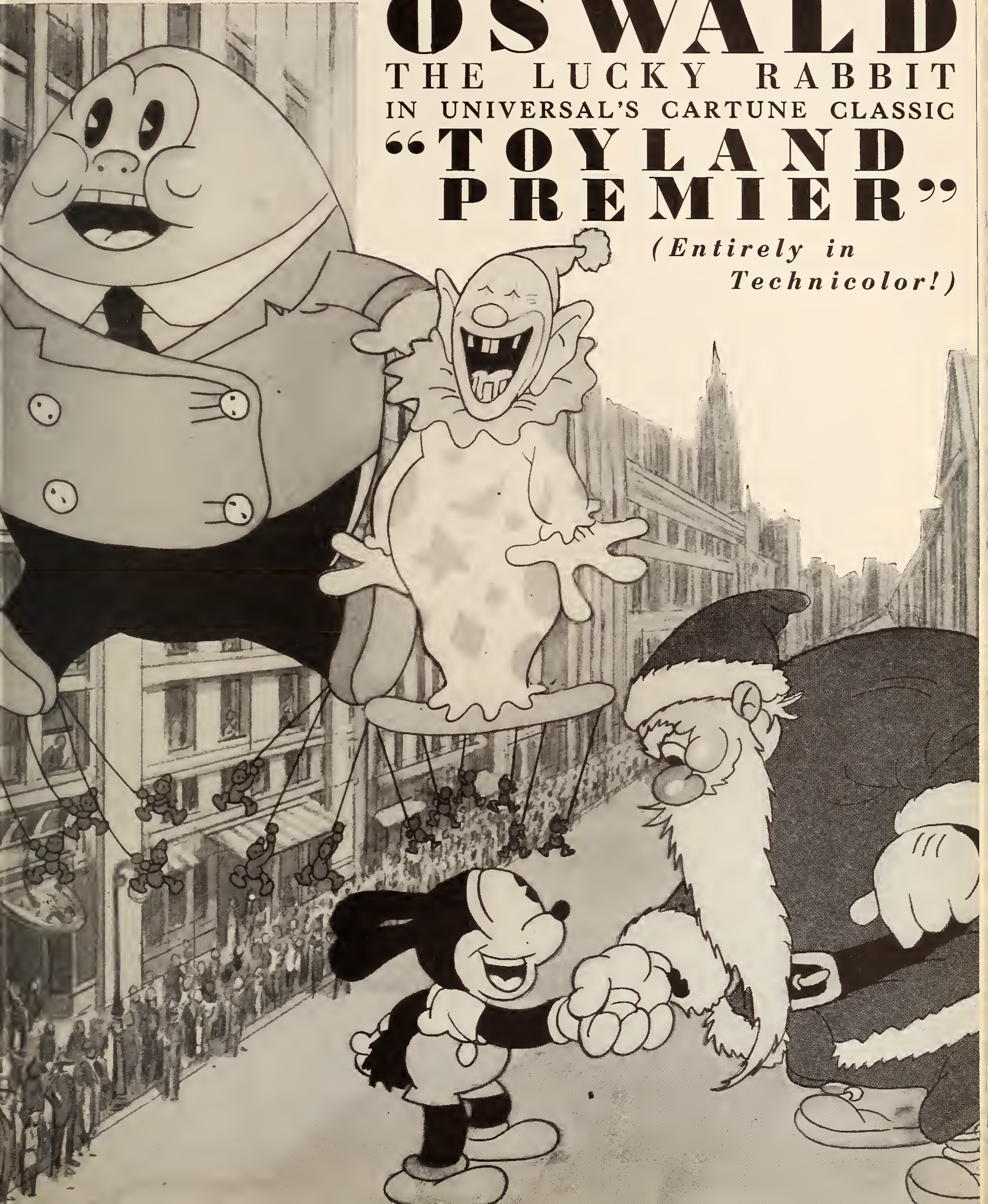
# OSWALD

THE LUCKY RABBIT

IN UNIVERSAL'S CARTUNE CLASSIC

# "TOYLAND PREMIER"

*(Entirely in Technicolor!)*



# Feist Favors Quick Move in K. C. Rate War

(*Continued from page 1*)

succeed because exhibitors who have contracted for pictures are obligated to play them.

"The idea is especially stupid since product buys were not predicated on the price at any prior run," he commented.

He said the price cuts at the Midland, M-G-M's affiliate first run here, were made necessary partly by conditions existing locally, partly by the fact there had been a slash at a competing first run in contravention of an agreement entered into early in the fall. While he did not mention the theatre by name, it was inferred he meant the RKO Mainstreet, against which similar charges are made by Loew's.

"If the Midland could sell balcony seats at 25 cents matinees, it certainly would not reduce the price to 10 cents," he added. However, he did not defend the lower scale as good business practice, pointing out the effect of sub-normal admissions at any key city first run proves detrimental over a wide area.

"Patrons naturally ask the local manager why he charges a higher price for his pictures when the same product is shown in a nearby big city at a lower admission," Feist declared. "Of course, the manager has to explain that conditions differ with each locality, even as in some towns where there is a price war among petroleum companies you can buy gasoline for a few cents a gallon less than the standard price."

### Sees Advantage to Suburbans

Feist asserted the suburban theatres received the advantage from a distribution standpoint, as against first runs, which pay higher rentals.

"This is not said in a derogatory sense, and I am not minimizing the importance of neighborhoods and subsequent runs, as they are vital to our business," he said. "But it's the first runs furnishing the rentals of $1,000 and up that keep the industry going."

Feist agreed with other distribution executives that the present system in Kansas City of basing clearance on admission prices resulting in identical availabilities to similar priced houses is impractical and that rentals should be the guide in setting protection.

He said he did not believe the Midland's balcony price of 15 cents until six o'clock and 25 cents thereafter was hurting the neighborhoods, because the latter had the advantage over the first runs in the matter of location, convenience, accessibility and other factors, including which he mentioned that the suburbans offered the same kind of entertainment as the first runs, and some in as good or better surroundings.

### Reports Business Up

CHICAGO, Dec. 3.—On the basis of reports he has received, New York and Philadelphia are the only large centers where theatre business generally has not shown improvement, said Felix Feist here today.

"I don't know the reason, but I will dig into that when I return to New York," he said, adding Loew theatres in New York were an exception and that circuit's business was on the upgrade. Feist plans to remain here three or four days before proceeding east.

The M-G-M sales chief has fully recuperated from a let-down which sent him to Honolulu for a rest. He has been away from New York about three months, part of the time on the coast. He said that while on the train between Los Angeles and Kansas City he caught up with what is going on in the industry by reading about 150 issues of trade papers which had accumulated.

## *New Paramount Plan Is Put Before Court*

(*Continued from page 4*)

ferred of $10 par, and 1,610,452 shares of new common stock.

On this basis, the estimated consolidated balance sheet, giving effect to consummation of the plan, would show total assets of $148,769,919. Of this amount there would be total working assets of $35,245,599, including cash of $15,456,787.

The distribution of the new securities under this estimate of capitalization would be as follows: Banks, $4,906,548 of new debentures and the same amount of first preferred stock; Allied Owners, $2,500,000 of new debentures and a like amount of new first preferred stock; bondholders, $14,310,655 of new debentures and the same amount of new first preferred; stockholders, $6,441,806 of new second preferred stock and 1,610,452 shares of new common; general creditors, $5,392,797 of new debentures and a like amount of new first preferred stock, and Paramount Land Corp., $390,000 of new debentures and the same amount of new first preferred stock.

The estimated consolidated balance sheet, prior to reorganization, and based on financial statements as of Sept. 29, last, shows cash on hand of $17,071,146. Of this amount, $13,101,290 was held by solvent subsidiaries and $3,969,855 by the trustees of Paramount Publix. The plan estimates that cash requirements of the reorganization will be about $10,469,000 to care for the cash provision of the bank debt settlement, expenses of administration and of reorganization of both the parent company and subsidiaries and for corporate purposes of the new company. This amount will be made up of the approximately $4,000,000 held by the trustees and the balance, approximately $6,500,000, is expected to be derived from the stock subscription warrants.

Urging the desirability of an early reorganization, the plan points out earnings of the Paramount picture subsidiaries are showing a continuing decline, with net earnings for the third quarter of this year of approximately $574,000, as compared with $918,000 for the same quarter last year. It adds that preliminary figures for the fourth quarter of this year indicate "a substantial continuing decline as compared with the same period of 1933." It states that consolidated net earnings for 1933 were $5,690,000 and adds that "it is estimated that earnings for 1934 on the same basis will not equal those for 1933."

"It is believed," the plan concludes, "that an early reorganization and the consequent removal of the handicap of bankruptcy should increase the efficiency of the enterprise and result, under comparable conditions in the industry, in increased net operating earnings. Earnings for 1933 and 1934 appear to be at an annual rate sufficient to provide a substantial return upon, and substantial amortization of, the estimated amount of claims entitled to participate in the reorganization proceeding. Under these circumstances it would seem that a reorganization should be promptly effected."

## Expunge Theatre Claim By a Mutual Agreement

The $1,513,604 claim of the trustees of the Stanley Co. estate against Paramount Publix was expunged yesterday by mutual consent of the claimants and the Paramount trustees.

The claim was based on an alleged guarantee by Paramount of a lease on the Kettler, West Palm Beach, Fla., operated by the Stanley Co. The original claim was subsequently reduced to $32,500, but objections filed by the trustees resulted in its expunging.

Hearings scheduled for yesterday before Special Master John E. Joyce on motions resulting from the claims against Paramount of Allied Owners Corp., Paramount Broadway Corp. and the bank creditors' group were adjourned by consent to Dec. 18. Settlements of these claims have been included in the Paramount reorganization plan and the actions pending before Joyce will be marked off when the plan is accepted by the court and made effective.

## *Flinn in Tomorrow; Rosenblatt Delayed*

John C. Flinn is due to arrive from Hollywood tomorrow. Compliance Director Sol A. Rosenblatt, who was due to return to Washington tomorrow, will be delayed a day or two.

Rosenblatt lost two days en route to the coast when he was forced to take a train half way instead of making the whole trip by air. As a result, he may be held two days longer in Hollywood. His delay in returning puts back the planned meeting on the local operators' situation for Friday. Rosenblatt also will miss the Campi meeting Thursday when the Kansas City and Buffalo clearance schedules come up.

George Schaefer and W. Ray Johnston will report on the Kansas City modifications as a result of a recent trip to the territory with Tyree Dillard, Jr. It is likely that the plan may be passed because of the price protection agreement. The Buffalo schedule will be shipped back, since it is not in conformance with the 12 basic principles.

## *Plainfield Product Appeal Is Set Back*

Although the New York grievance board awarded Joseph Sicardi of the Liberty, Plainfield, N. J., 70 of Walter Reade's allotment at the Strand, Oxford and Paramount, same city, local exchanges refuse to give up the films, claiming they do not want to do business with the Liberty account.

An appeal hearing was slated for yesterday, but because Leo Justin of the Reade office was away over the week-end and did not prepare the case it was put over until tomorrow when several distributors, including William F. Rodgers of M-G-M, will appear.

# Charge Duals Cut Quality, Kill Shorts

(*Continued from page 1*)

Warners; E. C. Grainger, Fox and Ed Kuykendall, M. P. T. O. A. president, were among those film executives and attorneys here in formidable array. Resident exchangemen included Robert Lynch, Earl Sweigert, Sam Gross, Frank McNamee, William Mansell, Harry Bodkin, Herbert Given and S. E. Applegate.

The drift of the defense testimony had it that double features caused cheaper pictures and cheaper pictures caused trouble with the public. In rebuttal, Benjamin M. Golder for Perelman, tried to bring forth the fact that major pictures in some cases raised objections as well. In this connection, he cited the Chicago "white lists" of the Legion of Decency and charged that, since short subjects companies in many cases were owned by the majors, the latter were merely endeavoring to protect their investments.

### Lichtman First Defense Witness

Lichtman, as the first defense witness, told the United Artists set-up. Tracing the history of the entrance of Fox, M-G-M, Radio, and First National into production by way of answer to the plaintiff's complaint that the majors were turning to exhibition, he declared the reverse had been the procedure.

Depinet said doubles led either to cheaper pictures or increased admissions for the better ones.

Hammons recounted the plight of short subject producers at large, told of Educational's efforts to develop the shorts field and said doubles in Detroit had cut short subject receipts there by 66 per cent.

The history of the M. P. T. O. A. was mulled over when Kuykendall took the stand. For two hours, he delved into the membership, affiliated and otherwise, with Golder hammering at the source of the dues and the support of each classification to the M. P. T. O. A. treasury. Kuykendall declared, like the others, that doubles induced cheaper production which, in turn, led to lower moral standards.

## *Allied to Praise Para.*

Paramount will come in for exhibitor praise today when Allied of New Jersey meets at the Lincoln. The committee on sales policies will tell the members Paramount should be complimented for deviating from its percentage policy. The showmen state that the company has realized that its percentage policy cannot hold for every type of theatre and that the change was necessary for the smaller house.

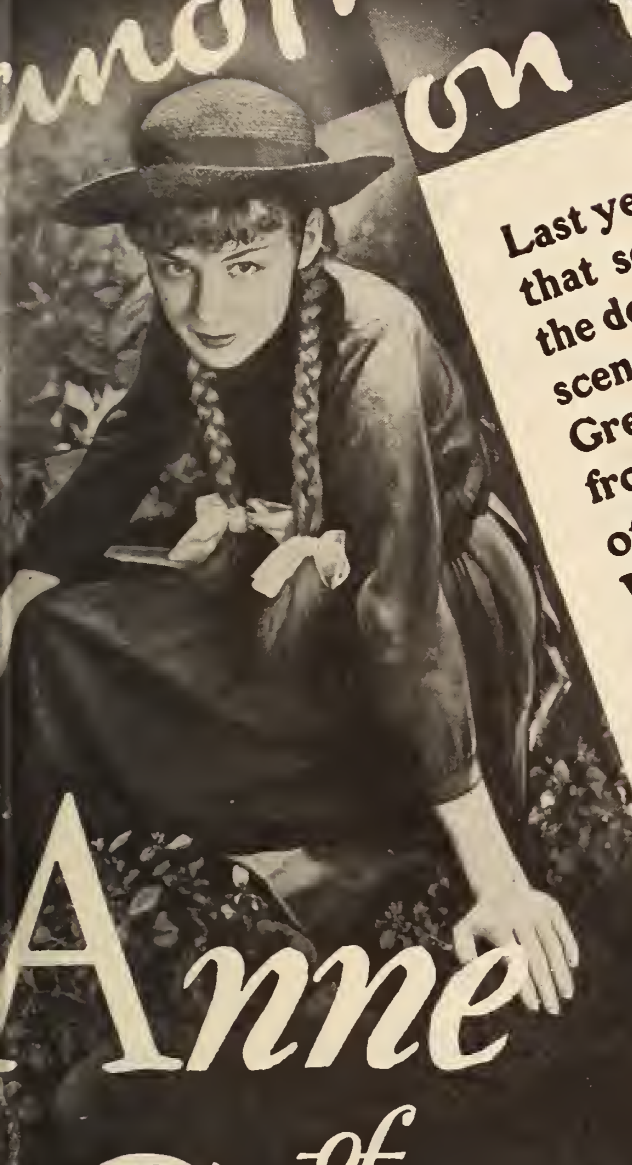
## *Flash Reviews*

*Gambling*— . . . average entertainment . . . routine story fails to be lifted by routine direction. . ..

*Maryjka*— . . . overflows with pictorial beauty . . . acting is commendable. . . .

*These films will be reviewed in full in a later issue of* MOTION PICTURE DAILY.

# You've got another "Little Women" on your hands



Last year at this time it was "Little Women" that set record breaking crowds storming the doors of America's theatres.. now, those scenes are being duplicated by "Anne of Green Gables"! From Boston to Seattle.. from Minneapolis to New Orleans the box-office ***says* "You've Got Another Little Women On Your Hands".**

**SEATTLE** . . *terrific! Press raves equal to "Little Women" and expected to hold over till Christmas.*

**CLEVELAND** . . *Broke all records for straight picture policy at Palace in five years.*

**SALT LAKE** . . *Opened to double "Little Women" business breaking an all time record including Thanksgiving Day at* ***higher admission*** *prices. In for indefinite run.*

**RICHMOND** . . *Opening to the biggest day in house history.*

**SALEM, VA.** . . . *Bernard Depkin, Jr., wires "I think it will outgross 'Little Women' and expect to get three weeks out of it."*

**ALBANY** . . *C. H. Buckley wires; "Biggest Gross in 3 years . . look for record week".*

***Washington, Syracuse, Rochester, Columbus, Kansas City, Providence, Chicago, St. Paul, San Francisco, Baltimore in more than ONE HUNDRED key cities the crowds are proving that the millions who loved "Little Women" are hungry for another great heart throb!***

# Anne of Green Gables

*with*

ANNE SHIRLEY as "ANNE"

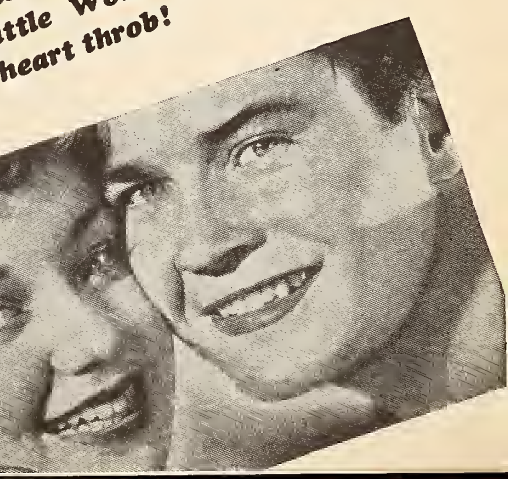
TOM BROWN O. P. HEGGIE HELEN WESTLEY

L. M. MONTGOMERY'S BEST
SELLING NOVEL FOR OVER
A QUARTER OF A CENTURY

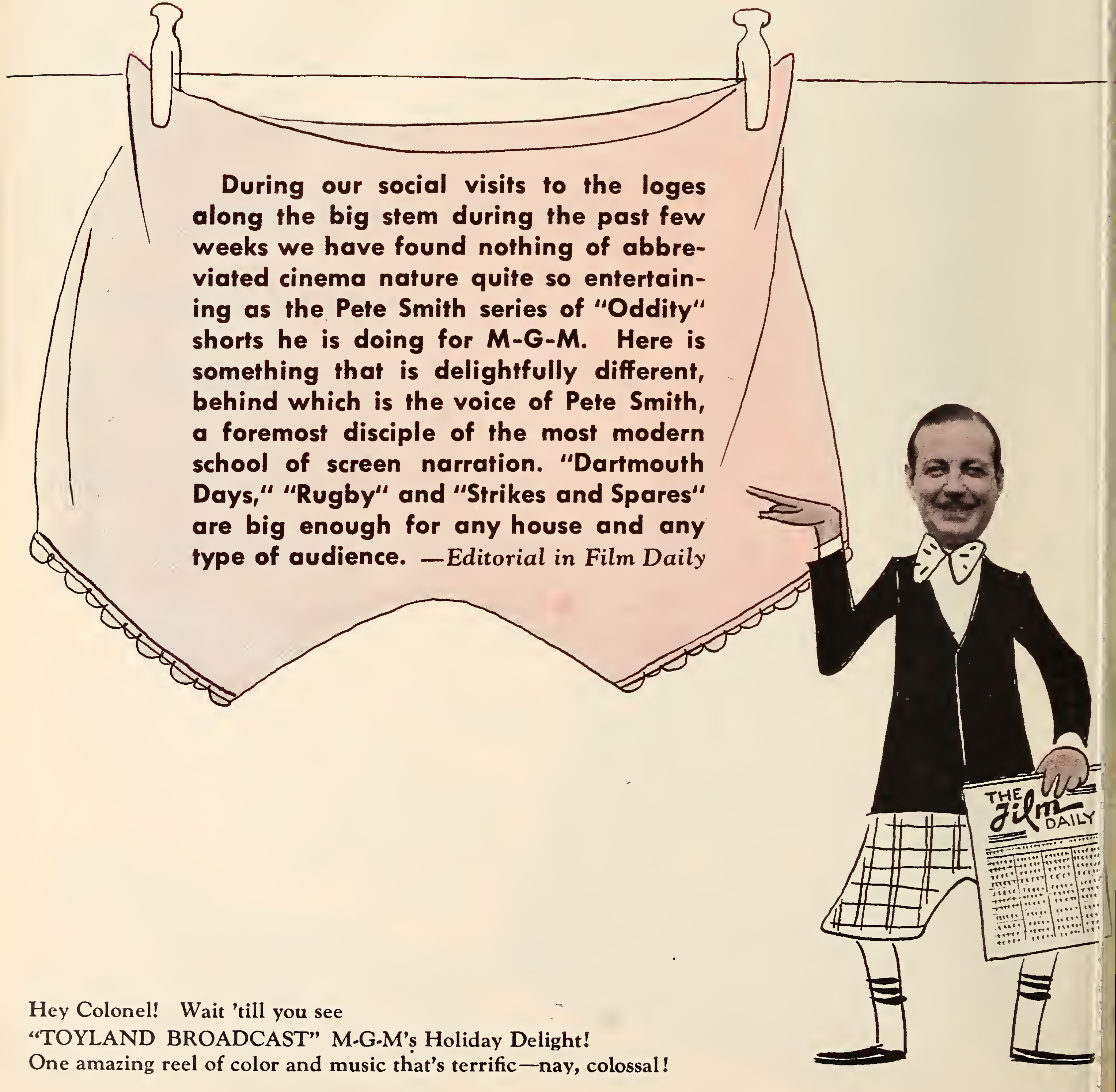
*Produced by*
*KENNETH MACGOWAN*
*Presented with pride by*
RKO-RADIO

*Book published by*
*L. C. Page & Co., Inc.*

*Directed by George Nicholls, Jr.*



# Colonel Alicoate discovers SHORTS!



During our social visits to the loges along the big stem during the past few weeks we have found nothing of abbreviated cinema nature quite so entertaining as the Pete Smith series of "Oddity" shorts he is doing for M-G-M. Here is something that is delightfully different, behind which is the voice of Pete Smith, a foremost disciple of the most modern school of screen narration. "Dartmouth Days," "Rugby" and "Strikes and Spares" are big enough for any house and any type of audience. —*Editorial in Film Daily*

Hey Colonel! Wait 'till you see
"TOYLAND BROADCAST" M-G-M's Holiday Delight!
One amazing reel of color and music that's terrific—nay, colossal!

The Leading
Daily
Newspaper
of the
Motion
Picture
Industry

# MOTION PICTURE DAILY

Alert,
Intelligent
and
Faithful
Service to
the Industry
in All
Branches

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## Coast Dispute Goes on with No Abatement

### *Rosenblatt Departs with No Solution Reached*

HOLLYWOOD, Dec. 4.—Efforts of Compliance Director Sol A. Rosenblatt to straighten out the dispute between the Actors' and Writers' Guilds on one side and the producers on the other seem to have hit a stone wall.

There is some loose talk of an appeal to Washington, but whom the appeal will be directed at in view of the fact that one of the principal figures of the NRA has been here to untangle the problem is not clear.

Rosenblatt left today without a solution of the dispute. The guilds have taken a definite stand against the producers' suggestions that a new arbitration council be set up. The guild members contend this might interfere with their aims and are talking of setting up a council of their own with no producer representation.

## *M-G-M to Make All Changes Breen Asks*

HOLLYWOOD, Dec. 4.—M-G-M will make all cuts suggested by Joseph I. Breen, head of the Production Code Administration, for "Forsaking All Others," it is understood. He will view it a second time.

Word from the studio is to the effect that the script was approved before shooting started and was followed, but Breen thought certain scenes were on the border line of code requirements. Retakes are being made on these.

## *Sam Wood Has Plans For His Own Films*

Sam Wood may produce on his own after he completes a one-picture contract with Reliance. He talked to Erpi officials prior to leaving the

(*Continued on page* 10)

### *China in Jersey*

**After a survey of the biggest box-office attraction of the week, Allied of New Jersey yesterday reported that dishes—11-inch ones—rated first.**

**Exhibitors held there was no preferred playing time involved and business was up 300 per cent above average.**

## *Supreme Court Hearing About Jan. 14 Seen for Tri-Ergon*

**Washington, Dec. 4.—At the speed which the United States Supreme Court is making in disposing of the cases before it, it was anticipated today that an oral argument on the Paramount Publix Tri-Ergon suit would be reached about Jan. 14.**

**The case has not yet been placed on the calendar, but will probably be scheduled when the court reconvenes from the Christmas recess which it will probably announce Dec. 17.**

## Cut in Extras Code Gain on Coast—Flinn

CHICAGO, Dec. 4.—Improvement in the extra situation is the outstanding development under the code administration in Hollywood, said John Flinn, secretary of Code Authority, here today during a stopover en route to New York.

Under the direction of Mabel Kinney, west coast code executive, the extra list has been pared from 17 or 18 thousand registered extras to 2,000, he said. Beginning early in January, these will be given the bulk of the work by studios. Others will be on the reserve list for calls when needed.

Under the system formerly prevailing, Flinn pointed out, there has been

(*Continued on page* 8)

## K. C. Cuts Danger Downtown—Finney

KANSAS CITY, Dec. 4.—Further price cuts will lead to the ruin of downtown first runs, asserts William A. Finney, Loew's western division manager with headquarters in Columbus.

Finney said that the cut to 15 cents and 25 cents in the balcony at Loew's

(*Continued on page* 9)

## *Infringement Suit Is Filed by Disney*

Walt Disney and his various corporate enterprises yesterday filed a suit in Federal court alleging infringement and violation of copyrights against J. Schein & Co., Inc. He charged the defendant had infringed by either printing or lithographing on cards the various Disney cartoon characters, including Mickey Mouse and those used in the Silly Symphonies, and seeks an injunction and an accounting.

Efforts to locate J. Schein & Co. for comment yesterday proved unavailing.

## Seek a Fixed Policy to Bar Free Programs

A permanent answer to unfair competition in the form of free entertainment will be sought by the theatre industry in meetings to be held in the near future as a direct result of the touring show sponsored by Standard Oil of New Jersey, it was learned yesterday.

Code Authority has added its voice to the protest against the Standard Oil exploitation stunt in forwarding to officials of that company a resolution condemning the project as unfair competition to established theatres which jeopardizes high standards for theatre labor established by the code and, through its effect in decreasing

(*Continued on page* 8)

## Production Gains By Four Features

HOLLYWOOD, Dec. 4.—Production for the week ending Dec. 1 shows an increase of four features over the preceding week. A drop of four shorts was registered for the same period.

The survey shows a total of 36 features in work, 17 preparing and 44 editing, while in the short subject

(*Continued on page* 10)

## *Warner Proxies Set For Annual Meeting*

Warners' annual stockholders' meeting in Wilmington will take place Dec. 10 as scheduled. The necessary number of proxies is on hand.

New directors to replace the five whose terms expire have not been selected for voting, it was stated yesterday by the company's legal department. Up to yesterday, it was not definite whether Harry M. Warner, president, will wield the gavel at the Delaware gathering. Elections will be held in New York on Dec. 18. No changes in the executive setup are expected.

## No Offer for Fox Gaumont Shares—Kent

### *Denies Trip to Europe Was for Their Sale*

"We have never had an offer to sell our 49 per cent interest in Gaumont British and there won't be one," S. R. Kent, president of Fox, told MOTION PICTURE DAILY yesterday as he debarked from the *Berengaria* after a four weeks' trip to England.

"I did not go over to negotiate a deal for the sale of the stock and reports that Fox would sell are a lot of publicity inspired by someone," he added. "My trip to England was to hold a sales convention and handle some other routine business. The reports that a deal was pending with John Maxwell of B. I. P. were over before I reached England," the Fox head stated.

"Business in England is very good," Kent added, "but the rest of the countries are spotty." The Fox chief added he neither signed any talent nor made

(*Continued on page* 9)

## *Texas Price-Fixing Suit Comes Up Today*

DALLAS, Dec. 4.—The major part of Texas show business will be either involved or interested in the hearing tomorrow of the suit filed by R. Z. Glass, independent neighborhood exhibitor here, against Karl Hoblitzelle, Interstate Circuit, Inc., R. J. O'Donnell, Southern Enterprizes, Inc., Paschall-Texas Theatres, Inc., and Dent

(*Continued on page* 10)

## *Bank Payoff Starts Spending in Detroit*

DETROIT, Dec. 4.—Crowds such as have not been seen since pre-depression, or back in the heydays of 1929, jammed Detroit's main stem over the week-end as the citizenry started

(*Continued on page* 10)

### *Exhibitor Relief*

**Kansas City, Dec. 4.—"Relief for the starving exhibitor" became a fact at a meeting of the I. T. O. here when a representative of a baking company with which the association has a screen advertising tieup gave each member a loaf of bread.**

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## L. I. Pool Has 26 Houses

Twenty-six theatres are involved in the three-way Long Island pool between Prudential, Century and Skouras circuits. The buying pool is for 10 years with operation to remain with individual circuits. Casey & Wheeler, financially interested in the Prudential houses, also are a party to the arrangement.

## W. & V. Loss Cut

Wilmer & Vincent, Inc., for the year ending July 31, showed a net loss of $278,422 after expenses, interest, loss from theatre and realty corporations and other charges were deducted. The loss during the preceding fiscal year was $394,812.

## Eastman Pays Extra 75c

ROCHESTER, Dec. 4.—Eastman Kodak Co. has declared an extra dividend of 75 cents a share in addition to the regular quarterly dividend of $1 per share, payable Jan. 2 to stockholders of record Dec. 5.

## Laemmle Is Still Sick

Carl Laemmle, Jr., yesterday continued to battle the flu and stuck closely to his quarters at the Pierre.

## Feldman Here Next Week

Charles Feldman of the Schulberg-Feldman-Jaffee agency on the coast is due from Hollywood next week.

# Insiders' Outlook

BEHIND the actions which the Paramount Publix trustees contemplate bringing against the Kuhn, Loeb & Co. outfit, and present and former officers and directors of Paramount in relation to their alleged participation in the company employes' stock purchase plan and the payment of salaries and bonuses "in excess of a reasonable amount" from 1927 to 1930, are certain obligations and responsibilities which rest with trustees in bankruptcy. When remembered, they tend to remove much of the sensational character which attaches to the actions at hand. . .

▼

One of the first duties fixed upon trustees, who are appointed by the court, makes it mandatory for them to examine all possible means of recovering assets for the estate in their charge. Failing to do so, they may be held remiss in their duty by the court. In pursuing this obligation, the Paramount trustees were advised by their counsel that a "probable" cause of action against the Kuhn, Loeb associates and the Paramount officers and directors existed as a result of the stock purchase plan and the payment of salaries and bonuses of prosperity years' proportions. That probability of a cause of action was sufficient for asking leave of the court to require accountings of the 24 individuals named. . .

▼

The same factors guided the trustees in the filing of their action last spring against former Paramount directors who authorized repurchase of the company's stock at guaranteed redemption prices, which had been issued in the acquisition of theatres. By inaugurating the action the trustees performed a fixed and vital duty of their office, although only a "probability" of a cause of action existed. . . .

▼

With the reorganization of Paramount at hand, the new company will inherit these actions from the trustees. Whether or not they are ever prosecuted will depend almost entirely upon the attitude of the court of jurisdiction in the light of the costs of the prosecution as compared with the probability of any recovery at all, and if so, the probable size of recovery. The principal item of significance about the actions at this juncture appears to be that the trustees have discharged their duty in respect to the matters involved. . .

▼

William Randolph Hearst again, or, at least, his reflection mirrored through the typewriter of an editorial writer on the *Chicago Herald* and *Examiner*:

> "The general character of the films produced in recent months has been immeasurably improved and business has improved with that improvement.
>
> > [Immediately prior to which editorial ego attempts to credit the Hearst newspapers with having been first, or among the first, to strike out for clean entertainment, admitting in virtually the same breath that the industry failed to take the hint.]
>
> "In fact, there is little or no objection to be made nowadays as to the moral character of the films.
>
> "However, a new and an equally serious fault is developing and the Hearst papers warn the producers again that if this fault is persisted in, they may expect even more serious dif-

(*Continued on page* 10)

## Loew's Pfd. Off One on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 40½ | 40¼ | 40½ | ..... | 1,000 |
| Consolidated Film Industries | 3⅞ | 3⅝ | 3⅞ | + ⅛ | 700 |
| Consolidated Film Industries, pfd | 18½ | 18¼ | 18⅜ | ..... | 2,400 |
| Eastman Kodak | 112½ | 111½ | 112½ | — ¼ | 7x |
| Fox Film "A" | 14⅛ | 14 | 14 | ..... | 1,600 |
| Loew's, Inc. | 36½ | 35¾ | 36½ | + ¼ | 10,800 |
| Loew's, Inc., pfd | 104 | 104 | 104 | —1 | 100 |
| Paramount Publix | 3⅝ | 3⅜ | 3⅝ | + ¼ | 8,300 |
| Pathe Exchange | 1⅛ | 1⅛ | 1⅛ | ..... | 900 |
| Pathe Exchange "A" | 14 | 13¾ | 13¾ | — ½ | 200 |
| RKO | 1¾ | 1¾ | 1¾ | ..... | 900 |
| Universal Pictures, pfd | 43 | 42 | 42⅝ | + ⅝ | 3,000 |
| Warner Bros. | 5 | 4⅞ | 4⅞ | — ¼ | 3.200 |

## Technicolor Down Eighth on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 14 | 13⅞ | 13⅞ | — ⅛ | 400 |
| Trans Lux | 2 | 2 | 2 | ..... | 200 |

## Paramount Broadway Bonds Drop Half

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 8½ | 7⅞ | 8½ | + ⅛ | 3 |
| Loew's 6s '41, ww deb rights | 104⅝ | 104 | 104⅝ | + ⅜ | 13 |
| Paramount Broadway 5½s '51 | 44½ | 44 | 44 | — ½ | 9 |
| Paramount F. L. 6s '47 | 60 | 60 | 60 | + ½ | 5 |
| Paramount Publix 5½s '50 | 60½ | 60 | 60½ | + ¼ | 12 |
| Warner Bros. 6s '39, wd | 60½ | 60 | 60 | — ¼ | 17 |

## Talk New Film Idea In Washington Meet

WASHINGTON, Dec. 4.—Representatives of a number of educational organizations today met behind closed doors with officials of the Federal office of education for the discussion of a proposed new organization to be known as the American Film Institute.

The conversations are expected to continue over two or more days. Those attending the conference were reluctant to discuss the matters under consideration.

It is understood that the institute will have as its aim the improvement of programs and the development of a program of educational feature production which will permit greater use of films for school work.

## St. Louis Skouras Hearings Due Here

ST. LOUIS, Dec. 4.—Nelson Cunliff, trustee in bankruptcy for Skouras Brothers Enterprises, Inc., has been authorized by U. S. District Judge Charles B. Davis to institute ancillary proceedings against the company in New York City. The purpose of bringing this action is to make possible the examination of witnesses concerning the operations of the company prior to the time it went into bankruptcy about a year ago. Certain books and records of the company were kept in New York and some of its officers were residents of New York City.

## Minister from K. C. To Join Hays Staff

KANSAS CITY, Dec. 4.—Resignation of Rev. Irvin E. Deer, executive secretary of the Kansas City Council of Churches, has been accepted so that he can join the Hays organization in a public relations post. He will assume his new duties in January.

At the Hays office yesterday it was stated that Rev. Irvin E. Deer probably would do considerable field work, as there had been numerous calls for speaking engagements.

## Roosevelt an Ampa Guest

Col. Theodore Roosevelt, Rudy Vallee, Ethel Merman, Guy Robertson, Sally Rand, Smith & Dale, Bide Dudley, Dorothy Francesco, Charles Irwin, Ruth Davis, Don Alfonso Zelaya, Roslyn Wells, Otto Harbach Dolores Reade, Charles Cantor, Jo Nash, Mal Stevens, Al Schact, Anita Kurtin and Cecilia Murray will b guests of the Ampa tomorrow at th M. P. Club.

## Handling Indian Film

Reginald Armour, RKO's managing director for India and the Middle East, has signed with Himansu-Rai producer of the film "Karma," to distribute it through Empire Talkie Distributors in the Indian states of Bengal, Bihar, Orissa, Assam and Burma according to a cable received by Phi Reisman, vice-president of RKO Export Corp.

## No Arliss Reissues Here

Warners declared yesterday ther was no plan to reissue its George Arliss series in the domestic market although this has been determine upon for England.

# Sweet HOLIDAY MUSIC!

**JOAN CRAWFORD ★ CLARK GABLE ★ ROBERT MONTGOMERY**

## "FORSAKING ALL OTHERS"

### Previewed to the biggest Coast raves you ever heard:

**Says the Hollywood Reporter:**

"'Forsaking All Others' wallop for any box office. Excellent cast in great production. It's a honey. There's no other word for it. It's got all varieties of comedy played by an all star cast giving four star performances."

**Says Coast Variety:**

"In the performances of Crawford, Gable and Montgomery there is scarcely a shade of preference. All three are superb. Lavish mounting, purposeful and pleasing musical treatment add to picture's class in every department. It should register solid audience satisfaction."

with CHARLES BUTTERWORTH, BILLIE BURKE, FRANCES DRAKE, ROSALIND RUSSELL

**AN M-G-M PRIZE PACKAGE** • *Directed by* **W. S. VAN DYKE** • *Produced by* BERNARD H. HYMAN

## Penn Democrats in Sunday Show Moves

SCRANTON, Dec. 4.—Lackawanna county's six representatives of the House of Representatives, when they caucus here next Friday night, are expected to discuss plans for the introduction of a bill legalizing Sunday movies in Pennsylvania.

With the House in control of the Democrats, Representatives Munley, O'Neill and Coleman, all Democrats, are said to feel that a Sunday measure would have little if any difficulty in passing the House.

The Republicans continue in control of the Senate, but observers say that enough liberal sentiment prevails there to warrant the passage of a bill should one surmount the hurdles in the lower house.

The legislature convenes early in January.

## MPTOA Convention Poll About Ready

Polling of M.P.T.O.A. directors on the meeting place for the organization's next annual convention will be concluded this week with New Orleans indicated in advance as the choice. The convention would be held just prior to Mardi Gras, next February.

Ed Kuykendall, M.P.T.O.A. president, who arrived in town yesterday to conclude the poll and begin convention arrangements starts a new tour of southern theatre centers late this week. His trip will include stopovers in Washington, the Carolinas, Missouri and Kansas. He has just completed a jaunt in the interests of theatre owners in Arizona, Oklahoma, Arkansas, Louisiana, Mississippi, Tennessee and Georgia.

## Comerford Back North

SCRANTON, Dec. 4.—M. E. Comerford returned today from Warm Springs, Ga., where he was a week-end guest of President Roosevelt.

Comerford and his nephew, Frank C. Walker, were introduced on Saturday night to the audience at the Community Playhouse by President Roosevelt as "the men who made this theatre possible."

When it was decided about a year ago to build a playhouse at the settlement for infantile paralysis victims at Warm Springs, President Roosevelt turned over the job to Comerford. The latter protested, saying he was not an engineer. The President, however, insisted and Comerford, with the help of Walker, went through with the assignment.

## Korda Acquires "Road"

LONDON, Dec. 4.—Alexander Korda, production head of London Films, has acquired the screen rights to "The Broken Road," A. E. W. Mason's novel, and will start production in the spring. United Artists will handle the American release.

## Milestone to Para.

HOLLYWOOD, Dec. 4.—Lewis Milestone has been signed by Paramount to direct "Two on a Tower," a musical starring Mary Ellis.

## Mrs. Louis Boyer Ill

NEW ORLEANS, Dec. 4. — Mrs. Louis Boyer, manager of the office for the National Screen Service here, is ill in the hospital.

# Looking 'Em Over

## *"Gambling"*

*(Harold B. Franklin-Fox)*

George M. Cohan, that "Yankee Doodle" boy, deserves a far better break than the dispensers of celluloid have dished out to him to date. Having had one rather indifferent experience with Paramount, the veteran of many seasons on the legitimate stage is handicapped in his second effort in what is only average entertainment, retarded by a routine story that fails to be lifted by routine direction.

He is a gambler, his life wrapped up in an adopted daughter who is never seen in the picture. Found murdered presumably, suspicion shifts and divides itself among three people: the boy the girl was supposed to marry; Dorothy Burgess, already his wife, and Wynne Gibson. The trial results in an acquittal for the boy, whereupon Cohan turns detective until he discovers who committed the deed, which, eventually, turns out to be an accident.

Suspense, presaged by the drift of the story in its earlier sequences, never develops in sizable enough quantity. Then, too, there is little of the imaginative in the direction. While performances, led off by Cohan's, are adequate, the entire mood of "Gambling" somehow or other reminds of another and earlier day in production.

Rowland V. Lee, who has many good pictures to his credit, fumbled on this one.

Production code seal No. 0181. Running time, 90 minutes. "G."

K.

## *"Cheating Cheaters"*

*(Universal)*

When one group of jewel thieves tries to outsmart another, each believing the other to be honest, there are likely to be some interesting complications. That is just what happens in "Cheating Cheaters," which, however, is scarcely more than fair entertainment because the plot is pretty old and many of its developments are not very difficult to surmise.

Among the prominent names in the cast are Fay Wray, Henry Armetta and Minna Gombell. Not so well known, but no less capable, are Cesar Romero, Francis L. Sullivan and Anne Shoemaker.

Each of the two gangs thinks the other a wealthy and respectable family group possessing a fortune in jewels. Each goes to work on the other. When the truth is revealed there is surprise all around. Miss Wray is the nemesis in the case. A detective, she joins one of the gangs so that she may get the goods on it. But her work makes it possible to kill two birds with a single stone.

Romance creeps into the plot when Miss Wray falls in love with Romero, one of the thieves. In the end she sees the fellow off to jail with a promise she will do all in her power to let him off with as light a punishment as possible.

Richard Thorpe directed. Code seal No. 333. Running time, 66 minutes. "G."

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"The Church Mouse"*

*(Warners)*

HOLLYWOOD, Dec. 4.—Produced at the Warner (Teddington) studio in England, this picture serves as a good vehicle for the American debut of Ian Hunter, English actor recently signed to a long-term contract by the company. Swinging into a stride which it never loses to the final fadeout, the picture unfolds as a pleasant comedy well-acted, directed and produced.

The story concerns Laura La Plante, an unemployed girl of the ugly duckling type, who forces her way into the private office of Bank President Hunter and sells herself to him as a private secretary. While making herself invaluable to Hunter's business affairs, she gradually develops poise and beauty. Slowly and quite unaware of her conquest, she steals Hunter's heart, ousting one by one the long list of his affairs of the heart.

Hunter evidences much charm and should click particularly with feminine fans. Miss La Plante is pleasing as the "church mouse." Jane

(*Continued on page* 10)

## Committees Chosen To Help Samuelson

Two new commmittees were appointed yesterday at the regular Allied of New Jersey meeting in line with the general plan to relieve President Sidney Samuelson of detailed organization work. They are the supply buying committee, composed of Harry Hecht, and Dave Mate, and finance and dues committee, consisting of David Snaper, Louis Levin and Louis Gerofsky.

The code, product and internal problems also were discussed. Levin was chairman yesterday and Snaper will be chairman next week.

Following the meeting, Samuelson told MOTION PICTURE DAILY that the New Jersey unit is a "down-to-exhibitor organization, now for down-to-earth pictures." He added that criticism from members every week is helping solve the problems of exhibitors and a daily job is being done for every member.

"We are developing manpower and that's what counts," he added. In three months Samuelson will celebrate 15 years as an active member in the New Jersey association. He and George Brennan were the two organizers. He leaves today for New Orleans to take a short rest and attend the board of directors meeting Dec. 11-12 at the Roosevelt. Abram F Myers will be chairman of the southern session.

## M-G-M Still Leader In Percentage Sales

M-G-M sells more contracts o percentage in Greater New York tha any other of the 12 distributors, latest weekly analysis of sales policie by Allied of New Jersey shows.

Within the last few weeks, th New Jersey unit has been making recapitulation of sales policies of 1 major and independent companies The purpose is to watch from wee to week the selling policies for possible changes. Paramount, it wa noted, deviated from straight percentages where the theatre could no afford to continue operation on thi plan. In the case of M-G-M, stric adherence to percentages is noted.

At yesterday's meeting, Paramoun was praised by the unit for divergin from its original percentage edict.

## Showmen's Pictures Put in Bankruptc

An involuntary petition in bankruptcy was filed against Showmen' Pictures, Inc., independent produce and distributor, in the Federal cour for the Southern District yesterday The three petitioners, represented b Edwin M. Slote, were J. P. Mulle & Co. with a claim of over $1,000 George Schmitt & Co., upwards o $37, and Howard S. Hummell, ove $100.

The company against which the petition was filed had no comment t make yesterday.

## Adeline Barthold Burie

PASSAIC, N. J., Dec. 4.—Funera services were held here early thi week for Miss Adeline Barthold, chie cashier at the New Montauk Theatr since the present theatre was erected

Garret Voorman, manager of th New Montauk, said "she would b hard to replace" in a glowing tribut

SHOWMEN'S ROUND TABLE

**IMITATION OF LIFE**

Universal Drama 107 mins.

**A SMASH! WILL PLOW THROUGH ALL RECORDS; FINEST STAHL TO DATE! GRAB IT!**

SUMMARY: Every John Stahl Universal to date has given an excellent account of itself at the box office. This one tops them all: Every sequence is a masterpiece. The story is superb, and never falters. It abounds in wonderful directorial touches. The feminine appeal is marvelous. The tears will come in torrents, yet no man will ever forget its message nor express disappointment.

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MOTION PICTURE DAILY

***"Imitation of Life"***
(*Universal*)

Universal has a grand woman's picture here and one that looks like a winner.

Based on a yarn by Fannie Hurst, "Imitation of Life" tells the life story of two women, both mothers.

---

# "Put this down as one of the BEST PICTURES OF THE YEAR!"

*says* FILM DAILY

**"And that's putting it mildly," you'll say when you read these other rave reviews!**

---

SHOWMEN'S ROUND TABLE

## "GRAB IT"

"Imitation of Life," playing the New York Roxy, broke a five year attendance record at that house, making it necessary at one time to close the box office for an hour.

"'Imitation of Life,'" said our Joe Blair in his review from Hollywood, "is a smash. It will plow through all records . Grab it!"

---

THE REPORTER

## ·U· HAS GREAT PICTURE IN ·IMITATION OF LIFE·

So simply poignant. so beautifully told. so honestly acted and so magnificently directed this picture tears your heart out and gives you one of the loveliest hours you can spend in a theatre To give the commercially interested the right answer right away it's one hundred per cent box-office and John Stahl chalks up another terrific winner for himself Universal and every exhibitor fortunate enough to book it

---

## 'Imitation Of Life' A Roxy Stampede

New York.—The Universal production of "Imitation of Life" is doing a stand-out business at the Roxy here, with takings exceeding $20,000 for the week-end The Sunday jam resulted in a call for the police and fire departments to keep the waiting crowd in order The sale of tickets was stopped for two hours.

Indications point to a gross of between $40,000 and $50,000 for the week's business.

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## Roxy Headed For $45,000 With "Life"

With a three-day week-end take of more than $25,000 already in the till, the Roxy is headed for a $45,000 week on the first seven days of "Imitation of Life." On Sunday evening, the sale of tickets was ordered stopped by the fire department for 50 minutes. The house hasn't seen a $45,000 figure since Roxy Theatres Corp. went into receivership.

---

**"IMITATION OF LIFE"**

with Claudette Colbert, Warren William, Rochelle Hudson, Ned Sparks, Baby Jane

(HOLLYWOOD PREVIEW)

Jniversal 106 mins.

OUTSTANDING HUMAN INTEREST STORY EXPERTLY DIRECTED AND ADMIRABLY ACTED.

Put this down as one of best pictures of the year.

Direction, Aces Photography, A-1

---

*VARIETY*

## 'Imitation of Life' Shooting Roxy to Big $45,000;

Current smash is 'Imitation of Life' at the Roxy With Thursday (29) to help, house has a chance to hit a terrific $45,000 this week. On Sunday (25) the Fire Department made the theatre stop selling tickets between 7 and 8 p.m. Picture holds over

**Roxy** (6,200: 25-35-55)—'Imitation of Life' (U) and stage show Opened very strong and $45,000, with holiday, will be best house has had in a long time. Stays a second and maybe a third week.

---

Claudette

# COLBERT

*in*

Fannie Hurst's

# IMITATION OF LIFE

A JOHN M. STAHL PRODUCTION

with **Warren William**

Rochelle Hudson • Henry Armetta

Ned Sparks • Baby Jane • Alan Hale

A JOHN M. STAHL PRODUCTION

PRESENTED BY CARL LAEMMLE

# HELD OVER fo

## RADIO CIT

*-and that's pro*

## *Personal Advice from New York Critics!*

"One of those drop everything films . . . you've got to see it." —*World-Telegram*

"You will like BROADWAY BILL . . . gay, humorous, exciting and vastly human." —*Herald Tribune*

"For a sure winner play BROADWAY BILL." —*American*

"Recommended without reservation." —*Times*

"Among the things to be specially thankful for." —*Daily News*

"You're recommended . . . exciting, genuinely moving . . . and highly amusing . . ." —*Journal*

"Supreme entertainment for you . . . exhilarating, touching, hilarious." —*Daily Mirror*

"You should be grateful for a picture like BROADWAY BILL." —*Sun*

● **RELEASED NATIONA**

# WARNER BAXTE

## FRANK CAPRA'

# *Broadw*

*by Robert Riskin*
*Based on the story by Mark Hellinger*

# SECOND WEEK

# MUSIC HALL

## *it's a smash hit!*

### *...and a word from Columbia Pictures*

We suggest that you set aside extended playing time for this grand new Frank Capra hit which has bettered the record for the first four days for all Columbia Pictures that have played the Radio City Music Hall by over $10,000.00. In the words of the Hollywood Reporter we tell you "It can't miss ... it's a sure-fire hit" ... and its first engagement proves it!

**N DECEMBER 27th ●**

# MYRNA LOY

## PRODUCTION

# *ay Bill*

with

**WALTER CONNOLLY • HELEN VINSON**

# Seek a Fixed Policy to Bar Free Programs

(Continued from page 1)

attendance, has a retarding effect on production quality. The resolution stated that the touring show placed Standard Oil in direct competition with established theatres.

Industry opposition, it is made clear, is not being directed solely against the Standard Oil troupe, which will present two-hour free shows in more than 25 cities during the next 10 weeks, according to the present plans. The opposition seeks permanent protection for theatres against the recurrence in the future of such large scale, free entertainment which, it is said, is becoming increasingly prevalent throughout the country. It was pointed out that Gulf Refining Co. presented a similar traveling show on the Pacific Coast last summer and that large cities are being continually treated to this form of competition. In Boston, early this week, Scott Furriers staged an amateur talent contest at the Boston Opera House which played to 4,000 free admissions and turned away another 1,000. The performance ran from 7:30 to 11:00 with the final hour of the show being broadcast over the Yankee network.

### Probable Course of Action

The form of the opposition, not yet set, may include efforts to have enforceable restrictions added to vaudeville and carnival NRA codes which prohibit such performances except at a fair admission price.

Ed Kuykendall, M. P. T. O. A. president and chairman of the Code Authority committee on unfair competition, stated yesterday that his committee was handicapped in opposing such enterprises because of the absence of enforceable code provisions covering that type of entertainment and the refusal of its sponsors to cooperate with theatre owners.

"Either these offenders must be made to comply with provisions similar to those contained in the film code," Kuykendall said, "or the restrictions on theatres must be removed from our code. It is unfair for theatres to be made to comply to rules of fair competition when co-related enterprises are not. This includes baseball parks, carnivals, theatre radio broadcasts and free advertising programs as well as the Standard Oil show."

The Standard Oil troupe features Guy Lombardo and orchestra, Cross & Dunn, Jane Abbott and other acts. It played Concord, N. H., last night, opens at Providence tomorrow night and Boston, Saturday night.

## *Lowe Is Moved Up*

WASHINGTON, PA., Dec. 4.—Ray Lowe, for three years and a half manager of the Warner, Pittsburgh, has been named city manager for the circuit here. The appointment was made by Harry Kalmine, division head.

## *To Co-star Garbo, March*

HOLLYWOOD, Dec. 4.—Greta Garbo and Fredric March will be co-starred by M-G-M in Tolstoi's "Anna Karenina." David O. Selznick will produce and George Cukor direct.

# *Paramount's Future Picture*

What follows is the estimated consolidated pro rata balance sheet of Paramount Publix giving effect to the consummation of the proposed reorganization plan. It is based on financial statements as of Sept. 29, 1934, and reflects suggested new reserves:

## *Assets*

| | | | |
|---|---|---|---|
| Current Assets | | | |
| Cash on hand and in banks | | $15,456,787.43 | |
| Marketable Securities at cost (market value—$928,037.50) | | 893,533.50 | |
| Notes and Accounts Receivable (film customers and sundry) less Reserves on books | | 3,826,275.16 | $ 20,176,596.09 |
| Other Working Assets (largely convertible into cash within one year, but which must be immediately replaced in operation of business) | | | |
| Inventories | | $14,612,579.22 | |
| Advances to Outside Producers less Reserves on books | | 456,424.34 | 15,069,003.56 |
| Total Working Assets | | | $ 35,245,599.65 |
| Investments in and Advances to Affiliated Companies (including companies in receivership or bankruptcy, the common stock of which is substantially wholly owned by Paramount Publix Corporation) | | | |
| (a) Total by Paramount Publix Corp. | $33,148,300.60 | | |
| Less: Reserves (in respect of companies for which financial reports as of September 29, 1934, are available) equal to excess of such investments and advances over net tangible value thereof on books of such affiliated companies not in receivership or bankruptcy and over estimated value thereof in respect of affiliated companies in receivership or bankruptcy | 19,536,311.90 | $13,611,988.70 | |
| (b) Total by Consolidated Subsidiaries of Paramount Publix Corporation | $ 7,828,764.00 | | |
| Add: Excess (in respect of companies for which financial reports as of September 29, 1934, are available) of net tangible value of such investments and advances on books of such affiliated companies over amount thereof as carried on books of consolidated subsidiaries | 1,871,116.49 | 9,699,880.49 | 23,311,869.19 |
| Fixed Assets | | | |
| Land, buildings, leases and equipment—book depreciated value | | $61,804.967.55 | |
| Land, buildings, leases and equipment, the mortgages, etc. on which are in process of reorganization—book depreciated value | | 24,336,750.40 | 86,141,717.95 |
| Deposits to secure contracts and in connection with litigation | | | 1,322,200.91 |
| Prepaid Expenses | | | 1,136,036.17 |
| Bond Discount and other Deferred Charges | | | 1,612,495.79 |
| | | | $148,769,919.66 |

## *Liabilities*

| | | |
|---|---|---|
| Current Liabilities | | |
| Current Liabilities of Subsidiaries, per books (excluding contingent claims of indeterminate amount) | $ 5,505,286.56 | |
| Capital Liabilities of Subsidiaries past due, due on demand and due within one year (excluding capital liabilities which are in process of reorganization) | 3,127,322.23 | |
| Capital Liabilities (and net accruals in connection therewith) which are in process of reorganization which will be due within one year when reorganized | 1,180,703.56 | |
| 1934 Federal Income Tax Reserves of Subsidiaries (estimated) | 525,301.71 | $ 10,338,614.06 |
| Other Liabilities of Subsidiaries | | |
| Mortgages, bonds and purchase money obligations due after one year | $23,246,244.74 | |
| Estimated proportion of capital liabilities which are in process of reorganization which will be due after one year when reorganized | *18,830,562.55 | |
| Advance Payments (self-liquidating) and Reserves | 1,411,303.28 | 43,488.110.57 |
| Twenty-Year 6% Sinking Fund Debentures, approximately | | **27,110,000.00 |
| Total Liabilities | | $ 80,936,724.63 |
| Minority Stockholders' interests in Consolidated Subsidiaries | | 5,900,243.43 |
| Suggested New Reserves probably to be applied to reduce certain items of investments in and advances to affiliated companies, as reserve against book value of certain fixed and other assets and as new general reserve | | 14,000,000.00 |
| Cumulative Convertible 6% First Preferred Stock (par value $100 per share), approximately | | **27,110,000.00 |
| Cumulative Convertible 6% Second Preferred Stock (par value $10 per share) | | **6,441,805.70 |
| Common Stock (1,610,451.43 shares) | | **14,381,145.90 |
| *This item includes amounts which may become due within one year when issues are reorganized, although no estimate of such amount is now available. | | |
| | | $148,769,919.66 |

The above balance sheet utilizes in the main information furnished by the accounting staff of the Debtor and its subsidiaries, and is without audit. Assets are reflected at book figures without regard to realizable values, except as stated above. Items of good will have been excluded from the above balance sheet. The above balance sheet, in which suggested new reserves are reflected, has been prepared only for the purposes of the proposal of the Plan in the Reorganization Proceeding and is not binding upon the Board of Directors in establishing the balance sheet of the New Company. As stated in the Plan, the question of abandonment or other disposition of certain assets

(Continued on page 9)

# Cut in Extras Code Gain on Coast—Flinn

(Continued from page 1)

enough work for only a handful of extras and the rest received an average of only 26 days' work last year. They had to be supported by charity. Only 450 are more or less regularly employed.

How to stabilize the situation presented a difficult problem, Flinn said, but he believes the new plan will be highly satisfactory. Extras on the new list all qualify because of the amount of work given them in the past. Studios will be limited to the list, which will be a permanent registration.

Flinn's Hollywood observations led him to believe code restrictions on relatives' employment, scheduled for a Washington hearing this month, should remain as a measure to alleviate the employment situation.

Flinn stayed here over night. He will reach New York Wednesday morning.

Campi is preparing to take over code administration of a group of 4,000 performers representing actors, dancers and vaudevillians who play picture houses, said Flinn. Four boards will be set up in New York, Boston, Chicago and Los Angeles, with theatre men actors, bookers and vaudeville agents comprising the personnel, Flinn said. The stage players' problems primarily concern wages and hours.

The code has met with widespread satisfaction and Campi is working well within its budget., Flinn asserted, adding that none of the 22,000 grievances filed to date has been yet taken before the NRA compliance board. General employment in the industry is very good, Flinn reported. He predicted an early increase in box-office prices.

## *Product Award Puts Point Up to Campi*

The question of whether a distributor should be compelled to give up product to an account it has not dealt with when it is satisfied with the exhibitor to whom the product is sold will be an important highlight today when a Campi appeal committee hears the case of Joe Sicardi of Plainfield, N. J., against Walter Reade's Strand, Oxford and Paramount in the same city.

Several weeks ago, the New York grievance board found Reade guilty of overbuying and awarded Sicardi 70 pictures. Reade was to draw up two lists of 70 pictures and the Liberty could select which list of product he wanted. Sidney Samuelson acted as attorney for Sicardi.

Distributors hold that they cannot be told with whom to do business when they are satisfied with accounts sold. Several representatives of major companies will raise this point when the hearing takes place this afternoon.

## *Levy Signs Circuits*

Jules Levy, RKO general sales manager, has closed deals with the Saenger Theatres, Inc., and the Mullins and Pinansky circuit for his company's entire 1934-35 output.

# No Offer for Fox Gaumont Shares—Kent

(Continued from page 1)

any changes while in England. He did not go out of that country, he declared.

Asked about reorganization of Fox West Coast, Kent asserted that the plans are now in the final stages. Queried as to whether Spyros and Charles Skouras would sign 10-year contracts, Kent stated he did not know there were any involved. He added, however, that the Skourases will continue to operate under the reorganized plan.

Discussing production abroad, Kent held that there is nothing new and the company is continuing along usual lines.

### Comments on Para. Trustee Suit

Shown MOTION PICTURE DAILY which yesterday listed him as one of the 24 defendants in a suit for recovery of bonuses filed by Paramount trustees on Monday and asked for comment, Kent merely replied: "I knew about it."

He was accompanied by his wife and daughter. The Fox head will go to the coast early next month, he said.

On the same boat were Andre Daven, formerly with Fox in Europe and now on his own; Johnny Weissmuller, Lupe Velez, William Boyd, Blanche Yurka, and Mrs. Carlyle Blackwell.

Weissmuller and his wife were met by Daniel Winkler of the Joyce-Selznick office, who had several stage offers for Miss Velez, one including eight weeks of personal appearances in the Argentine. The pair plan to leave for the coast today, Weissmuller to report back on the M-G-M lot and Miss Velez undecided on her future plans. While abroad, Miss Velez made a picture for Twickenham Studios.

### England the Biggest

LONDON, Nov. 30.—European film business for American companies, outside of England, is practically worthless at present and prospects are not good, declared S. R. Kent, president of Fox, in an interview with a correspondent of the *Daily Film Renter*.

England, said Kent, is yielding 25 per cent or more of the export revenue. The German decision to impose a tax of approximately $10,000 per feature on imported films virtually rules Germany out of the field, the Fox president asserted. In addition, he said, they hit upon "unexpected reasons for banning pictures."

Czechoslovakia was "absolutely barren of production facilities," Kent was quoted as saying and until recently, as a result, got into difficulties with its import charges. He described the Spanish situation as "uncertain in view of recent disturbances," and pointed out that in France and Italy "the desire to nurse the home industry had led to difficulties for the importer."

"South America, too, has its domestic troubles as a bar to development in that market," he said.

"In brief," he continued, "the whole foreign field bristles with these problems, and it is a relief to turn to Great Britain, which continues to progress smoothly and to yield a satisfactory return."

Kent said it was unlikely that there would be any development of Fox production in England.

He reviewed the American situation by saying the NRA had been helpful to the little fellow. The clean film movement, he said, had hit the industry hard, but had been a good thing in that if "the purity drive had not been launched, some sections of the industry might have run themselves into the menace of rigid censorship or a revulsion of public opinion."

Kent described the Tri-Ergon litigation as a "passing worry." The patents are not basic, he was quoted as saying, and can be avoided in future use, but if William Fox wins his suits past infringements may cost heavily.

"In any case," Kent was quoted as saying, "we contend that these patents belong to us, and, irrespective of the result of the present cases, we are proceeding in the courts to establish our claim to them."

# *Paramount's Future Picture*

(Continued from page 8)

has been left for later consideration; the above balance sheet, accordingly, does not reflect changes in corporate structure or in properties since September 29, 1934, except as specifically contemplated by the Plan.

Accounts of Canadian Companies are stated in Canadian dollars converted into same number of U. S. dollars.

The above balance sheet assumes that the claims against the Debtor (which, as stated in the Introductory Statement to the Plan, have been filed in the Bankruptcy Proceeding and/or Reorganization Proceeding for amounts aggregating $297,702,162.37, exclusive of claims for indeterminate amounts and exclusive of such claims as may be filed after November 28, 1934) will be so reduced, either by negotiation or litigation (1) that the following claims dealt with under Article III of the Plan will constitute liabilities of subsidiaries only and in the following amounts:

| | |
|---|---|
| New Broadway Bonds, with accrued interest | $9,091,580.94 |
| Paramount Properties Bonds | 2,775,198.75 |
| Paramount Land Corporation Notes | 794,641.12 |
| Jacksonville, Florida, Mortgage | 596,351.13 |
| St. Petersburg, Florida, Mortgage | 506,763.65 |
| Long Island Studio Mortgage | 1,035,361.79 |

and (2) that the aggregate amount of Priority Claims, General Claims, Old Debentures, Old Bank Debt and other claims dealt with under Article III of the Plan and which are ultimately treated on a parity with General Claims (including interest to January 1, 1935, to the extent provided in the Plan, but excluding claims for indeterminate amounts at the time the Plan is finally confirmed) will not exceed $55,000,000. To the extent that such assumption is not realized, the amount of New Debentures and First Preferred Stock will be correspondingly increased; to the extent that a greater reduction is obtained, the amounts of such Debentures and First Preferred Stock will be correspondingly reduced; and in either case adjustment will be required in the interest of the Common Stock.

Contingent liabilities of subsidiary companies are not reflected.

No deductions have been made in "Cash on hand and in banks" on account of cash payments made between September 29, 1934 and the date as of which the Plan will be consummated, in connection with settlement of claims. The amount "Cash on hand and in banks" shown in the above balance sheet reflects, among other things, the receipt of $6,441,805.70 purusant to exercise of subscription warrants, or underwriting of subscription, and the payment of $5,175,131.32 on account of the New Bank Debt and $2,500,000 of administration and reorganization expenses. To the extent that such expenses paid in cash exceed $2,500,000 the "Cash on hand and in banks" will be decreased, and to the extent that such expenses so paid are less than that amount, the "Cash on hand and in banks" will be increased, in either case with an adjustment in the interest of the Common Stock.

**These amounts are exclusive of such New Securities as may be issued pursuant to Articles X, XI or XII of the Plan and are exclusive of $390,000 of New Debentures and 3,900 shares of First Preferred Stock to be issued and held in trust for Paramount Land Corporation by the holder of the Paramount Land Corporation Notes but as additional security for the new notes, such notes being included among liabilities of subsidiaries in the above balance sheet. Included in the claims reflected in the balance sheet, however, are five claims aggregating $212,812.41, which are also obligations of subsidiary or affiliated companies.

## *New Preferred Unit*

Preferred Pictures, Inc., has been formed under Pennsylvania laws to do business in Philadelphia and Washington. It is headed by Murray F. Beier, E. S. Waters and H. L. Taylor.

Preferred has just closed a deal with Dave Mountan of Spectrum Pictures for distribution of "Frontier Days," first of a series of eight westerns.

## *Hornstein Opens Office*

Joe Hornstein officially opened his own independent supply house in the Film Centre Building yesterday and at the same time announced taking over of Independent Theatre Supply Co., of which Louis Marks is head.

# K. C. Cuts Danger Downtown—Finney

(Continued from page 1)

Midland here, which the neighborhoods and other theatres are bitterly protesting, is in line with price scales elsewhere. In response to a direct question, he said Loew's might reduce the Midland's top from 40 cents, as at present, to 25 cents.

The situation here is unique, he says, in that there is not only a competitive situation between the neighborhoods and downtown first runs, but that in the neighborhoods there is competition between independents and circuit theatres, namely Fox Midwest. These factors, he says, make the clearance and general competitive situation complex. Competition from the neighborhoods is making the situation of the downtown first runs precarious, he declares.

For this reason the first runs will never consent to a clearance schedule based entirely on admissions, he said.

Finney objects to the fact that the downtown first runs have no representation on the clearance and zoning board.

E. C. Rhoden, Fox Midwest division manager, is the board member representing affiliated first runs.

"Rhoden is an able executive and I have nothing but praise for him," Finney says, "but the fact remains that his interests in Kansas City lie in suburban operations."

## *Hatrick Called West*

E. B. Hatrick, general manager of the Hearst film interests, left suddenly for the coast by air yesterday. He plans to return for Christmas. If he does, he will return again to Hollywood immediately thereafter.

# Purely Personal

PETER PROFILI and SAM CPHENCIOUS of the American, Vestaburg, Pa., and Attorney J. RICHARDSON, yesterday were in New York on an appeal from a clearance decision in Pittsburgh. ALEXANDER BELLETTE of the Grand, Fredericktown, Pa., also was here.

HARRY BUXBAUM, New York Fox exchange head; HAROLD FREEDMAN, Yonkers exhibitor, and LEO JUSTIN of the Walter Reade office, are back from Philadelphia where they attended the Army-Navy game.

HARRY H. THOMAS and CHARLES ROSENZWEIG officially returned to their offices at First Division yesterday. Both were on trips, returned Thanksgiving Day, but didn't check into the office until yesterday.

LILY PONS, who will soon make a picture for Radio; JACQUES CHARLES. French producer, and DAVE APOLLON and his band arrive this morning on the *Champlain.*

DON HANCOCK, with *Film Daily* for the past four years, has rejoined Van Beuren as production manager on the "Dumb Bell Letters," "Vagabond Adventure" and other shorts.

VINCENT KORDA's original etchings for the settings of "The Private Life of Don Juan" go on exhibition at the Tudor City Art Galleries, 5 Prospect Place, today.

WILLIAM F. RODGERS of M-G-M returned yesterday from Philadelphia. FELIX F. FEIST gets in from Chicago the end of the week.

FRED QUIMBY arrived from the coast yesterday and immediately heaved into a pile of work which accumulated while he was gone.

HOWARD LEUEN, Brooklyn salesman for Paramount, is the father of a boy. The event took place Thanksgiving Day.

HUGH WALPOLE arrived by plane yesterday from Hollywood. He'll stay around town for two days before embarking for London.

WALTER WANGER, producer of "The President Vanishes," is in New York from the coast. He'll be here two days. Maybe three.

J. ROBERT RUBIN hies to Philadelphia today to testify in that double feature trial.

WALTER EBERHARDT sails south on the *Monarch of Bermuda* tomorrow. Mrs. E. accompanies him.

ISADORE RAPPAPORT, Baltimore exhibitor, was in town yesterday conferring with HERSCHEL STUART.

GEORGE SCHAEFER and MILT KUSELL are back from a week-end on Chesapeake Bay.

GEORGE DAWES, SAMUEL GOLDWYN representative, is in Chicago to handle exploitation there.

JAMES ROSS GRAINGER spent his day yesterday in Boston. Back today.

KITTY CARLISLE and her mother are at the Ritz Tower.

HARRY GOLD is back from Charlotte and other southern cities.

JUNE KNIGHT and her new husband, PAUL S. AMES, are in town.

JAMES CAGNEY is in town for a two-week vacation.

ED HURLEY is in from the coast.

# *Insiders' Outlook*

(*Continued from page 2*)

ficulties than they have encountered from the criticism of the churches."

▼

What is this new menace? Hold on to yourself and continue:

> "The objectionable feature of some recent films is the Communistic character.
>
> "If motion pictures are to be used for Communistic propaganda, it will not be long before the American government will have to step in to censor and suppress such propaganda and directly to supervise the film companies responsible for it and see that they are conducted on a patriotic American basis."

Periodically, Hearst editorially strikes out for Federal censorship. He seems committed to furthering the idea and the excuse seems to make little difference. Why? . . .

▼

Homespun philosophy about theatre operation, furnished from the fount of common sense which seems to be Mrs. A. Baier's. She runs the suburban Lindbergh in Kaycee and is secretary of the I. T. O. of that city. The kernel of her analysis is as true as it is simple. She holds to the thought exhibitors would be far better off if they tended to their own business and worried less about other theatres and what they do.

> "The reason that so many exhibitors think they will be forced to close their doors if some downtown theatre goes on a price rampage or a suburban competitor adopts an unfair trade practice is because they are obsessed with a 'fear complex.' If every suburban exhibitor would devote the time to going after business that he spends worrying about his competitor or trying to meddle in his affairs, he would have little to worry about."

▼

What convinced Mrs. Baier was last week-end. Apprehensive over the way Loew's Midland was plugging its cut rates in large newspaper space, she decided to do some exploitation of her own. She sent 5,000 folders to her mailing list, advertising this week's shows.

> "Business picked up considerably, and I found I didn't have to worry about Loew's or any one else," Mrs. Baier concluded. "I am going to do some more advertising."

And now to other matters. . . .

▼

Metropolitan area operators are fuming, uselessly so far, over the recently enacted half-of-one-per-cent-of-the-gross tax. It runs into money, much money and what is creating the excitement is the claim the levy is discriminatory. No tax on profits is this, they say, but a tax on receipts, win, draw or lose. The latter seems to have it, by unanimous squawks. . . . Garbo continues to make swell copy. Witness the Universal Service cable—special, mind you—from Berlin of her quitting Hollywood next year to do a legit play in Stockholm. Maude Adams, for years, was mysterious as to her movements, press interviews and the like. It worked and worked well, as anyone who knows his stage history at all appreciates. . . .

KANN

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

(*Continued from page 4*)

Carr is good in the stereotyped role as lady friend number one. Clifford Healtherly contributes robust comedy as an elderly playboy. Monty Banks, who plays a comedy role, also competently directed.

The film measures up to the average American product, having been made before by Warners with Warren William and Marion Marsh. Running time, 65 minutes. Production code seal No. 094. "A."

## *"Sweet Adeline"*

(*Warners*)

HOLLYWOOD, Dec. 4.—Being a lavish musical spanning the Spanish-American War era, the plot outlines the rise of a beer garden singer (Irene Dunne) to stage affluence with love tribulations along the way.

Reflecting the tempo of the hansom cab days, the film's feeling and mood blend with the charm and leisure of the period.

Miss Dunne's beauty and refinement harmonize with the story. Hugh Herbert stands out as one af the screen's funniest comics with his rare drolleries rounded by pathos always uncorking laughter. Ned Sparks, too, contributes his exclusive, dry, wry humor for good reactions. Louis Calhern is the romantic heavy and Winnie Shaw the vamp heavy. Phil Regan sings well. Nydia Westman's comedy, Noah Beery's basso profundo and Joseph Cawthorn's antics round out the cast. Dorothy Dare warbles while looking okay.

Mervyn Le Roy's usual bouncy direction in this keeps to the deliberate screen play adapted from Jerome Kern's and Oscar Hammerstein's book with the music by Kern. Sol Polito photographed well.

The swing ensemble number with Miss Dunne trilling and Bobby Connolly's girls spinning is a thrilling, esthetic creation.

The take in the key spots should be an indicator for the subsequent run results. Running time, 90 minutes. Production code seal No. 416. "G."

## *Tucker Made Manager*

ATLANTA, Dec. 4.—Ed Tucker, former assistant ad sales manager at the local Fox exchange, has been advanced to manager.

---

LONDON, Dec. 4.—Charles Munroe, who accompanied S. R. Kent from New York, is en route to Sydney, Australia.

## *Mayer Is Conferring*

Charles Mayer, former salesman in the Boston exchange and recently appointed assistant to Manager L. Prouse Knox at the Fox branch in Bombay, India, is in New York conferring with Clayton Sheehan before leaving to take over his new duties some time next month. He sails Dec. 14.

## *Fox Buys "Farmer"*

Fox has purchased "The Farmer Takes a Wife," current New York stage hit.

---

HOLLYWOOD, Dec. 4. — Winfield Sheehan will produce "The Farmer Takes a Wife" with Janet Gaynor and Spencer Tracy.

## *Bank Payoff Starts Spending in Detroit*

(*Continued from page 1*)

spending part of the $65,000,000 First National Bank of Detroit payoff which is being distributed to over 650,000 depositors.

In theatres for the past week, and promising to continue for some weeks to come, thousands upon thousands of dollars have gone through the ticket windows with capacity houses the rule for all sorts of shows.

The "Follies" at the Cass Theatre had capacity houses the nine performances it played here. Prices for the attraction were $3 top. For "Tristan and Isolde" at the Masonic Auditorium there were more than enough customers to fill the 4,700 seats.

The past week-end found most of the film houses doing a landoffice business.

Employment in the motor car plants has picked up the past few weeks and is on a steady upgrade. Neighborhood house managers are very enthusiastic about the winter outlook.

## *Col. Signs Carminati*

HOLLYWOOD, Dec. 4.—Tullio Carminati, who arrived here last week, has been signed by Columbia for one picture through the Joyce-Selznick office. Preliminary negotiations were started in the east and completed here, Carminati will make one for Fox after the Columbia deal, provided negotiations now pending are closed. The Fox deal is for a part in "Adios Argentine."

---

Daniel M. Winkler, handling radio, vaudeville and personal appearances for Joyce-Selznick, plans to leave for the coast in two weeks. He arrived last week.

## Production Gains By Four Features

(*Continued from page 1*)

division a total of three working, 11 preparing and 20 in the cutting rooms.

Paramount leads the field with seven features working, two preparing and four editing; M-G-M has six, one and nine; Warners, six, one and eight; Fox, three, three and five; Columbia, three, one and six; Universal, three, one and three; Goldwyn, one, zero and zero; Century, one, one and one; Radio, one, three and three; independents, five, four and five.

The short subject division shows M-G-M has none in work, two preparing and three editing; Roach, zero, two and three; Columbia, zero, one and five; Radio, zero, one and five, while the independents have three, five and four.

## *Sam Wood Has Plans For His Own Films*

(*Continued from page 1*)

coast for New York several weeks ago and plans to resume negotiations when he returns next week.

Wood is working on an adaptation of "The Melody Lingers On" and intends to fly to Hollywood Friday with Edward Small for the U.S.C.-Notre Dame game on Saturday.

While here Wood will line up writers for his future productions. He has a number of stories in mind, on two of which he has options, to take back with him. A deal with Charles MacArthur and Ben Hecht for one picture fell through last week because of a play the producers are working on in addition to another picture they will put into work at the Eastern Service Studios shortly.

If the deal materializes with Erpi, Wood intends to develop his own talent. He is dickering for a number of players here and may take them to the coast with him for picture build-ups.

## *Texas Price-Fixing Suit Comes Up Today*

(*Continued from page 1*)

Theatres, Inc. Glass seeks an injunction to stop alleged ruinous price fixing through a conspiracy of the defendants and major producing companies.

At the first hearing, Dec. 1, in the Fourteenth District Court before Judge W. M. Taylor, defendants argued that the acts complained of constitute a phase of interstate commerce, over which local courts have no jurisdiction. The taking of depositions occupied the session Dec. 1, and the hearing was postponed to tomorrow.

## *Action, Little Talk Wanted, Says Kelly*

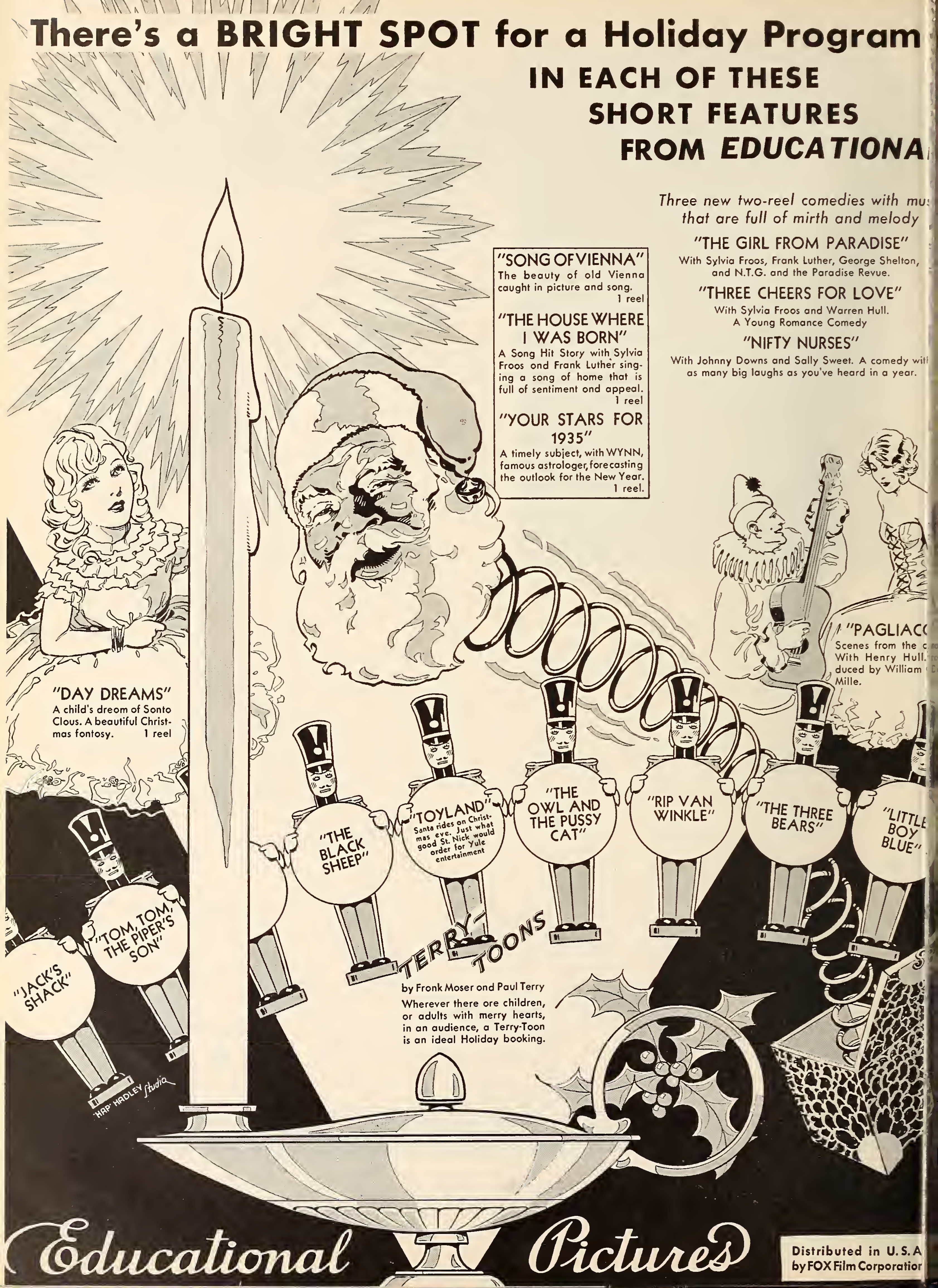
SAN FRANCISCO, Dec. 4.—"Foreign movie audiences want pictures that are high class but not high hat. Pictures that tell a down-to-earth story with a maximum of action and a minimum of dialogue are the most popular," said Arthur W. Kelly, vice-president of United Artists in charge of foreign distribution on his arrival here today from Japan. He has been on an eight-month tour of the world. He will leave here for New York by way of Hollywood, arriving in the east Dec. 10.

## JOHN J. FRIEDL

Operates
63 theatres,
spends upward
of $1,500,000
annually for film.
He reads

**MOTION PICTURE**
**DAILY**

The Industry Buying Power Reads
MOTION PICTURE DAILY


"JACK'S SHACK"
"TOM, TOM, THE PIPER'S SON"
"THE BLACK SHEEP"
"TOYLAND" Santa rides on Christmas eve. Just what good St. Nick would order for Yule entertainment
"THE OWL AND THE PUSSY CAT"
"RIP VAN WINKLE"
"THE THREE BEARS"
"LITTLE BOY BLUE"
TERRY-TOONS
"HAP" HADLEY Studio

# There's a BRIGHT SPOT for a Holiday Program

## IN EACH OF THESE SHORT FEATURES FROM *EDUCATIONA*

*Three new two-reel comedies with mu*
*that are full of mirth and melody*

**"THE GIRL FROM PARADISE"**
With Sylvia Froos, Frank Luther, George Shelton, and N.T.G. and the Paradise Revue.

**"THREE CHEERS FOR LOVE"**
With Sylvia Froos and Warren Hull.
A Young Romance Comedy

**"NIFTY NURSES"**
With Johnny Downs and Sally Sweet. A comedy wit as many big laughs as you've heard in a year.

**"SONG OF VIENNA"**
The beauty of old Vienna caught in picture and song.
1 reel

**"THE HOUSE WHERE I WAS BORN"**
A Song Hit Story with Sylvia Froos and Frank Luther singing a song of home that is full of sentiment and appeal.
1 reel

**"YOUR STARS FOR 1935"**
A timely subject, with WYNN, famous astrologer, forecasting the outlook for the New Year.
1 reel.

**"DAY DREAMS"**
A child's dream of Santa Claus. A beautiful Christmas fantasy. 1 reel

**"PAGLIAC**
Scenes from the c
With Henry Hull. ro
duced by William C
Mille.

**TERRY-TOONS**
by Frank Moser and Paul Terry
Wherever there are children, or adults with merry hearts, in an audience, a Terry-Toon is an ideal Holiday booking.

*Educational Pictures*

Distributed in U.S.A
by FOX Film Corporatio

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 133 NEW YORK, THURSDAY, DECEMBER 6, 1934 TEN CENTS

## 1st Division Will Release "Time" Series

### *First Issue Is Set to Appear in January*

First Division will handle the distribution of "The March of Time" series dramatizing the news events of the day, it was revealed yesterday by Harry H. Thomas, president of the company. The first release is expected to be out in January. The films will be issued at the rate of one a month, each running about 20 minutes.

The series is being produced by a new company, The March of Time, Inc., the officers of which are Roy E. Larsen, general manager of *Time* magazine and producer of "The March of Time" radio broadcasts, president; John S. Martin, managing editor of

(*Continued on page* 4)

### *Fox and Paramount Are After "Battle"*

Competitive bidding for national distribution rights to "The Battle" has Paramount and Fox angling with Leon Garganoff for the French-made picture now current at the Criterion.

Although scheduled to make its exit at the Criterion yesterday, "The Battle" is being held over until Dec. 14 because of unusual business in the last few days. "Dealers in Death" goes in after "The Battle."

### *Palmer Plea to Be Presented Dec. 14*

The U. S. Circuit Court of Appeals yesterday set Dec. 14 as the date for hearing of an appeal by Archibald Palmer, counsel, from an order by Federal Judge Julian W. Mack denying him leave to examine members of the bondholders' protective committee of Fox Metropolitan Playhouses

(*Continued on page* 4)

### *Ohio Senate Passes New Type Sales Tax*

Columbus, Dec. 5.—With an unexpected shift, the Senate has passed a bracketed sales tax which carries with it repeal of the present 10 per cent admission tax. The measure now goes back to the House for a compromise, as the bill passed there last

(*Continued on page* 4)

*Be assured of dependable delivery and ship via National Film Carriers, Inc.*—Adv.

## *Clearance Is Exhibitors' Big Problem—Kuykendall*

The biggest problem confronting exhibitors today is the fact that clearance and zoning schedules have not been established, Ed Kuykendall, president of the M.P.T.O.A., stated yesterday.

He said he had made a tour of Phoenix, Ariz.; Dallas and Texarkana, Tex.; Hot Springs, Ark.; Nashville and Baton Rouge, where he met exhibitors and discussed conditions and the code. Kuykendall said the code has fixed up things in some places and hurt in others and reaction to the code in general is mixed. He said clearance and zoning is the main source of complaint.

"Exhibitors feel that Code Authority should officially establish clearance and zoning schedules, since theatre owners do not want to make individual protests and make enemies with exchange men and circuit buyers."

Kuykendall will leave Saturday for Charlotte to attend the two-day annual convention on Dec. 9-10 of the Theatre Owners of North and South Carolina. His daughter, Jerry, is in New York.

### *There Was a Day—*

**In presenting his overbuying case to an appeal committee consisting of Ed Kuykendall, E. T. Gomersall and William Yoost, Sidney Samuelson, acting for the Liberty, Plainfield, yesterday read the section of the code dealing with this subject and then added:**

**"I presume you gentlemen are familiar with the code."**

**Kuykendall retorted: "We used to think so."**

## Chicago Pair Here to Argue Over Releases

Protests against the present releasing system in Chicago as it affects 10 per cent cancellations will be made today to Campi by Aaron Saperstein and Jack Miller, representing independent exhibitors in that territory. The showmen arrived here yesterday prepared to meet John C. Flinn and present their complaint, but since the executive secretary of Campi did not arrive from the coast until late in the evening, the meeting was put off until this morning.

Windy City exhibitors hold that releases of pictures differ with individual territories; that exchanges have

(*Continued on page* 7)

## Warner Fire Fails To Halt Producing

Warners' production will not be handicapped by the fire which swept a number of outdoor sets Tuesday night at the Burbank studios on the coast, according to a statement issued yesterday by H. M. Warner.

Damage was estimated at several hundred thousand dollars, but the flames did not reach any of the sound

(*Continued on page* 4)

## Club Leaders Hit Duals in Phila. Court

Philadelphia, Dec. 5.—The Perelman suit resumed today after a one-day recess with women's club officials furnishing defense testimony. Mrs. Jane F. Looram, international chairman of the M. P. Division of the Federation of Catholic Alumnae, stated that in her opinion double featuring nullifies the object of the association's work, because it is difficult to get two pictures of the right type for a children's show.

She told of a mother who had approved her son's visit to a house showing "Peck's Bad Boy," only to find that "The Affairs of Cellini" was on

(*Continued on page* 4)

## Chase Men Busy on General Theatres

Chase National Bank heads are working out a new plan of reorganization for General Theatres Equipment Corp., it is understood. The present tour of Winthrop W. Aldrich, chairman of the Chase board, with H. Donald Campbell, president, and other officers, is understood to be for the purpose of studying theatre conditions and the

(*Continued on page* 4)

## Seek 3 Para. Directors by December 27

### *Want Board of 12 Ready For Court Hearing*

Selection of three additional directors of Paramount Publix to comply with a provision that the board shall consist of a minimum of 12 members is under way in reorganization circles and is expected to be completed before Dec. 27, the date on which a creditors' hearing on the reorganization plan will be held before Federal Judge Alfred C. Coxe.

Indications are that the three posts remaining at this time will go to a representative of the bank creditors, one of Allied Owners and the third to a general creditors' representative who will probably be a man with industry or allied experience. The three new candidates will replace Austin Keough, Paramount secretary; Walter B. Cokell, treasurer, and Max D.

(*Continued on page* 4)

### *Revised Comerford Deal Before Joyce*

A revised agreement providing for the retirement of Paramount's outstanding obligations remaining from acquisition of the 61 Penncom theatres from M. E. and M. B. Comerford and Frank C. Walker in 1930 was taken under advisement yesterday by Special Master John E. Joyce, following a hearing on the new agreement submitted by counsel for Paramount Publix trustees.

Under the agreement, net receipts of Penncom, after operating expenses and provisions for reserve and current obligations, are to be applied to the

(*Continued on page* 4)

### *Rosenblatt Hopeful On Coast Situation*

Washington, Dec. 5.—Still hopeful that an amicable settlement of the controversy between producers and actors over a code of fair practice may yet be reached, Compliance Director Sol A. Rosenblatt today returned to Washington after a week

(*Continued on page* 7)

### *RKO Cut to Widen Price War in K. C.*

Kansas City, Dec. 5.—The local price war will be extended Friday when the RKO Mainstreet's balcony

(*Continued on page* 2)

MOTION PICTURE DAILY

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## RKO Cut to Widen Price War in K. C.

(*Continued from page 1*)

scale will be cut to 15 cents matinees and 25 cents nights, with the 40-cent admission for orchestra seats at night retained. This will meet the Loew's Midland prices. Whether RKO will go back to the present scale before Christmas will depend on the Midland's action, it is understood. The Mainstreet will also drop stage shows for two weeks.

## Edward A. Horne Dead

Edward A. Horne, manager of the print and negative department of RKO, died yesterday of a heart ailment at his home in Manhattan. He was 42 years old and had been associated with RKO and F.B.O. for the past 15 years. He is survived by his widow, Catharine, and one daughter. Funeral arrangements had not been completed up to late yesterday.

## Chicagoans in Town

Barney and John Balaban are in New York from Chicago. The former returns home today.

Leo Spitz, former power in Paramount during the Sam Katz regime, is also visiting, en route to Florida.

Jack Miller, head of the Chicago Exhibitors' Ass'n, and Aaron Saperstein, his rival in Allied of Illinois, also are here.

## Use of Technicolor Gains in New Films

HOLLYWOOD, Dec. 5.—A checkup among the major studios indicates an increase in the use of the Technicolor three-color process for features. Radio's production, "Becky Sharp," will be entirely in color. Two Warner productions, "Gold Diggers of 1935," and "In Caliente," will have color sequences and Jesse L. Lasky's next for Fox, "Redheads on Parade," will have one reel in color.

## Jack Cohn Outlines Foreign Situation

HOLLYWOOD, Dec. 5.—Jack Cohn is here to talk over foreign production angles with Columbia studio heads from data picked up during his recent sojourn in Europe, the executive told MOTION PICTURE DAILY today.

Cohn expects to return to New York with a print of the Edward G. Robinson picture, "A Passport to Fame."

## Screen Drivers' Faults

Driving faults which cause most of the accidents are shown in a cartoon comedy called "Once Upon a Time." produced recently by Audio Prod. and now sponsored by the Massachusetts Department of Public Safety. Massachusetts houses are cooperating with Lieut. Colonel Paul G. Kirk, commissioner, in showing the film.

## Extra Columbia Dividend

Columbia Broadcasting System, Inc., has declared a quarterly cash dividend of fifty cents a share, plus a special cash dividend of $1 a share, on the Class A and Class B stock.

The dividends do not apply to the fifty per cent stock dividend previously declared.

## Millet Heads Empire

Jack Millet has been elected president of the Empire State M. P. Operators' Union to succeed Arthur Farkash. Another new officer is James Addessa, former vice-president, who replaces Joseph Blatt as business agent.

## Trouble Ahead

**The Jewish Theatrical Guild met at the Ritz Theatre over the week-end. George Jessel, first vice-president, spoke, and in the course of his talk made the prediction that the Jews, particularly those of America, were heading for trouble with Italy, since Eddie Cantor was on his way to Genoa—to try and get Italians to drink that particular brand of coffee.**

## Selznick Is Silent on New Company Report

HOLLYWOOD, Dec. 5.—David O. Selznick refuses to discuss reports that he and his brother, Myron, are planning to form Lewis J. Selznick Prod., a new company, as a memorial to their father. The reports were to the effect that Myron would retire largely from the agency business to devote his time to the new company.

## Taylor on Buck Film

Van Beuren Prod. yesterday signed Ray Taylor to direct the next Frank Buck feature, tentatively titled "Fang and Claw." Buck sails on the *Berengaria* tomorrow for Singapore, his base.

Taylor's last picture was "The Return of Chandu" for Sol Lesser.

## Attend Albany Dinner

Max B. Blackman, president, and Jules Levey, vice-president of the national Warner Club, last night accompanied Harold Rodner to Schenectady where the Albany unit held its second annual dinner and dance at the Palorama Club.

## Schine Circuit Signed

Jack Schlaifer, special sales representative of Gaumont British, has closed a deal with the Schine Theatrical Enterprises, Inc., for the entire product of his company.

Schlaifer left last night on a tour of mid-west key cities.

## Most on Big Board Advance

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 40¾ | 40⅛ | 40⅛ | — ⅜ | 1,400 |
| Consolidated Film Industries | 4½ | 4 | 4⅜ | + ½ | 2,400 |
| Consolidated Film Industries, pfd. | 19½ | 18½ | 19½ | +1⅛ | 6,200 |
| Eastman Kodak | 113¾ | 113 | 113¾ | +1¼ | 300 |
| Eastman Kodak, pfd | 141½ | 141½ | 141½ | +3 | 2,000 |
| Fox Film "A" | 14¼ | 13⅞ | 14 | ..... | 2,000 |
| Loew's, Inc. | 36⅞ | 36¼ | 36¼ | — ¼ | 15,400 |
| Loew's, Inc., pfd | 104¾ | 104¾ | 104¾ | + ¾ | 500 |
| Paramount Publix | 3⅝ | 3½ | 3½ | — ⅛ | 7,000 |
| Pathe Exchange | 1¼ | 1⅛ | 1⅛ | ..... | 800 |
| Pathe Exchange "A" | 14 | 13½ | 14 | + ¼ | 600 |
| RKO | 2⅛ | 1¾ | 2 | + ¼ | 124 |
| Warner Bros. | 5⅛ | 4⅞ | 5 | + ⅛ | 9,800 |
| Warner Bros., pfd | 24⅜ | 22 | 23 | + ½ | 39,000 |

## Curb Issues Remain Unchanged

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13⅞ | 13¾ | 13⅞ | ..... | 1,000 |
| Trans Lux | 2⅛ | 2 | 2 | ..... | 300 |

## RKO Bonds Jump 3½ Points

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 8⅞ | 8½ | 8⅞ | + ⅜ | 5 |
| General Theatre Equipment 6s '40. ctf | 8¾ | 8 | 8 | — ½ | 12 |
| Loew's 6s '41, ww deb rights | 105 | 104⅝ | 104¾ | + ⅛ | 24 |
| Paramount Broadway 5½s '51 | 44½ | 44½ | 44½ | + ½ | 1 |
| Paramount F. L. 6s '47 | 61¼ | 60 | 61¼ | +1¼ | 8 |
| Paramount Publix 5½s '50 | 61½ | 60 | 61⅜ | + ⅞ | 47 |
| Pathe 7s '37, ww | 99½ | 99½ | 99½ | ..... | 1 |
| RKO 6s '41, pp | 36½ | 34 | 36½ | +3½ | 8 |
| Warner Bros. 6s '39, wd | 61 | 60 | 60⅞ | + ⅞ | 45 |

## Sees Foreign Gains From Film Cleanup

Hollywood's response to the clea picture demand crystallized in the Legion of Decency movement is makin American films better internationa merchandise in the opinion of J. H Barker, Jr., managing director o Western Electric Co., Australia, Ltd. who is in New York from Sydney

"The reaction of the motion pictur industry of Australia and related territories has been most favorable," remarks Barker. "It is perhaps no realized here how close the motio picture industry is to the governmen in Australia and how readily complaints aimed at quota restrictions an the like can get hearing in importan places. Material not adjusted to th standards of conduct and viewpoint of the whole public can all too easil afford talking points that can gro into commercial obstacles and problems.

"Australia now expects, and doubtless is to get, a flow of product whic will be found much more generall acceptable and which will conduce t vastly better business."

## Plan Wis. Indie Group

MILWAUKEE, Dec. 5.—Plans for strictly independent state-wide exhibitors' association without national a filiation will be laid by a committ of the Wisconsin M. P. T. O. an Allied members at a meeting here t morrow.

## New Press Book Policy

Under a new policy Warner-Fir National press books will be issu four weeks ahead of release dates, or coming off the presses every Frida The first book issued under the ne arrangement is that on "Sweet Ad line."

## Warners Sign Donat

HOLLYWOOD, Dec. 5.—Robert Don now in London, has been signed Warners to a long term contract. H first will be "Captain Hood." T actor arrives from England abo April 1.

## Sells Product in Cuba

R. K. Hawkinson, Latin-Americ Division Manager for RKO, h closed a deal with the Cuban-Ame can Film Co. for Cuban distributi of the entire Radio lineup for 1934- Hawkinson arrived here yesterday.

## Bamberger Now Manage

Leon J. Bamberger, who has be connected with sales promotion f RKO Distributing Corp., has be given the title of promotion sales ma ager by Ned E. Depinet, president the corporation.

## Drive Nets $120,315

HOLLYWOOD, Dec. 5.—The first t weeks of the Community Chest Dri have netted $120,315, or 53 per ce of quota, from the film division, a cording to the Producers' Ass'n.

## Lila Lee Is Married

Lila Lee was married yesterday Harrison, N. Y., to Jack R. Pei son of a clothing manufacturer Chicago and brother of Virginia Pi of the films.

# • THE PICTURE OF THE WEEK •

**The book that made a hundred million Americans laugh at themselves—and love it! . . . . . That helped make its author the only American writer to win the priceless Nobel Prize—**

## Sinclair Lewis' "BABBITT"

**becomes the outstanding screen entertainment of the week thanks to the expert craftsmanship of Aline MacMahon, Guy Kibbee, director William Keighley, and Warner Bros. Released Dec. 8th.**

(A First National Picture)

## 3 Para. Directors Sought by Dec. 27

*(Continued from page 1)*

Howell, vice-president of Chemical Bank & Trust Co., who filled in the vacancies to meet the minimum board membership provision for the purpose of presenting the reorganization plan to the court last Monday.

The board will remain inactive from now until such time as the reorganization plan has been accepted by the court and placed in effect. Its membership of a minimum of 12 will probably be unchanged for some time thereafter, although by-laws of the new company permit a maximum membership of 16. An election of officers and appointment of a management advisory committee to the board will not be held until after the plan has been accepted by the court. Until that time the Paramount trustees, Charles D. Hilles, Eugene W. Leake and Charles E. Richardson, continue in full charge of the company.

The advisory committee will undoubtedly consist of leading executives in the production, distribution, management and theatre departments and will be consulted by the board on all technical and specialized problems. There is also under consideration a plan for retaining, on occasion, outside experts on realty, production, story material and technical subjects for special advisory work for the board.

The nine members of the board thus far permanently placed include the following representation: Dr. Julius Klein, Duncan G. Harris and Frank A. Vanderlip, for bondholders; Maurice Newton, for stockholders; Gerald Brooks, for both stockholders and bondholders; Percy H. Johnston and Charles A. McCulloch for bank creditors; Adolph Zukor, for management, and Henry R. Luce for general creditors.

## *Revised Comerford Deal Before Joyce*

*(Continued from page 1)*

retirement of the 55,330 shares of Class A stock with a par value of $5,533,000, held by the Comerford group. Paramount owns the 62,749 shares of Class B stock of Penncom. No dividends are to be paid on the stock for a five-year period ending Jan. 1, 1938. Priority of the Comerford group's rights over Paramount claims against Penncom is asserted in the agreement.

## *Ohio Senate Passes New Type Sales Tax*

*(Continued from page 1)*

week provided for a straight three per cent levy.

Under the terms of the Senate bill, passed by a vote of 21-7, sales under a dime are exempt from the tax. From 10 cents to 40 cents the tax is one cent; from 40 to 70 cents, two cents tax, with three cents on higher amounts. Fractional amounts over 70 cents are taxed on the lower bracket basis.

## *"Vanishes" to Paramount*

"The President Vanishes" opens at the Paramount tomorrow after all, setting back "Limehouse Blues" to follow the Walter Wanger picture.

## *Hollywood Personals*

**Hollywood, Dec. 5.—Max Reinhardt interviewing 500 ballet dancers for atmosphere in "Midsummer Night's Dream" at Warners . . . George Bricker and Joe Sayer collaborating on the script for "Sport Page" at Warners . . . Ann Sothern hires two bodyguards . . . Mayfair will open the season with a formal party Dec. 8 following the Notre Dame-U. S. C. game . . . Gene Markey busy working on a new novel . . . Morrison Chapin, Paramount writer, off for a vacation in the East . . . Jackie Cooper back from his personal appearances East . . . Wallace Ford to play lead in "The Nut Farm" for Monogram . . . Pete Harrison in town . . . M-G-M has a letter from a woman in San Jose wanting to know what Maurice Chevalier said in French in the "Merry Widow" to the king in the queen's boudoir. . . .**

## Warner Fire Fails To Halt Producing

*(Continued from page 1)*

stages or the administration building, the statement said.

It follows:

"The fire at our Burbank studio was confined to the south end of the lot and fortunately did not reach the sound stages or the administration building. Therefore, the production of the pictures which we now have in work will not be impeded and our release schedule will not be interfered with. We are very thankful that Paul Muni and Michael Curtiz, working late on 'Black Fury,' saw the blaze and sounded the alarm before it was beyond control. Besides 'Black Fury,' five of our biggest pictures of the present season are now in production—'Gold Diggers of 1935,' 'A Midsummer Night's Dream,' 'North Shore,' 'Living On Velvet,' and 'Devil Dogs of the Air.'

"My brother, J. L. Warner, vice-president in charge of production on the coast, has assured me by telephone that the blaze on the back lot has not affected any of these productions in any way. All the damage is covered by insurance."

HOLLYWOOD, Dec. 5.—One man, Albert Rounder, 65-year-old chief of the studio fire department, died of a heart attack and 15 persons were injured in the fire which swept the outdoor sets on the south end of the Warner-First National lot early this morning.

Rudolph Hoop, an actor, and Nick Potskoff, studio workmen, were among the most seriously injured among 15 persons hurt.

Seventy-five extras working in "Black Fury" helped fight the fire until the arrival of outside fire apparatus.

## *Warners Apologize, Polish Ban Lifted*

WARSAW, Dec. 5.—The Interior Ministry today lifted its ban on Warner product after the company had apologized for scenes in "The Life of Jimmy Dolan" and "The Match King."

The films contained gangster roles with the names of Koszciusko and Pulaski, Polish national heroes, and were banned six months ago with the government contending that Polish-Americans were portrayed insultingly.

## *Renew with MacDonald*

HOLLYWOOD, Dec. 5.—Frank MacDonald, dialogue director at Warners, has had his contract renewed for another six months.

## Chase Men Busy on General Theatres

*(Continued from page 1)*

outlook for the company, in bankruptcy since Feb. 29, 1932. In the meantime, Fox, which it controlled through acquisition of the Fox Class B voting stock when Harley L. Clarke was active, has been reorganized.

General Theatres has liabilities of about $24,000,000, of which $19,000,000 is understood to be owed to Chase.

## *Coast's Bank Night Row Back to Campi*

LOS ANGELES, Dec. 5.—After rehearing three bank night cases returned to it from Campi the grievance board has decided the theatres involved are competitive and has sent the cases back to Campi again for determination.

The cases are: Mrs. Jennie H. Dodge, Mission, Ventura, against Glen City, Santa Paula; C. A. Ferry, Granada, Alhambra, against O. W. Lewis, Mission, San Gabriel, and M. E. Baylis, Tivoli, West Los Angeles, against Wilshire, Santa Monica.

## *Palmer Plea to Be Presented Dec. 14*

*(Continued from page 1)*

under Section 21-A of the Bankruptcy Law.

Palmer, who also represents Allied Owners' bondholders, a large Paramount Publix creditor, asserted that the circuit court's ruling on his Fox Met appeal would establish a precedent which would determine whether or not he would also seek a 21-A examination of the proposed directorate of reorganized Paramount.

## *Flash Previews*

*Lottery Lover*—Individual cast performances and tuneful melodies keep this one interesting, despite a sketchy story laden with forced humor which holds it to only average entertainment. . . .

*Helldorado*—Fantastic drama, building to a topical thrill climax . . . mild general entertainment . . . covers much irrelevant ground. . . .

*These films will be reviewed in full in a later issue of* MOTION PICTURE DAILY.

## *Schubart Honeymooning*

Aage Schubart, manager of Radio's contract department, is now on his honeymoon somewhere in the vicinity of Atlantic City. He and Doris Lloyd of Chicago were married last week-end.

## Club Leaders Hit Doubles at Trial

*(Continued from page 1)*

the same bill. She also said a radio speech delivered by herself had brought opinions against dual bills from 12,000 persons, with only 2,000 favoring the practice.

George J. Zehrung, chairman of the film activities of the National Council of the Y.M.C.A., testified similarly

Mrs. Mary Gwynn Owens, vice-chairman of the General Federation of Women's Clubs, an officer of the D.A.R. and chairman of the Philadelphia M. P. Forum, testified that double bills cater to two elements in an audience and spoil the good features with weaker ones.

A. W. Smith, eastern and southern sales manager for Warners, said that in his opinion his company is making better shorts than many companies making second grade features.

E. C. Grainger, eastern sales manager for Fox, stated that his company has 425 independent accounts in this territory against 75 in circuits He told Judge Welsh the weekly income was about $6,000 from circuits against $26,000 from independents. Hi company leaves the dual problem t the discretion of the local exchange manager, he said. He also stated tha Philadelphia pays more for one featur than Boston does for two.

George J. Schaefer, Paramount general manager, testified that since 5 per cent of his company's revenue wa derived from independents there wa no intention to eliminate them, addin however, that experience had prove duals cause 20 to 25 per cent loss o feature returns. He also said dual had caused Paramount to discontinu its two-reelers and tended to reduc quality of product.

J. Robert Rubin, general counsel o M-G-M, told the court he doubted independents needed duals as an outle for their product, claiming exhibitor were on their knees asking for goo films. He agreed that duals made fo lower standards of production.

Sam Gross, local exchange man Frank MacNamee and Edward Mansell offered corroborative testimony

## *First Division Will Release "Time" Ree*

*(Continued from page 1)*

*Time*, editorial director, and Loui de Rochemont, former Fox Movieton production executive, technical director.

That a deal for distribution of th dramatized newsreel through Firs Division was under way was publishe in MOTION PICTURE DAILY on No 15.

The understanding is that the tieu between First Division and *Tim* which is backing the venture, wa worked out through the suggestion of the Curtis-Fiske-Ludington grou which recently acquired a half interes in the distributing organization.

It is understood that at the star sales will be limited, the country bein divided into 3,000 areas, in each c which one exhibitor will get the ree The theory is that this arrangemer will give each exhibitor full benefit c the promotion and will build a deman for the films. It is also understoo exhibitors will be allowed to terminat their contracts should they feel th reels to be unsatisfactory.

# "I NOMINATE THIS CAMPAIGN FOR FIRST PRIZE

in the Quigley Awards for Showmanship in the M. P. Herald"

# "BABES IN TOYLAND"

## (LAUREL-HARDY FULL LENGTH M-G-M FEATURE)

### *At the Stillman, Cleveland. Harry Long, Manager*

**1.** President Roosevelt in person responded by telephone to an offer to give proceeds of Midnight Show to Warm Springs Fund. Result: front page publicity!

**2.** Staged arrival of print from Hollywood via United Airlines . . . airport picture used by Press.

**3.** World premiere midnite Wednesday preceded by band parade . . . including persons wearing paper mache heads . . . red flares . . . banners . . . arc lights in front of theatre . . . broadcast on sidewalk thru WGAR by invited guests such as the Governor-Elect Davey . . . Mayor Davis and others . . . Radio Station providing local talent entertaining between introductions.

**4.** All celebrities and invited guests received Jumbo telegrams of invitation delivered by Postal Telegraph messengers in tie-up with that company.

**5.** Distribution of 8,000 advertising toys to pupils as they left the various public schools.

**6.** Tie-up with Old Gold for placing of theatre and playdate stickers on colorful Laurel and Hardy posters in all important cigar stores and counters in city.

**7.** Tie-up with leading stores in city for toyland window displays . . . using attractive signs on easels giving name of attraction . . . theatre and playdate.

**8.** Bookmarks in twenty-five public library branches.

**9.** Posters on both sides of 35 Superior Transfer trucks floating target day and night . . . delivering local newspapers from plants to railroads also merchandise from leading stores.

**10.** "Babes in Toyland" float . . . two scenes from the picture on attractive flat truck . . . illuminated at night will parade thru downtown thoroughfares as an advance ballyhoo, prior and during engagement and then entered in monster Pre-Christmas parade sponsored by Cleveland Press similar to that of Macy's in New York on Thanksgiving Day.

**11.** Lead stories in Plain Dealer and News of Nov. 26th with art . . . special story in Press of same date part of Toyland Parade announcement.

**12.** Cleveland Press dated Nov. 27th using art and story on "Babes in Toyland" as picture presentation at Stillman and reproduction of scenes on float for Parade, on December 7th.

**13.** 10,000 Teaser football heralds distributed at Cleveland News Skippies game at League Park, November 25th, for Christmas Fund . . . also at Reserve-Carroll game on Thanksgiving Day closing local football season.

**14.** Increased newspaper advertising Space.

**15.** 1,000 stickers on morning newspapers delivered to guests at Hotels Carter, Hollenden and Fenway Hall.

**16.** One sheet colorful poster on cards exhibited in lobbies of Hotels Statler . . . Cleveland . . . and Allerton.

**17.** Advance lobby displays . . . screen trailers.

**18.** 1,000 Gummed stickers on Mullaire Cleaning bags to homes.

**19.** Laurel and Hardy "reserved" cards for tables in leading restaurants and hotels.

**20.** "Babes in Toyland" ice-cream cones for kiddies in 48 Marshall Drug stores . . . posters behind fountain and in windows.

**P.S.** And the business was sensational. You're next!

Hal Roach's BIGGEST FEATURE LENGTH SUCCESS!
**BABES IN TOYLAND** *featuring* **LAUREL - HARDY**
and Great Cast in Victor Herbert's spectacular Musical Stage Hit!

HE **Film** DAILY

William Haines in
"THE MARINES ARE COMING"
with Esther Ralston, Conrad Nagel, Armida,
Edgar Kennedy, George Regas
(HOLLYWOOD PREVIEW)

Mascot 68 mins.

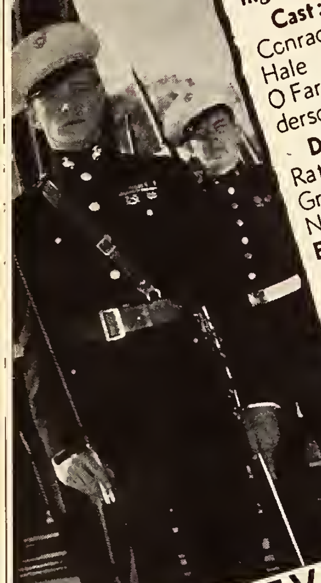
GOOD ENTERTAINMENT OF THE ACTION AND COMEDY VARIETY WITH HAINES DOING A SWELL JOB.

**A very entertaining Marine yarn that should do well wherever they go for pictures loaded with action and comedy. William Haines is swell in the type of wise guy role which made him a favorite. Armida, as the fiery Spanish dancer, helps things to move at a furious pace. Her comedy and Edgar Kennedy's amusing antics furnish plenty of laughs. David Howard's direction gets everything out of the well written situations. Haines, a marine who has a way with women, falls for Esther Ralston, who is engaged to Conrad Nagel. Armida is in love with Haines and follows him everywhere. Esther Ralston gives up Nagel to marry Haines, but the latter gets into a brawl and is forced to resign his commission. He reenlists, saves Nagel's life and in a surprise ending, instead of taking Esther Ralston, he marries Armida.**

**Cast:** William Haines, Esther Ralston, Conrad Nagel, Armida, Edgar Kennedy, Hale Hamilton, George Regas, Broderick O Farrell, Michael Visaroff and Dell Henderson.

**Director,** David Howard; **Authors,** John Rathmell, Colbert Clark; **Screenplay,** James Gruen; **Cameramen,** Ernie Miller, William Nobles; **Recording Engineer,** Terry Kellum; **Editor,** Thomas Scott.

**Direction,** First-Rate. **Photography,** Fine.



# First IN WAR, LOVE A
# BOX-OFFICE

NAVY, ARMY and MARINE PICTURES take the Box-Office
and the Public by storm . . . . Bill Haines and his
gang of lusty Leathernecks in this S.R.O. MARINE SPECIA
will take your Box-Office situation well in har
**Contact Your Mascot Distributor . . . Qui**

NAT LEVINE Presents
WILLIAM **HAINES** in
# THE MARINES ARE COMIN

WITH
ESTHER
**RALSTON**

CONRAD
**NAGEL**

AND
**ARMIDA**

EDGAR KENNEDY · GEORGE REGAS · Directed by David Howard

MASCOT FEATURE

**MASCOT PICTURES CORPORATION** 1776 BROAD
NEW YORK.

# Three Clearances Up to Campi Today

Three clearance and zoning sched-les, Kansas City, Buffalo and New Haven, will be discussed today by Campi at its meeting which will be resided over by Charles L. O'Reilly. ohn C. Flinn, who returned late last ight from Chicago, will not make a eport on the coast situation due to ack of time for preparation. Deputy Administrator William P. Farnsworth, who attended a session of the Legi-imate Theatre Code Authority here esterday, will represent Compliance Director Sol A. Rosenblatt.

Action on the Kansas City plan will e held up because of the price war, which has not yet been settled; the Buffalo schedule will be returned as ot being in conformance with the 12 asic principles of clearance and zon-ng set down recently, and the New Haven plan, while it may be approved or publication, cannot be adopted until general hearing is held.

Some weeks ago the New Haven chedule was returned with specific nstructions on setting up clearance, nd while it is in good shape, it will ave to be returned to the local board nd a public hearing held before it an be put into effect.

## *Flinn Returns With Favorable Reports*

Returning from a short trip to the coast where he sat with the studio labor, standing and registration committees for extras, John C. Flinn last night reported "everything is in splendid condition." He returned by plane from Chicago where he spent two days.

The Code Authority executive secretary stated, that while in Los Angeles and Chicago, he acquainted himself with the records of the local boards and found everything going along smoothly. He did not sit with any exhibitor bodies, he said.

While the Los Angeles schedule is in pretty good shape, Flinn added it is still before Campi. He could not tell when it would be put into effect. He expects Campi to clarify the Kansas City clearance and zoning schedule today, which may, in turn, expedite zoning throughout the country.

## *Overbuying Charged By Morris Kutinsky*

Morris Kutinsky has filed an overbuying complaint against A. H. Schwartz, contending that the defendant has purchased all major product, leaving him without a picture for the Community, Queens Village. Schwartz operates the Queens, same community.

Louis Nizer will defend Schwartz when the case comes up next Tuesday before the New York grievance board. Kutinsky contends that last season he had all of Paramount and Fox and half of Radio, Columbia, U. A., and Universal outputs. This season, Kutinsky holds, he cannot get anything but the "sluff" rejected by Schwartz.

## *Loew Meeting Delayed*

A meeting of Loew's, Inc., directors scheduled for yesterday was postponed until Dec. 11, following a special stockholders' meeting, because of lack of a quorum.

# Reade Plainfield Appeal Is Argued

With 355 major pictures already bought for requirements under present policies calling for 387 films, Leo Justin, representing Walter Reade, declared before a Campi appeal committee yesterday that he had not overbought for the Strand, Oxford and Paramount in Plainfield, N. J. Justin was appealing from a decision handed down by the New York grievance board awarding the Liberty, same city, 70 pictures.

As a matter of fact, Justin asserted, Reade has underbought, and the fact that the Liberty cannot get any first run major product is comparable to situations in Englewood and New York where Skouras has bought up all major films in the former city and the Music Hall from 85 to 87, leaving Reade the rejections.

Justin stated that the Strand cost $600,000; the Oxford, $550,000, and the Paramount, $400,000. From Feb., 1933, to Feb., 1934, Reade lost $68,000 operating the three houses, Justin stated.

### Samuelson Represents Complainant

Sidney Samuelson, representing Joseph Sicardi of the Liberty, contended that if there were 70 pictures less on the market, Reade would continue to operate just the same. Samuelson introduced figures and film rentals, showing that in the 1929-30 season, the Strand played 59 pictures, the Paramount was closed, the Oxford took 86, and the Liberty 95, of which three were independents.

In the season of 1930-31, the Strand played 51; Paramount, 49; Oxford, 104; Liberty, 93. For 1931-32, the Strand, 45; Paramount, 53; Oxford. 114; Liberty, 81.

For 1932-33, the Strand, 51; Paramount, 71; Oxford, 174; Liberty, 84 of which nine were independents. For 1933-34, the Strand, 69; Paramount 132; Oxford, 159; Liberty, 88, of which three were second runs.

Sicardi said he paid the following rentals for films:

"Dames," $846.30; "Footlight Parade," $610.68; "Golddiggers," $2,045.77 for 11 days; "City Lights," $2 062.17; first run of "42nd Street," $617.36; first repeat run, $250; second repeat run, $200; third repeat run, $125.

Under cross examination by Samuelson, Sicardi said that Roy Haines of Warners would not sell him half of the company's product until another major company had sold him 50 per cent of its films.

## *Rosenblatt Hopeful On Coast Situation*

(*Continued from page* 1)

spent on the coast in an attempt to break the deadlock between the two.

During his stay in Hollywood, Rosenblatt held a number of conferences with representatives of both sides. The deadlock was caused by the refusal of the producers to accept the demands of the actors' representatives on the five-five committee and the objection of the players to any modification. The principal point at issue is the demands of the actors for what the producers consider practically a closed shop.

### Bend Efforts to End Deadlock

HOLLYWOOD, Dec. 5.—With Compliance Director Sol A. Rosenblatt's return to Washington the boards of directors of the Actors' and Writers' Guilds are applying themselves with added determination to devising revised codes of fair practice which they hope to have ready for filing in Washington within two weeks.

It was revealed today that the crucial moment in the negotiations between the producers and the guilds came when the former presented a 16-article plan for a new association to govern the various branches of the industry, its setup paralleling that of the Academy. It is said the guilds were willing to accede with certain revisions, most of them providing for individual autonomy in bargaining for working conditions. The producers, it is understood, refused these demands.

It is revealed some items in the actors' and writers' codes were not important enough to be embodied in the Federal laws controlling the NRA.

## *Mickey's Brows Rise*

**A statue for Walt Disney was suggested by Sir Harry Brittain at the annual dinner of the Institute of Amateur Cinematographers in London the other night.**

**This comes on the heels of a university lecture on "The Flying Mouse" under the auspices of the Art Institute sponsored by the Carnegie Foundation at Brown University.**

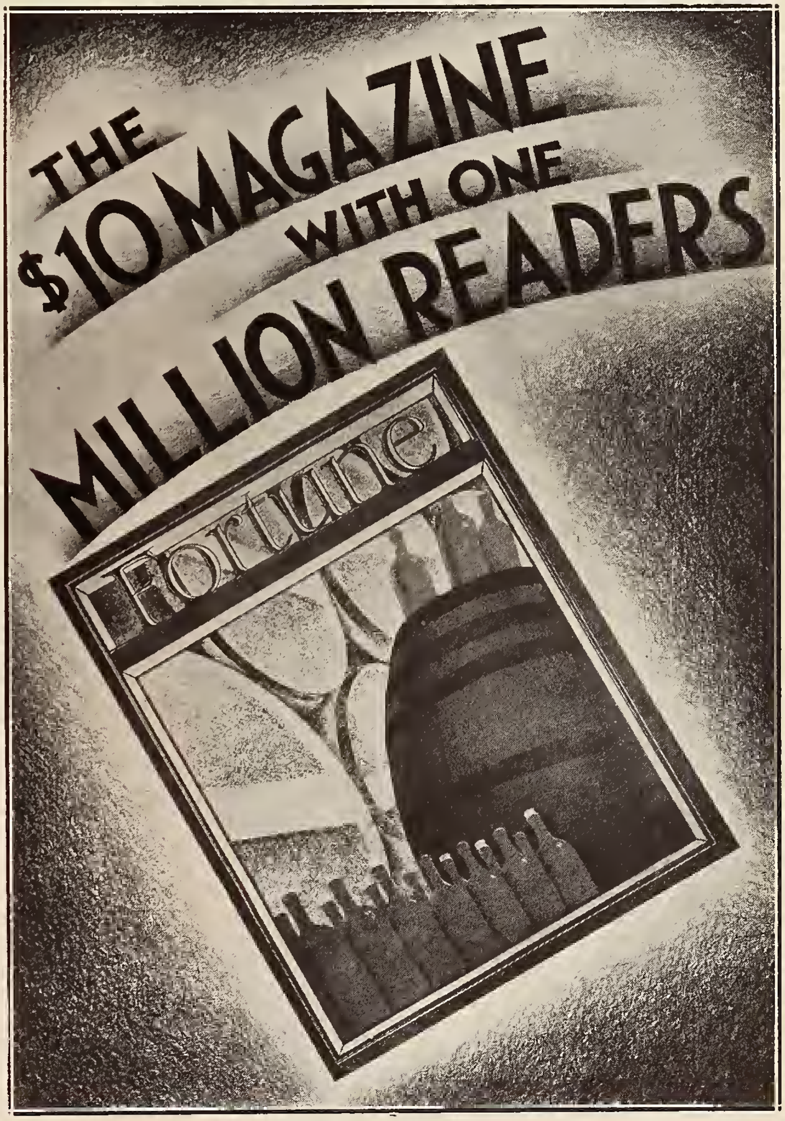
**If this keeps up, Mickey will have to use his Latin name—Michele Mus.**

# Chicago Pair Here to Argue Over Releases

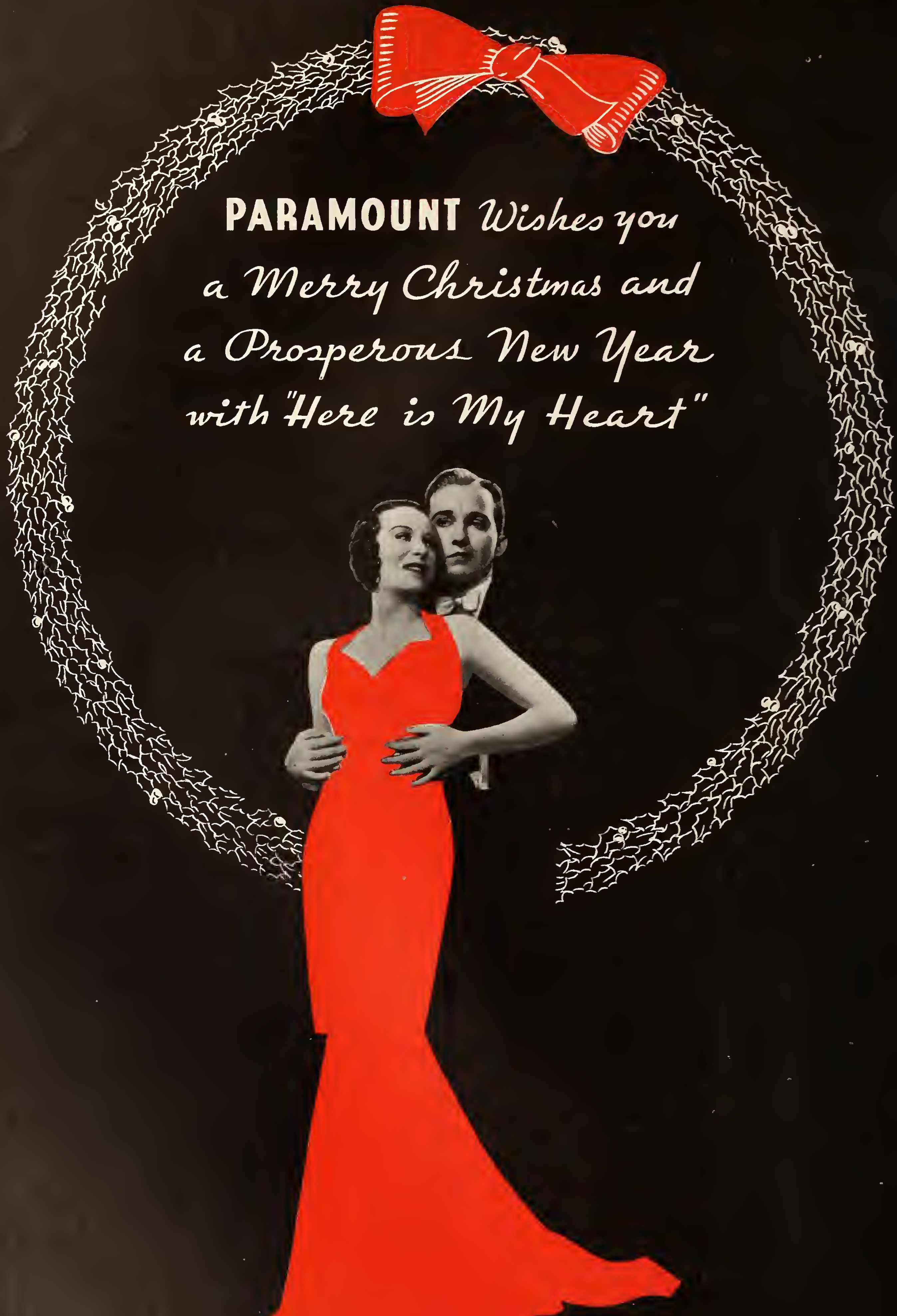
(*Continued from page* 1)

designated first runs in all of the various zones as the date from which pictures become available for the neighborhoods involved. The exhibitors contend that there is no unity in releasing systems and this is causing much confusion when it comes to sending in cancellations 14 days after first run.

Theatre men in Chicago declare that downtown first runs are the determining factor for release dates and not the neighborhoods.



RELEASED THRU—*The New Major*
FIRST DIVISION
HARRY H. THOMAS president


**PARAMOUNT** *Wishes you*
*a Merry Christmas and*
*a Prosperous New Year*
*with "Here is My Heart"*

**"HERE IS MY HEART"** with **BING CROSBY, KITTY CARLISLE,**
Alison Skipworth, Roland Young, Reginald Owen. Music and Lyrics by Ralph Rainger, Leo Robin and Lewis Gensler. A Paramount Picture directed by Frank Tuttle

The Leading
Daily
Newspaper
of the
Motion
Picture
Industry

# MOTION PICTURE DAILY

Alert,
Intelligent
and
Faithful
Service to
the Industry
in All
Branches

VOL. 36. NO. 134 NEW YORK, FRIDAY, DECEMBER 7, 1934 TEN CENTS

## Rush Devices To Substitute For Tri-Ergon

### Bell Laboratories Busy On Orders from Erpi

Bell Laboratories, working under orders from Erpi, are rushing to completion several types of recording and reproducing devices as substitutes for those covered by American Tri-Ergon patents, with final tests of all such developments scheduled to be completed prior to Feb. 1, it was learned yesterday.

Erpi has set the Feb. 1 deadline in anticipation of a U. S. Supreme Court hearing on the pending review of Tri-Ergon litigation being reached the week of Jan. 14 and the high court's decision being handed down within a month thereafter. Even if the Supreme Court's decision upholds the validity of the Tri-Ergon patents, six to eight additional months would elapse before the patents company could bring an action against Erpi to conclusion, in the opinion of attorneys. During that time replacements

(Continued on page 6)

### Virginia's Censors Turn in $13,909.58

RICHMOND, Dec. 6.—As a result of drastic economies the censor board has turned $13,909.58 into the state treasury so far this year. This is the highest figure for any year during the 12 the board has been in existence.

During the fiscal year the board has viewed 1,415 films, a decrease of 149 under the previous year, with a decrease in footage from 5,227,000 to 4,961,000.

Total receipts for the 12 years have been $315,806.85. Expenses have been $235,343.38, leaving a surplus of $80,463.47 for the state.

### Trans-Lux Charges Dangerous—Furber

"Investors face a serious threat in the safety of their securities through unwarranted and baseless allegations by so-called independent reorganization committees," Percy N. Furber,

(Continued on page 6)

### Warners' Mysteries Grouped as Series

With 20 per cent of the current schedule mystery features, Warners are planning a special exploitation campaign on these 12 to set them up

(Continued on page 7)

## NRA Men Say Year Proves Code's Worth

### Film Setup Only One for An Entire Industry

By CLARENCE LINZ

WASHINGTON, Dec. 6.—One year of operation under the code has amply demonstrated the advantages of the agreement, it was said today by NRA officials upon the first anniversary of the document.

Reluctant to evaluate the advantages of the code in the framing and administration of which he took a prominent part, Compliance Director Sol A. Rosenblatt contented himself with commenting "we got away to a very late start, but I think in the short time we have had it the code has proved its value and worth."

In other quarters of the administration, however, the code was more frankly discussed, it being pointed out that it is the only agreement in which all the branches of an entire industry are covered, one of the few which is satisfactory to both the government

(Continued on page 7)

### Rosenblatt Denies He Intends to Quit

WASHINGTON, Dec. 6.—A flat denial of reports emanating from California that he was about to sever his connection with the NRA was made today by Compliance Director Sol A. Rosenblatt, who declared he had no intention of leaving the organization at this time, particularly in view of the important matters which are pending.

Rosenblatt denounced rumors that he would become assistant to Harry M. Warner, president of Warners, asserting that the matter had never been broached to him.

### Beau Geste

**Paramount and United Artists were among the first companies to offer studio facilities for the asking to Warners as a result of the fire at the Burbank plant late Tuesday night.**

**Adolph Zukor and Joseph M. Sehenck made available their respective plants if Warners needed them in the event production were hampered because of the fire.**

## Opposition to Para. Plan Is Slight So Far

Very little opposition to the Paramount plan of reorganization has developed since submission of the plan to the court early this week.

General satisfaction among creditor groups is marked and leads to the belief in reorganization circles that Paramount may be out from under court jurisdiction by Feb. 1. Essentially all of the large creditor committees together with the stockholders' committee, which represents more than 50 per cent of the Paramount shares outstanding, are supporting the plan.

The only open opposition, to date, has been voiced by Samuel Zirn, said to represent holders of less than $50,000 of debentures, and by Archibald

(Continued on page 6)

### Order Ready to End Lease on Criterion

A report which will approve the decision of the Paramount Publix trustees to permit foreclosure on the Criterion and Loew's New York property by defaulting on the mortgages was

(Continued on page 6)

## Phila. Duals Trial Closes; Decision After the Holidays

PHILADELPHIA, Dec. 6.—Trial of the Harry Perelman suit to force major distributors to eliminate dual bans from contracts for the new season came to a close in Federal court here today. Judge George A. Welsh is expected to hand down a decision after the holidays. Both sides were given until Dec. 21 to file briefs.

Judge Welsh stated the question to be decided is whether the unity of action of the defendants in using double feature clauses in contracts has resulted in collusion and restraint of trade.

Earlier in the day three exchange men testified their companies had enforced the anti-doubles restriction at

(Continued on page 6)

## Fight on Free Shows Set for Campi Hearing

### Radio, Stage and Papers Join Opposition

Vigorous protests against free shows sponsored by Standard Oil Co. will be made today by representatives of film, radio, the legitimate theatre and newspaper codes at a meeting at Code Authority. The session starts at 11 this morning.

Ed Kuykendall, Harold S. Bareford, Charles L. O'Reilly, Leslie E. Thompson and circuit executives will represent the film industry; Merlin H. Aylesworth will represent radio, Dr. Henry Moskowitz and William A. Brady the legitimate theatre, and F. M. Williams the newspaper code authority.

At yesterday's meeting, Campi adopted a resolution against the free shows. The first entertainment on a gratis arrangement was held in New Haven on Saturday. Yesterday, a free show was held at Symphony Hall in Boston. Today another will be held at the Metropolitan, Providence. To-

(Continued on page 7)

### Chicago Complaints To Go Before Campi

No action was taken by John C. Flinn yesterday after a brief conference with Jack Miller and Aaron Saperstein on the Chicago releasing situation. The executive secretary of Campi could not act on the matter and will refer it to Code Authority for action at its next meeting, Dec. 13.

Representing independent groups, Saperstein and Miller complained that distributors were holding up releases, setting dates after first runs in the neighborhoods instead of downtown houses. This system, it was stated, confuses the exhibitor when he wants to take advantage of the 10 per cent cancellation, in addition to holding up dates.

### New Haven Schedule May Be First Ready

New Haven's clearance and zoning schedule may be the first to get the official nod of Campi. Discussed

(Continued on page 7)

### Botsford Picked as Para. Scenario Head

HOLLYWOOD, Dec. 6.—Paramount's scenario department has been shuffled as a result of the resignation of

(Continued on page 6)

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Vol. 36 December 7, 1934 No. 134

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*Editor-in-Chief and Publisher*
MAURICE KANN
*Editor*
JAMES A. CRON
*Advertising Manager*

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Entered as second class matter, January 4, 1926, at tbe Post Office at New York City, N. Y., under Act of March 3, 1879.

Subscription rates per year: $6 in tbe Americas, except Canada $15 and foreign $12. Single copies: 10 cents.

## Chadwick to Start Soon

HOLLYWOOD, Dec. 6.—I. E. Chadwick has completed plans to produce a 12-two reel animal serial for the independent market. He plans to start work around Jan. 5. No title has yet been selected.

Nat Saland of Mercury Film Laboratory will handle the printing of the Chadwick serial.

## RKO, Paramount Win

RKO won three games from Warners and Paramount took the honors by the same count from United Artists in the latest games of the M. P. Bowling League. Fox won, 2-1, from Columbia and also by the same margin from Consolidated. Paramount continues to lead the league with Fox and RKO trailing.

## Cochrane to Coast

R. H. Cochrane, vice-president of Universal, left for Hollywood yesterday to confer with Carl Laemmle, Sr. on production and code matters.

Willard S. McKay, general counsel of the company, accompanied him.

## Jack Cohn Returning

Jack Cohn, vice-president of Columbia, is due back from the coast by today after conferring with his brother, Harry, on European conditions.

# Insiders' Outlook

IN case you have forgotten it, or because it has slipped its moorings in your mind, as it has with many others, this is the day which marks the first anniversary of the effective date of the code. Signed in Warm Springs on November 27 by the President, the document, born of travail, weariness and the propagation of special and selfish interests, rested in its NRA files until one minute past midnight on December 7 a year ago. Then and there, it became part of the law for this industry to conform with, objections and misgivings and hopes notwithstanding. . . .

▼

What about this first year of code regime? Has the excitement left any quarter of the industry more content, more convinced that the New Deal handed out has spread its promised quota of business sunchine? This scout has been trying in as diligent a manner as he knows how to get a line on reactions lurking in different sectors. Quickly and to make himself and his research perfectly clear, he tells you without delay that the pickings were pretty slim, the echoes more closely resembling razzberries than cheers. . . .

▼

Perhaps code experience in this industry merely reflects the attitude of all private business. It is a fact, however, that the groups which make up the production and distribution phases of this industry would much prefer to have the government or its agencies attend strictly to the business of government. Exhibition bows to an identical direction. The code was not wanted. Nobody asked for it and its creation came about only because of the mandate of the NIRA. It was supposed that, under the theory of the Recovery Act, the commercial domicile in which the business, like others, is registered would be a more pleasant place in which to abide, that family squabbles would be fewer and marked with less intensity. . . .

▼

An ennobling theory, of course, and worthily idealistic. But what about it? There is this about it. In exhibition the independents have been wailing loud and long over their denied penchant for bank nights, what they term the injustice of restrictions in the matter of premature advertising. That's merely to make the operations of the first runs more, more and more sacrosanct, say they. They complain, too, about the tightening grip of the circuits and their mass buying power as it fits into the vexatious and still unsolved problem of clearance, once known as protection. The circuits, swollen and impressed by their own position, are refusing to relinquish that which they have now and are prone to demand more, as who is not? . . .

▼

Distributors, being sellers, prefer to string along with their more powerful customers, or, in other words, the circuits numerically impressive in buying content and in numbers of theatres. Their attractions, expensive to make and star-studded with mechandisable names who are expensive to create, to keep and to protect, must be safeguarded, argue the distributors. Clearance, therefore, is, or should be, determined by price. They want it that way, insist upon and so leave the answer in little doubt, if any at all. A pretty impasse on all counts in the direct consequence. . . .

▼

Some theatre operators, because they are always jealous of direct and imaginary competitors, are using the overbuying provisions of the code in an attempt to chisel pictures which they want, but do not necessarily deserve. Others continue to sweat over the delights, as they see them, of a broad right-to-buy - in - the - open-market setup. Exhibitors and all others don't like the labor provisions which make their operations more costly while the returns, theorized for them through a reduction in the horde of the unemployed, are something so far not reflected on the balance sheets. . . .

▼

Producers and distributors heartily dislike the added payroll burdens which have faced them in the first year under the code. Their line of reasoning is very simple to understand and, therefore, very simple for this outpost to comprehend. "Conditions are still not good. Grosses are not what they ought to be, yet it costs us more to operate each week. Where do we get off?" they inquire. Well, where do they get off? This is one of the questions this column has been trying to have answered, but no kindly volunteer has appeared on the scene. . . .

▼

Code Authority meetings, for some time now, have been giving this one and that one a pain, a good stiff pain where this one and that one would rather not have it. They resent the time it takes from the normal conduct of their jobs. They do not relish the arguments, the constant creeping to the fore of the special interests represented by all and sundry, or at least, sundry. They want to know why they cannot be permitted to proceed in their usual way in the usual search—frantic in these days—of a profitable dollar. . . .

▼

On the coast, the cat-and-dog fight between the creative workers and their employers, the producers, steadily has been growing worse. Compliance Director Sol A. Rosenblatt, just returned to Washington, ran into that thing called deadlock and even his presence, backed by the full majesty of the NRA, did little or nothing to break it. Strike talk is in the air out there and, while the manner in which it is being so loosely bandied about, makes it smack plentifully of propaganda for a cause, the strained relations between actor and producer and writer and producer do no good to that in which the industry is primarily inter-

(*Continued on page 19*)

## Columbia Off One on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 40 | 39⅛ | 39⅛ | —1 | 1,000 |
| Consolidated Film Industries | 4⅝ | 4½ | 4½ | + ⅛ | 1,500 |
| Consolidated Film Industries, pfd | 19⅝ | 19⅛ | 19⅛ | — ⅜ | 2,700 |
| Eastman Kodak | 112½ | 112½ | 112½ | — ¼ | 100 |
| Fox Film "A" | 13⅞ | 13½ | 13½ | — ½ | 1,900 |
| Loew's, Inc. | 36¾ | 35¾ | 35⅞ | — ⅜ | 4,300 |
| Loew's, Inc., pfd | 105 | 104¾ | 105 | + ¼ | 200 |
| Paramount Publix, cts | 3⅝ | 3⅜ | 3⅜ | — ⅛ | 900 |
| Pathe Exchange | 14¼ | 13½ | 13½ | — ½ | 400 |
| RKO | 2⅛ | 1⅞ | 2 | ..... | 2,300 |
| Warner Bros. | 5½ | 4⅞ | 4⅞ | — ⅛ | 5,500 |
| Warner Bros., pfd | 23⅛ | 22⅝ | 23⅛ | + ⅛ | 2,000 |

## Trans Lux Gains Eighth on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13½ | 13⅜ | 13½ | — ⅜ | 700 |
| Trans Lux | 2⅛ | 2⅛ | 2⅛ | + ⅛ | 300 |

## G. T. E. Bonds Show Better Tone

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9½ | 9⅝ | 9½ | + ⅝ | 15 |
| General Theatre Equipment 6s '40, ctf | 8¼ | 8¼ | 8¼ | + ¼ | 1 |
| Loew's 6s '41, ww deb rights | 105 | 104¾ | 104¾ | ..... | 3 |
| Paramount F. L. 6s '47 | 61 | 60⅝ | 60⅝ | — ⅝ | 20 |
| Paramount Publix 5½s '50 | 61⅜ | 61 | 61¼ | — ⅛ | 9 |
| Warner Bros. 6s '39, wd | 61 | 61 | 61 | + ⅛ | 5 |

from New York Daily News for

# FLIRTATION WALK

*First of The Big Shots from Warner Bros.*

MORE NEWS ON PAGE 4

# NATION'S PRESS ROARS DEAFENING 21-GUN SALUTE TO THE ALL-AMERICAN HIT

"Warners have scored again . . . Worth a multi-gun salute."
—*Newark Star Eagle*

"Had a packed house howling with patriotic fervor."
—*N. Y. Times*

"Warner Bros.' latest screen musical is assured of success."
—*N. Y. Evening Journal*

"A great Thanksgiving gift from the Warner Bros. studio."
—*Journal of Commerce*

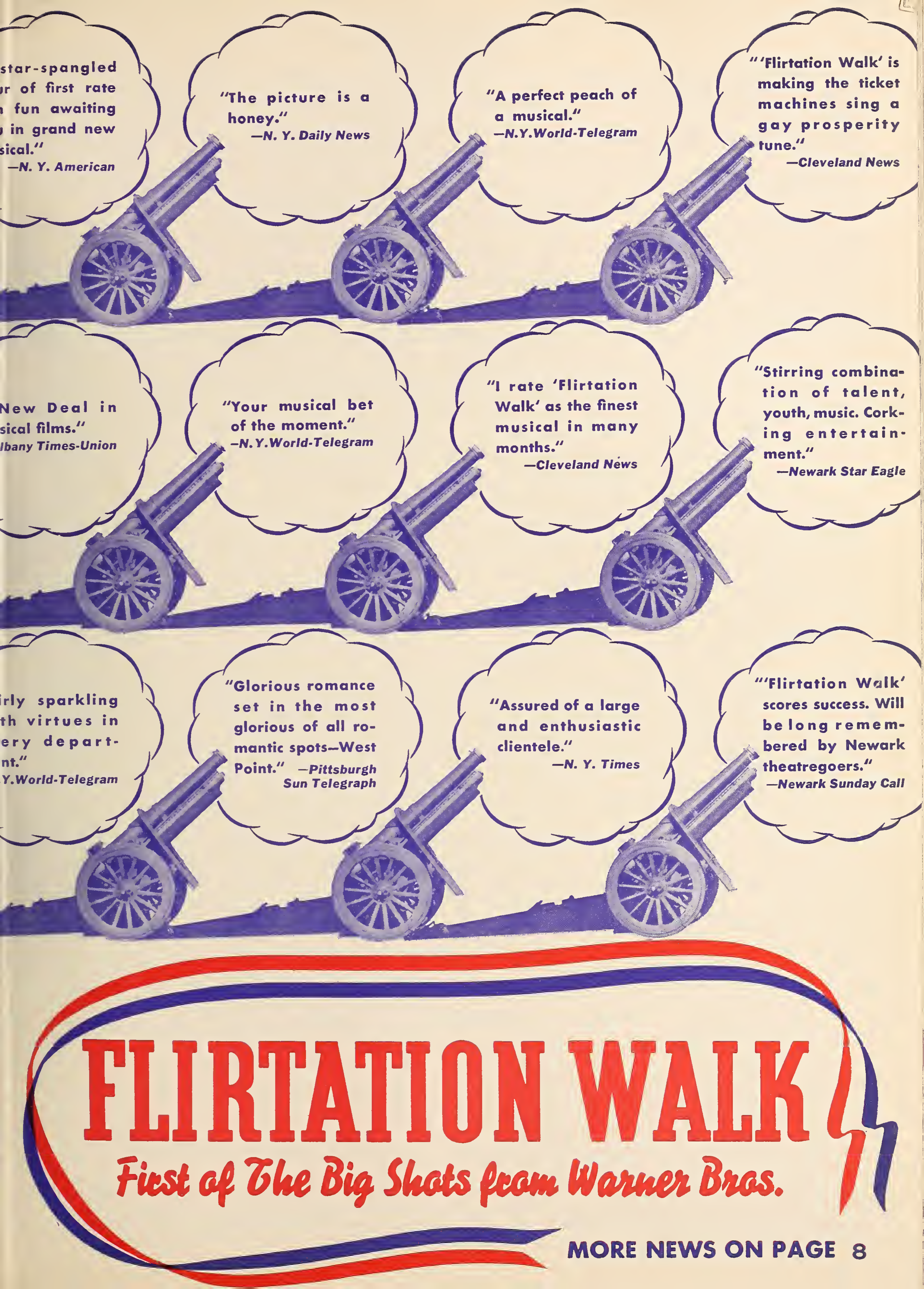
"Spectacular entertainment on every count."
—*N. Y. Evening Journal*

"Unusually good . . . highly recommended entertainment."
—*Cleveland Plain Dealer*

"New Warner hit. Patriotic music stirs thrills."
—*N. Y. American*

"West Point has gone into the movies in a big way."—*Knickerbocker Press, Albany*

"Gala and colorful event."
—*N. Y. Daily News*



star-spangled
r of first rate
fun awaiting
in grand new
sical."
—*N. Y. American*

"The picture is a honey."
—*N. Y. Daily News*

"A perfect peach of a musical."
—*N.Y.World-Telegram*

"'Flirtation Walk' is making the ticket machines sing a gay prosperity tune."
—*Cleveland News*

New Deal in
sical films."
lbany Times-Union

"Your musical bet of the moment."
—*N.Y.World-Telegram*

"I rate 'Flirtation Walk' as the finest musical in many months."
—*Cleveland News*

"Stirring combination of talent, youth, music. Corking entertainment."
—*Newark Star Eagle*

irly sparkling
th virtues in
ery depart-
nt."
Y.World-Telegram

"Glorious romance set in the most glorious of all romantic spots—West Point." —*Pittsburgh Sun Telegraph*

"Assured of a large and enthusiastic clientele."
—*N. Y. Times*

"'Flirtation Walk' scores success. Will be long remembered by Newark theatregoers."
—*Newark Sunday Call*

# FLIRTATION WALK

*First of The Big Shots from Warner Bros.*

MORE NEWS ON PAGE 8

# Opposition to Para. Plan Is Slight So Far

(*Continued from page 1*)

Palmer, who represents no Paramount creditors but is counsel for bondholders of Allied Owners, one of the largest Paramount creditors. Both Zirn and Palmer are pointing their criticism toward the board of directors proposed and each has declared an intention to seek an extended examination of board members and principals identified with the drawing up of the plan.

Other creditors' representatives who, while they have voiced no opposition, have not accepted it, include debenture holders represented by Saul E. Rogers and others represented by Szold & Brandwen. The latter, it is understood, may subscribe to the plan prior to the creditors' hearing scheduled for Dec. 27. Rogers has been away from the city during the past week and has not had an opportunity to study the completed plan. His policy during the course of the Paramount bankruptcy, however, was not marked by its friendliness toward the administration of the company.

### Can Delay Reorganization

The examinations sought by Zirn and Palmer could delay the reorganization several months even though they were not authorized by the court of first jurisdiction. In that case, appeals to higher courts undoubtedly would be taken by either or both. Zirn, a year ago, carried an action aimed at the removal of two of the three Paramount trustees to the U. S. Supreme Court and on several occasions carried his objections to other procedures in the bankruptcy to the U. S. Circuit Court of Appeals.

The Paramount plan already has the support required by Section 77-B of the Bankruptcy Act, which is a majority of each class of stockholders and two-thirds in amount of each class of creditors whose claims have been allowed. The act then provides that the court may, after the hearing of creditors' objections, confirm the plan if satisfied that it is fair and equitable and does not discriminate unfairly in favor of any class of creditors or stockholders, is feasible and complies with the other stated provisions of the act. When confirmed by the court the plan becomes binding on those who have not accepted it as well as those who have.

Appeals could, of course, be taken by opposing attorneys from a district court order confirming the plan.

## Order Ready to End Lease on Criterion

(*Continued from page 1*)

prepared for the Federal district court yesterday by Special Master John E. Joyce and an order recommending the procedure will be signed by him today. City Bank Farmers Trust is the holder of the mortgages on the property.

Orders were signed yesterday by Federal Judge Alfred C. Coxe expunging the $1,513,604 claim of the Stanley Co. estate against Paramount. The claim had been based on an alleged guaranty by Paramount of a lease on the Kettler, West Palm Beach, Fla. Judge Coxe also signed an order permitting the Paramount creditor bank group to intervene in the reorganization proceedings.

## Botsford Picked as Para. Scenario Head

(*Continued from page 1*)

its head, Merritt Hulburd, to join Samuel Goldwyn.

A. M. Botsford, executive assistant to Emanuel Cohen, becomes head of the scenario department with Bogart Rogers as scenario editor. William Wright, former production assistant to B. P. Schulberg, takes over Botsford's production activities in addition to assisting Cohen.

## U. A. Invites Diplomats

Spanish and Latin-American diplomats and consular representatives have been invited to the premiere of "The Private Life of Don Juan" at the Rivoli tomorrow night. Among those who have accepted, United Artists states, are: Luis Calderon, Spanish ambassador; Caetano de Quesada, Cuban consul-general; Alfonso Grez, Chilean consul-general; S. E. Duran-Ballen, Ecuadorian consul-general; Luiz de Faro, Brazilian consul-general; Juan M. Jiminez, Costa Rican consul-general; P. R. Rincones, Venezuelan consul-general; G. Lopez Fabrega, Panamanian consul-general; Leonardo Lara, Guatemalan consul-general; Walter J. Decker, Bolivian consul-general; Edmund Dell Scotti, Paraguayan consul-general; Dr. F. L. Batlle, Dominican consul-general; Traverso Conrado, Argentinian consul-general; Antonio de la Cruz, Spanish consul-general; F. Pardo de Zela, Peruvian consul-general; P. Riva Costa, Uruguayan consul-general, and L. Lupian, Mexican consul-general.

## Close New England Deals

Stage and Screen Prod., Inc., and Superior Talking Pictures, Inc., have just closed deals with Cameo Attractions, Inc., for several series of westerns in the New England territory. The Stage and Screen deal is for six northwest mounted pictures and two serials, "Custer's Last Stand" and "Pioneers of the Plains," and the second is for six "Range Rider" and six "Rough Rider" westerns.

## Spellman on Way East

Hollywood, Dec. 6.—Howard Spellman, former assistant district attorney in New York and recently story editor at Radio, has completed an original story in collaboration with Joe Cunningham and has left for New York. He has a legal job ahead and he says he also has some theatrical plans.

## Color Short at Capitol

M-G-M's "Toyland Broadcast," a short subject produced in color by Harmon-Ising and aimed for holiday programs, has its first New York showing beginning today at the Capitol.

# Phila. Duals Trial Closes; Decision After the Holidays

(*Continued from page 1*)

various times between 1930 and 1932 as result of complaints made against the Venice Theatre.

In summing up for the plaintiff Benjamin M. Golder quoted from a California decision restraining collusion in fighting double features. In rebuttal Morris Wolf, defense attorney, denied the existence of collusion, asserting double featuring tended to cut down attendance at theatres and reduce interest in films on the part of patrons.

Opinion among unofficial observers is that Perelman will win his fight for an injunction. If the court should so decide, they believe an appeal will be taken.

## Trans-Lux Charges Dangerous—Furber

(*Continued from page 1*)

president of Tranx-Lux Daylight Pictures Screen Corp., declared in a statement yesterday in reply to charges against his company.

With full appreciation that stockholders are entitled to complete and dependable knowledge of the conduct of their companies, Furber said, reckless allegations made against corporation executives by self-appointed champions of stockholders disturb share owners, injuring the company's business and destroying confidence in general business.

"In our own case we have frankly and willingly acquainted our stockholders with the true facts about their company's operations, but due to the widespread discontent among owners of securities and confusion of the world depression, the public may easily be misled, especially where technical or legal questions are involved. The so-called reorganization committee seeking proxies from Trans-Lux stockholders cannot substantiate a single allegation made in their circular letters to our stockholders. Our published financial statements for the past six years show that the company earned $1,745,000 during that period. The company's financial condition is the strongest in its history with approximately $400,000 cash. Secondly, the charge that officials of the company were negligent in pressing its suit against the News Projection Corp. is not supported by the Supreme Court's decision in favor of the company, resulting in about $2,000,000 more in equities for our stockholders than would have been possible through the compromised plan suggested by those identified with the reorganization committee. No member of this reorganization committee was a stockholder of record when the first letter was sent out early in October seeking proxies. At the stockholders' meeting scheduled for Dec. 19 every accusation will be fully and vigorously answered."

## Song Stories in Work

Two subjects in Educational's Song Hit series were placed in work yesterday under Al Christie. They were "The Song Plugger," starring Sylvia Froos, and another as yet untitled but starring Frank Luther.

# Rush Devices To Substitute For Tri-Ergon

(*Continued from page 1*)

of the parts which were held to infringe could be made.

The actions under review involve Wilmer & Vincent and Publix Altoona's use of the flywheel device and Paramount's use of the double print method. In the event of an adverse decision, the Feb. 1 deadline for completion of substitute developments would permit replacements in the limited number of reproducing and recording sets involved. A subsequent action against Erpi itself would require replacements for all of the equipment company's apparatus in use, which are approximately 11,000 reproducers, on the basis of two machines to a theatre, and approximately 1,500 sets of recording equipment.

### Erpi Has Substitute Devices

Erpi is known to have at least two devices in work to substitute for the Tri-Ergon flywheel, in the event the patent is upheld. Tests of one of these are in progress in nine New Jersey theatres. Several substitutes for the double print method are also at hand, although it now appears that the so-called "hill and dale" method of recording which was at first regarded to be the most likely to be utilized in case of necessity, is being supplanted in laboratory favor by at least two new discoveries believed to be even more satisfactory.

The "hill and dale" method, however, is still holding the interest of Hollywood technicians. Employed by Columbia for "One Night of Love," by Paramount for "Enter Madame" and by Walter Wanger for "The President Vanishes," Warners, Fox and United Artists are known to be interested in the new equipment and Columbia is also reported to be considering its use for a new Grace Moore picture.

Erpi has retained former Attorney General William D. Mitchell as lega consultant for the pending Supreme Court hearing. Mitchell, in association with Charles E. Neave, Erpi's patent attorney, may present part o all of the review argument before the high court next month.

## Harry Shiffman Feted

Harry Shiffman, president of Isl Theatre Corp., was yesterday tendere a birthday party at the Paramoun Chop House by his exhibitor and distributor friends.

## Cohen Joins 1st Divisio

Detroit, Dec. 6.—Milton Cohen ha been named exchange manager fo First Division here by Al Friedlande and offices will be opened Dec. 15 i the Film Exchange Building.

## Schulberg Coming Here

Hollywood, Dec. 6.—B. P. Schulberg left by train last night for Nev York to discuss his future theatre an film plans.

## Spurin-Calleia Signed

Joseph Spurin-Calleia, now appearing in the Broadway hit, "Smal Miracle," has been signed by M-G-M

# Fight on Free Shows Set for Campi Hearing

(*Continued from page* 1)

norrow at Bushnell Hall, Hartford, udiences will be invited free to see n entertainment. On Dec. 10, a Stand-rd Oil show will be given at the uditorium, Springfield, Mass.

Distributors and exhibitors are in rms against the type of show being aged by the oil company, charging at an attempt is being made to put e exhibitor out of business. It is ated that this kind of unfair competition is the worst ever and there no way to combat it unless the RA acts.

The resolution, adopted by Campi, llows:

"Whereas, the attention of the Code uthority has been called to an advertis-g campaign proposed by Standard Oil . of N. J. which contemplates the prentation in various cities throughout the nited States of full length theatrical performances. and

"Whereas, attendance at such performances may be had without the payment a reasonable admission price, and

"Whereas, the proposed action has been refully considered by Code Authority, w therefore, be it

"RESOLVED: (1) That such advertising in direct competition with established eatres engaged in the exhibition of moon pictures:

"(2) That such competition is unfair in at the failure to charge a reasonable adission price by the Standard Oil Comny of N. J. will drastically decrease atndance at established theatres. and in at the Standard Oil Company of N. J. ill not be subjected to certain general and ecial taxes and licenses borne by estabshed theatres:

"(3) That such unfair competition will duce the amount of film rental paid to embers of the motion picture industry gaged in the distribution of motion picres and hence retard the high quality of oduction of motion pictures;

"(4) That such unfair competition will nd to jeopardize the high standards for bor established by the code of fair cometition for the motion picture industry;

"(5) That these burdens placed upon the otion picture industry will affect the quality and quantity of amusement afforded e general public and thus react against e public interest:

"And it is further

"RESOLVED: That a copy of this resotion be sent to the officers of the Stand-d Oil Company of N. J. in protest against e proposed advertising campaign of that mpany."

## New Haven Schedule May Be First Ready

(*Continued from page* 1)

riefly by Code Authority yesterday, it as held the plan was in good shape nd will be discussed thoroughly at e next session, Dec. 13, when S. R. ent will act as chairman.

Because of the price war in the territory, Kansas City's schedule was eld in abeyance. Campi members adtted no action could be taken until e theatres get down to a definite dmission scale.

The Buffalo plan was sent back for evision. That this action would be ken was reported in MOTION PIC-URE DAILY on Tuesday.

Just back from a coast trip, John . Flinn made a lengthy favorable eport on the extra situation.

Attending yesterday's session were harles L. O'Reilly, chairman, Ed uykendall, Nathan Yamins, Deputy dministrator William P. Farnsworth, obert Youngman, Sidney Justin, arold S. Bareford and David Loew. . R. Kent, R. H. Cochrane and W. ay Johnston were not represented.

## Vaude Hearing Soon

**Washington, Dec. 6.—The date for the public hearing on the vaudeville code amendments is expected to be set after the return from the Campi meeting of Deputy Administrator William P. Farnsworth. The hearing will probably be held some time around Dec. 19, it was indicated.**

**Studio phases and the question of elimination from the code of the leasing clause also are expected to be heard.**

## Captains Named in Federation's Drive

With the appointment of captains to handle detail work, unprecedented support to the Federation of Jewish Charities was noted yesterday at an informal meeting of the committees with Albert L. Warner, chairman. A list of contributors and corresponding donations will be printed within the next week, it was stated.

The executive committee consists of David Bernstein, Al Lichtman, Eugen Zukor, Jack Cohn and Louis Nizer.

Team captains are: Sam Morris, Warners; Bernstein, Loew's and M-G-M; Leopold Friedman, Loew's and M-G-M; Lichtman, U. A.; Cohn and A. Schneider, Columbia; Eugene Zukor, Paramount; Phil Reisman and Jules Levy, Radio; E. L. Alperson and Harry Buxbaum, Fox; Harry Thomas, First Division; Sam Rinzler and Louis Frisch, independent theatres; Harry Brandt and Leo Brecher, I. T. O. A.; Marcus Heiman and Dr. Henry Moskowitz, legitimate theatres; J. J. Bregman, Henry Spitzer, Louis Bernstein, Irving Caesar, Robert Crawford, Sigmund Romberg and Edward Morris, music publishers; Harry Goetz and Herman Robbins, laboratories and trailers; Abe Lastfogel, William Morris, Jr., Marvin Schenck and Louis K. Sidney, booking offices; Eddie Cantor and Phil Baker, radio and stage artists; Nizer, attorneys; Sid Silverman, Jack Alicoate, Carl F. Zittel and Red Kann, trade papers; Boris Morros, orchestra and vaudeville stars; Max Rudnick, burlesque theatres; Eddie Duchin, orchestra leaders; Michael Markel, musicians; Leo Klebanow, M. P. Club.

## Order Consolidated To Re-hire Printers

WASHINGTON, Dec. 6.—Reinstatement of photogelatine printers who went out on strike April 5 was ordered today by the National Labor Relations Board. The men were employed by Consolidated Film Industries at Fort Lee. It was stated that if this is not done the case will be sent to the compliance division of the NRA.

The board held that the company had failed to satisfy the requirements of the National Industrial Recovery Act as to collective bargaining.

## War Picture Opening

"War Is a Racket," Samuel Cummins' and Jacques Koerpel's munitions picture, opens at the Gaiety tonight. Release will be through Eureka Productions.

## Warners to Pick 5 Board Members

WILMINGTON, Dec. 6.—Five directors will be elected at the annual stockholders' meeting of Warner Bros. Pictures, Inc., which will be held in the offices of the Corporation Trust Co., here Monday morning. Stockholders of record at the close of business, Nov. 2, 1934, will be eligible to vote.

The five directors whose terms will expire are: Charles S. Guggenheim, Stanleigh P. Freedman, Morris Wolf, Samuel E. Morris and former Judge John P. Laffey of Wilmington. Holdover members of the board are: Harry M. Warner, president; Albert L. Warner, vice-president and treasurer; Jack L. Warner, vice-president; Abel Cary Thomas, secretary and general counsel; Waddell Catchings and Henry A. Rudkin.

In addition to the election of the directors, the annual report will be submitted.

## Warners' Mysteries Grouped as Series

(*Continued from page* 1)

as a series. The idea is similar to the "Mystery of the Week" and "Crime Club" series used by book publishers and radio stations.

Only in the Perry Mason stories does the same character run through several pictures, but the series will be grouped nevertheless and exhibitors will be furnished special accessories and exploitation ideas. They will be released on a monthly basis.

The list includes: "The Case of the Howling Dog," "I Am a Thief," "The Case of the Curious Bride," "The Case of the Lucky Legs," "The Case of the Velvet Claws," "The White Cockatoo," "While the Patient Sleeps," "The Patient in Room 18," "Murder in the Clouds," "The Green Cat," "Invitation to a Murder" and "Murder by an Aristocrat."

## Warners Will Rush Studio Rebuilding

HOLLYWOOD, Dec. 6.—Rebuilding of the burned area of the Warner-First National studio will be started immediately, Jack L. Warner, vice-president in charge of production, states.

Warner says about 15 acres of the 80-acre plant were burned over and an estimate of the damage before an inventory is $300,000. Shops at the Sunset Boulevard plant and the old Vitagraph plant will be used during repairs.

## Warner Plays on Tonight

The Warner Club players will give their second annual show tonight on the fifth floor of the home office. Dancing will follow the presentation of two one-act plays, "Thank You, Doctor," a comedy, and "The Valiant," a drama. Both will be staged and directed by Leo J. Drexler.

Featured in "Thank You, Doctor" are: Tess Ginsberg, Ruth Goldberg, Sol Reiner, Sam Wollowitz and Max Fried. In "The Valiant" are: Hy Blaustein, Bill Toles, Cliff Jockers, Ted Hammer, Marie Carroll and Al Trojack.

## "Night Hours" New Title

HOLLYWOOD, Dec. 6.—M-G-M has changed the title of "Ambulance Call" to "Only Night Hours."

# NRA Men Say Year Proves Code's Worth

(*Continued from page* 1)

and a greater proportion of the industry, and one to which a greater degree of compliance has been given than can be claimed for probably any other agreement.

That the code is highly regarded throughout the administration was indicated by an official who pointed out that the man who developed it and has superintended its administration is now director of compliance for the NRA, one of the most important positions in the entire organization.

HOLLYWOOD, Dec. 6. — Opinion is divided here on the results of the first year of the code. Some refuse to commit themselves. Those willing to talk adopt either an indifferent attitude or else speak well of the code's work.

## Open New Ottawa House

OTTAWA, Dec. 6.—A second new theatre here within a year, the Canadian Capital, has been opened. It is called the Victoria and it is in the West End. James T. Moxley is the proprietor. Until recently Moxley was local registrar of deeds for the Ontario Government. Originally he was manager of the Regent, which was acquired by Famous Players Canadian Corp., and the Russell, owned by Ambrose J. Small.

The Victoria has 800 seats and is equipped with RCA Photophones.

## Form Perfect Theatres

DOVER, Del., Dec. 6.—Perfect Theatres, Inc., has been chartered here to operate theatres, opera houses, etc., listing capital stock of 100 shares, no par value. The incorporators were Edward S. Williams, David H. Jackman and C. N. Caldwell, Jr., New York City.

Southern Attractions, Inc., has been organized to carry on the business of a booking agency, listing capital stock of 10 shares, no par value. The incorporators were Walter Lenz, W. T. Hobson and B. R. Jones, Wilmington.

## Exhibitors Reelected

TORONTO, Dec. 6.—Two Ontario theatre-mayors were reelected by overwhelming majorities in the December municipal elections. H. E. Wilton, manager of the Strand, Hamilton, received 27,000 votes, or 20,000 more than the second candidate. P. J. Nolan, owner of the Avalon, Rexy and Columbia in Ottawa, was an easy winner in the contest for a second term there.

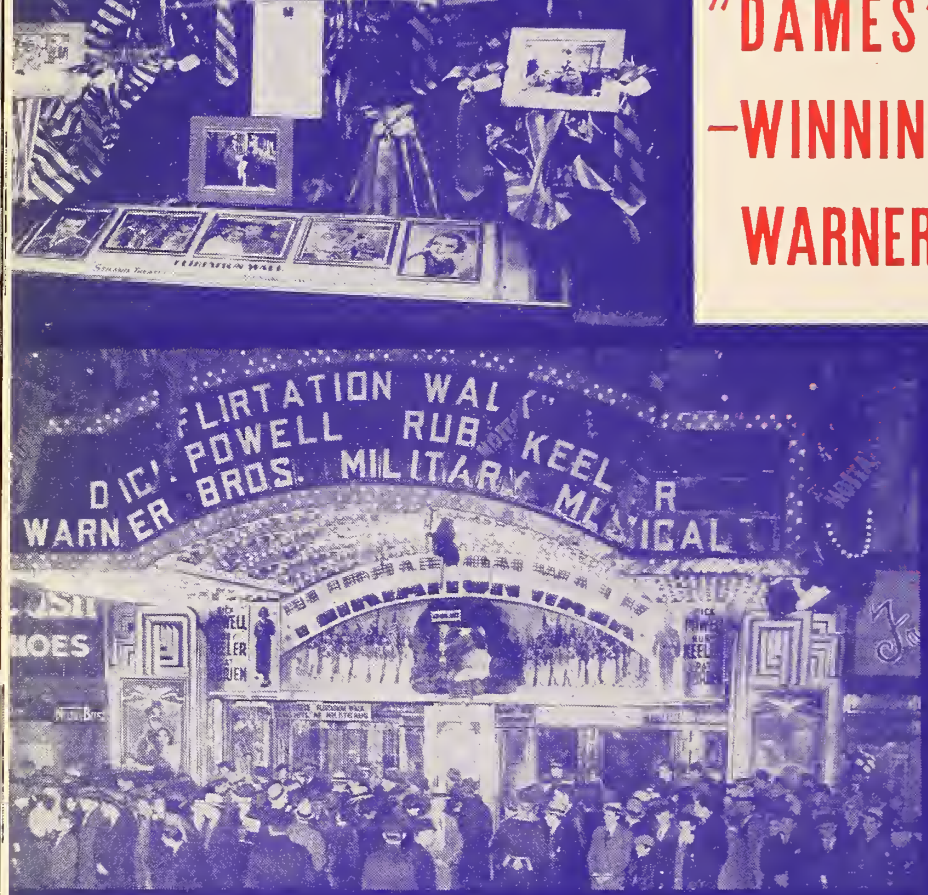
## Columbia Has Two Hits

Columbia's two pictures hit the high spots along Broadway last week. "Broadway Bill" at the Music Hall garnered $100,000 in its first week and "Captain Hates the Sea" tallied a neat $17,000 for its first seven days at the Rialto. "Imitation of Life" at the Roxy was good for $31,000 in its second week and is being held a third.

## ITOA to Dance Jan. 12

The I. T. O. A. will hold its annual ball at the Astor on Jan. 12.

# BLAZING BALLYHOO LURES BIGGEST PREVIEW AND OPENING-DAY GROSS OF ENTIRE YEAR TO N. Y. STRAND—TOPPING "DAMES", "NAVY", "GOLD DIGGERS" —WINNING INDEFINITE HOLD-OVER FOR WARNERS' STAR-SPANGLED SPECTACLE!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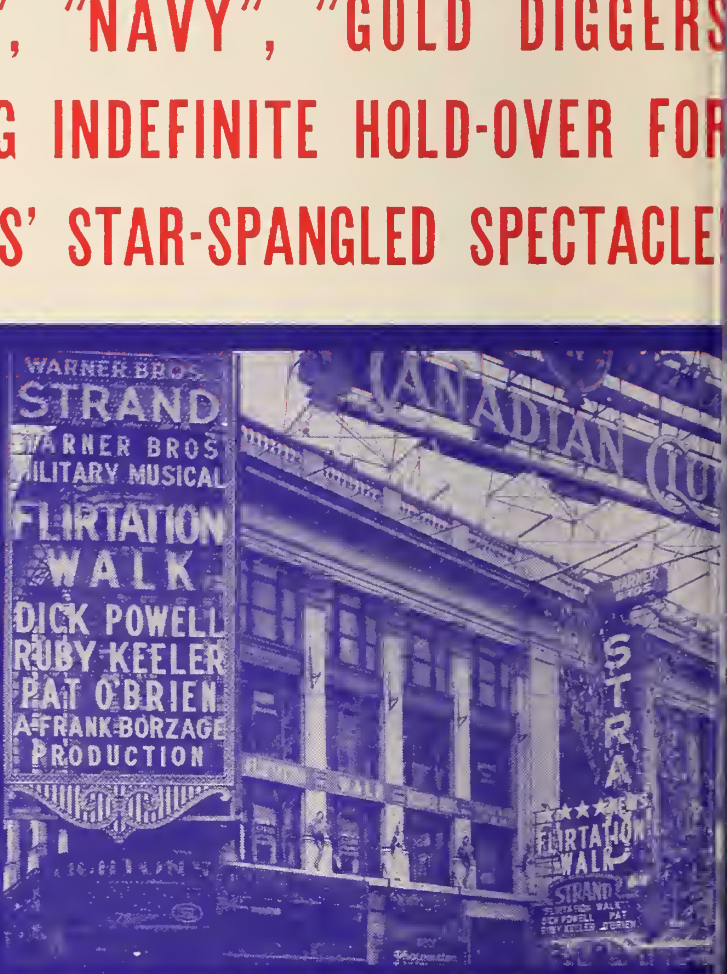
DICK POWELL RUBY KEELER
WARNER BROS. MILITARY MUSICAL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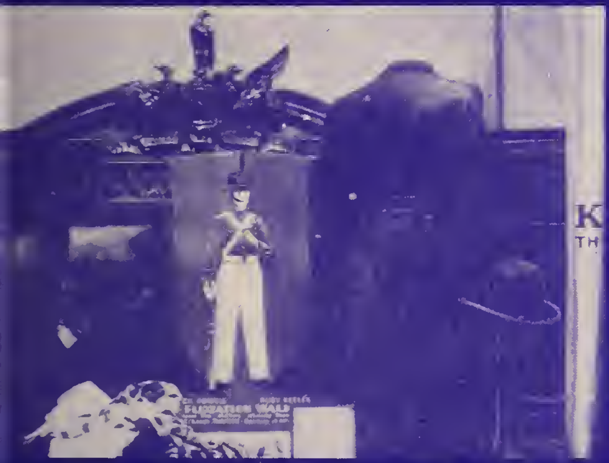
MALLINSON'S
Silks and fabrics de Luxe

DICK
POWELL
RUBY
KEELER
PAT
O'BRIEN

FLIRTATION WALK
FLIRTATION WALK
"FLIRTATION WALK"
DICK POWELL PAT O'BRIEN
RUBY KEELER
Fred Kelly HATS

FLIRTATION WALK
FIRST NEW YORK SHOWING!


FLIRTATION WALK

FLIRTATION WALK

MEN'S SHOES
POWELL
KEELER
O'BRIEN
FIRST NEW YORK SHOWING
FLIRTATION WALK

# FLIRTATION WALK

*First of The Big Shots from Warner Bros.*

MORE NEWS ON PAGE 11

## Roach Bolsters His Production Forces

As a challenge to dual features, Hal Roach is lining up feature comedy writers and directors to bolster short subjects, Fred Quimby, short subject sales head of M-G-M, stated yesterday after a trip to the studios.

"Roach appreciates the need for better stories, writers and players for his productions and is making every effort to meet the demand," Quimby said.

"We are up to schedule on all shorts, including Harman-Ising, Roach and our own subjects," Quimby asserted. "With the completion of 'Babes in Toyland,' Roach is now busy on the balance of his lineup for this season.

"Harman-Ising has added two new animators to the staff and one animator director. The two animator producers are now working on a third dimension short tentatively titled 'Bosco's Mother Goose,'" the M-G-M executive declared. Five of the 13 animations schedules are already completed.

"We have increased our production budget 50 per cent higher than any time we have been in the shorts field. Of this percentage, 35 is allowed for color."

Roach plans to be in New York around the first of the year.

## Loew's Toronto Net $96,633 for 20 Mos.

Toronto, Dec. 6.—According to a financial statement just issued for the 20 months' period ending August 30 last, net profits of Marcus Loew's Theatres (Toronto), Ltd., amounted to $96,633.63 after charges including depreciation, taxes and interest had been paid.

Gross operating earnings totaled $264,811.50, which was made up of $165,878.19 from receipts at the Toronto Yonge St. Theatre, rental of $93,974 from the Uptown Theatre, which is under lease to Famous Players Canadian Corp., and earned interest of $4,958. Gross revenue at the box-office for the Yonge St. house for the 20 months totaled $476,413, as compared with $369,903 for the previous period. Operating expenses for this theatre were up from $218,993 to $310,535, leaving a balance of $165,878 for gross earnings, as compared with $150,911 under the same heading for the previous fiscal period.

Cash on hand and in the bank last August was $159,379, compared with the previous total of $118,184. Fixed assets are carried at $1,152,782 and good will was continued at $750,000. Preferred dividend arrears last August amounted to $656,305, this item being $571,114 at the end of 1932.

## Loew London Net $12,041

Net profits of $12,041, equal to 36 cents a share on 33,741 seven per cent preferred shares after expenses, depreciation and other charges, is reported by Loew's London Theatres, Ltd., Canada, for the period from Jan. 5 to Aug. 30, 1934. Last year the net was $19,594 for 12 months. This was equal to 58 cents a share on the preferred.

## Rex Ingram Loses Suit

Nice, France, Dec. 6.—Rex Ingram today lost a suit for embezzlement which he had filed against a French employe.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## "Helldorado"

*(Lasky-Fox)*

Hollywood, Dec. 6.—Fantastic drama, building to a topical thrill climax. This three-segment yarn stacks up as mild general entertainment. It covers much irrelevant ground, developing its points without outstanding performances, save Henry B. Walthall's. A thin continuity binds the incidents.

Essentially, the yarn is a story of a self-confident, smart guy missing disgrace by a lucky break. Saving a tourist party from the dangers of a cloudburst, Richard Arlen lands its members in Helldorado, a ghost town. Mistaken for an old partner by the lone inhabitant (Walthall) Arlen, dreaming of romance with Madge Evans, beloved by Tycoon Ralph Bellamy, believes he has discovered a lost mine.

Leaving the party to return to civilization, Arlen's chatter causes a modern gold rush. Disillusioned prospectors are ready to mob the hero, but are prevented by Miss Evans' discovery of an old registered claim which leads to a new bonanza and simultaneously reveals to her that beneath Arlen's eccentric exterior is a heart of gold.

Neither Arlen, Miss Evans or Bellamy convince. Comedy relief by Stepin Fetchit and James Gleason lack spontaneity. Acting honors belong to Walthall. The original is by Frank Dazey with the screen play by Frances Hylan. Direction is by James Cruze. The gold rush background suggests showmanship angles that should create audience interest. Production Code Seal No. 464. Running time, 75 minutes. "G."

## "Lottery Lover"

*(Fox)*

Hollywood, Dec. 6.—Individual cast performances and tuneful melodies keep this one interesting despite a sketchy story laden with forced humor which holds it to only average entertainment, although it may prove diverting to some audiences.

The story starts out in musical comedy fashion featuring Reginald Denny giving final instructions to a naval crew before it leaves on a Paris shore leave. On land, the crew chips in to promote a farcical romance between Peggy Fears and Lew Ayres, who is selected through a lottery draw following a plan concocted by an American guide (Alan Dinehart). Pat Patterson, a chorus girl in the musical comedy starring Miss Fears, is picked to rehearse the romantic lines with Ayres and the duo becomes enamored.

From here to the fadeout the story is highlighted by melody and comedy backgrounded by the romantic triangle of Miss Fears, Ayres and Miss Patterson. Dinehart and Walter King, a romantic singer as a Russian prince, and Sterling Holloway are good comedy high spots. William Thiele directed satisfactorily. Music and lyrics by Jay Gorney and Don Hartman are refreshing. The dances by Jack Donahue are diverting.

Serving to introduce Miss Fears to the screen, the film essays average in entertainment values. Production code seal No. 459. Running time, 88 minutes. "G."

## "Enchanted April"

*(Radio)*

Hollywood, Dec. 6.—Two English wives, Ann Harding and Katherine Alexander, whose husbands, Frank Morgan and Reginald Owen, in a way take them for granted, try a holiday together in Southern Italy to recapture something not quite clear. There, the soothing balm of air and sunshine in April gives them new radiance and when the husbands arrive on a sort of psychic summons it's "love in bloom" again.

Miss Harding, as the spouse of the philandering novelist Morgan, gives a subdued and somewhat ethereal performance of the spiritual feminine sensing things in advance.

Miss Alexander, the wife to the fatuous barrister Reginald Owen, foils for Miss Harding.

Owen steals the show when in strutto pomposo dignity he takes a hot tub bath. Jane Baxter, Ralph Forbes, Jessie Ralph, Charlie Judels and Rafaela Ottiano give life to characters hanging on the slim plot.

The production has the mood of whimsical charm with inclinations toward so-called highbrow.

Harry Beaumont directed from Samuel Hofenstein's and Ray Harris' screen play.

While hardly fare for the beef and bean masses it might appeal to the champagne and caviar sophisticates. Previewed without production code seal. Running time, 78 minutes. "A."

*(Additional reviews appear on page* 28)

## Hoblitzelle Testifies In Price-Fixing Suit

Dallas, Dec. 6.—Testifying in the injunction suit brought by R. Z. Glass, independent neighborhood exhibitor here, in which he is named as a defendant along with Interstate Circuit, Inc., R. J. O'Donnell, Southern Enterprises, Inc., Paschall-Texas, Theatres, Inc., and Dent Theatres, Inc., Karl Hoblitzelle admitted today that all his contracts for product for 1934 and 1935 contained a clause insuring that pictures he played at 45 cents or more must play subsequent run at 25 cents or more. He declared neighborhoods stood to profit by this price hike.

Glass is seeking a writ to stop alleged ruinous price fixing through a conspiracy of the defendtnts and major producing companies.

Glass told the court his predecessor went broke charging 25 cents.

Testimony offered by local exchange managers, including Jack Underwood of Columbia, bore out Hoblitzelle. The latter's attorneys produced testimony to uphold the stand that the question at issue is one of copyright and interstate commerce since the producing companies retained possession of product and merely leased to the exhibitor.

The case will be resumed tomorrow.

## Guild to Vote Upon Best Written Film

Hollywood, Dec. 6.—The 750 members of the Screen Writers' Guild will vote on the five best written pictures on Dec. 20, with awards slated to be distributed at the guild's annual dinner dance.

Although the selection has nothing to do with the annual Academy award the writers figure that no organizatio is better fitted to judge the best scree play than the scriveners themselves.

The award committee, the sole function of which is to count the ballot and catalogue the results, consists o Waldemar Young, chairman; Charle Kenyon, Harvey Thew, John Emerson, Edwin Burke, Sonya Levien, J Swerling, Francis Faragoh, Willia Slavens McNutt, Nunnally Johnso and Tristram Tupper.

## Delay on Richmond House Causes Suit

Richmond, Dec. 6.—Suit for $3,50 has been filed against Clarence Vaden president of Grace Amusement Co. for failure to start work on a ne neighborhood theatre. A. H. Ewin charges he hired labor and acquire materials to start work, but tha buildings on the site were not tor down.

After Vaden had announced plan for the house Wilmer & Vincent an Loew's announced plans for a ne house nearby.

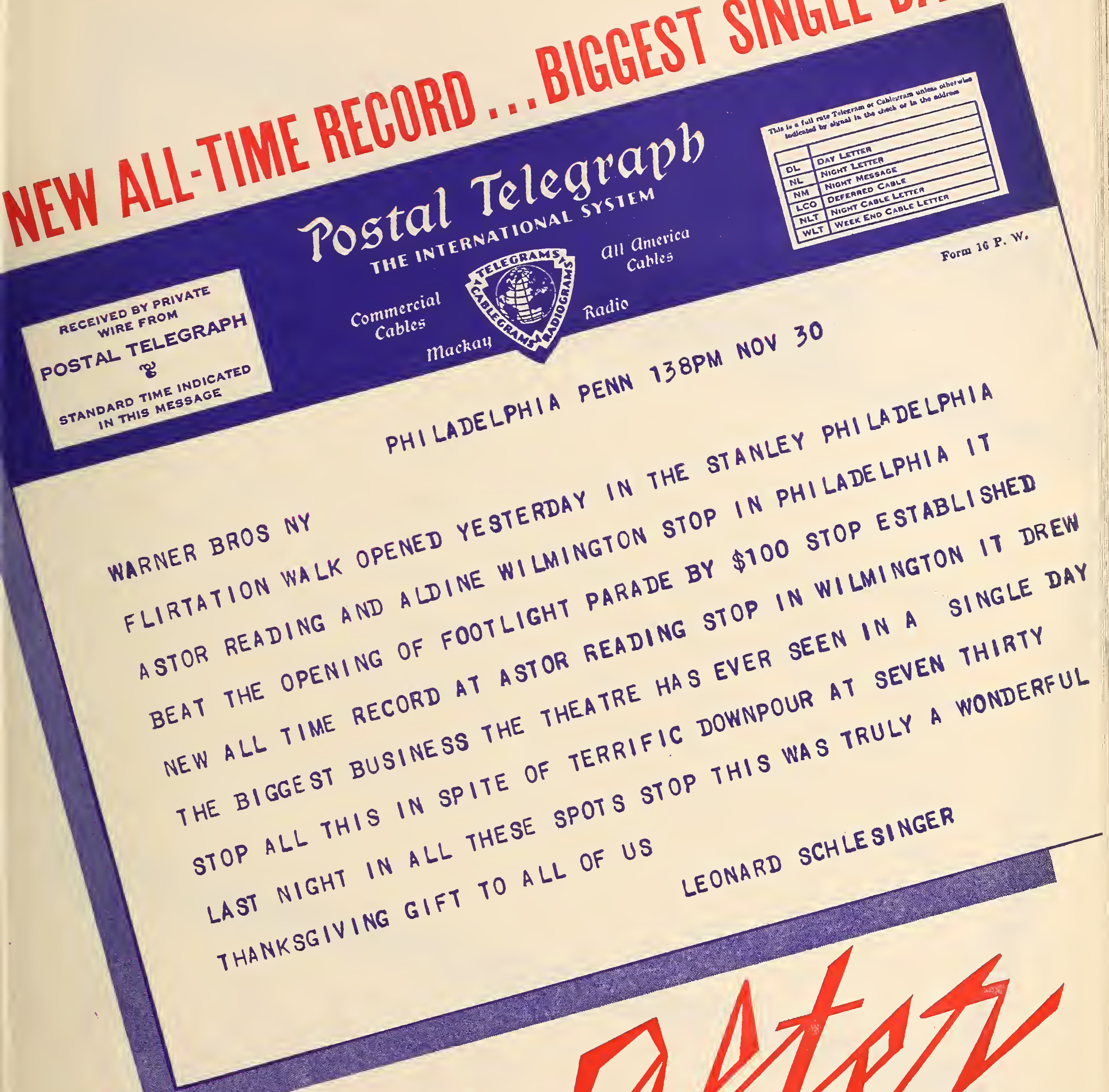
## Roberts Signed by "U"

Hollywood, Dec. 6.—Universal ha signed William Roberts, radio singe to a long-term contract. If he fulfills expectations, he will be groome for roles intended for the late Rus Colombo.

## Austin to Make Short

Hollywood, Dec. 6.—Gene Austi signed to make a two-reeler for Radi this week, which he will do after completing a vaudeville tour in the eas

# "NEW ALL-TIME RECORD ... BIGGEST SINGLE DAY!"



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PHILADELPHIA PENN 138PM NOV 30

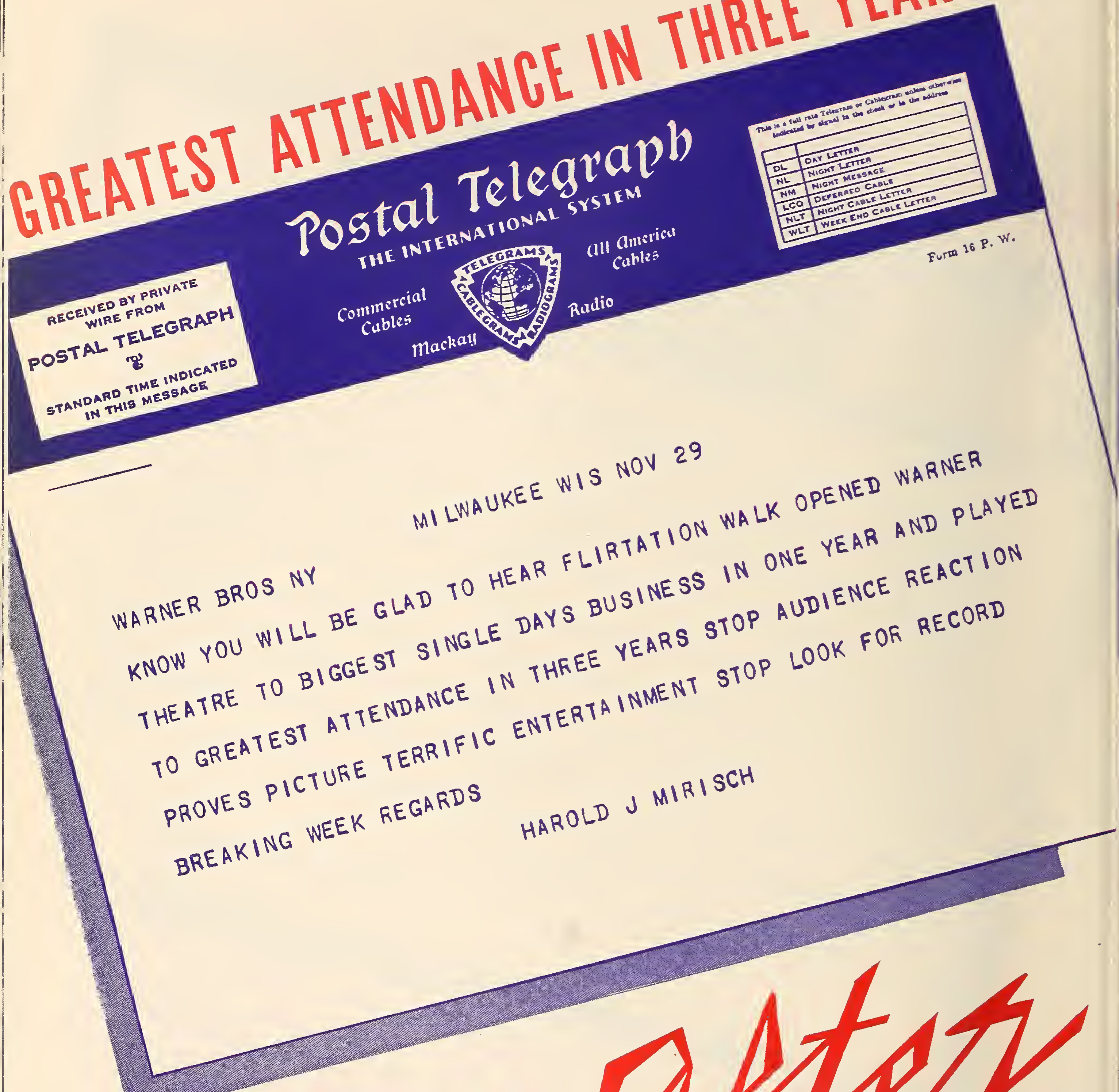
WARNER BROS NY

FLIRTATION WALK OPENED YESTERDAY IN THE STANLEY PHILADELPHIA ASTOR READING AND ALDINE WILMINGTON STOP IN PHILADELPHIA IT BEAT THE OPENING OF FOOTLIGHT PARADE BY $100 STOP ESTABLISHED NEW ALL TIME RECORD AT ASTOR READING STOP IN WILMINGTON IT DREW THE BIGGEST BUSINESS THE THEATRE HAS EVER SEEN IN A SINGLE DAY STOP ALL THIS IN SPITE OF TERRIFIC DOWNPOUR AT SEVEN THIRTY LAST NIGHT IN ALL THESE SPOTS STOP THIS WAS TRULY A WONDERFUL THANKSGIVING GIFT TO ALL OF US

LEONARD SCHLESINGER

# Wire After

# GREATEST ATTENDANCE IN THREE YEARS!"



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Form 16 P. W.

MILWAUKEE WIS NOV 29

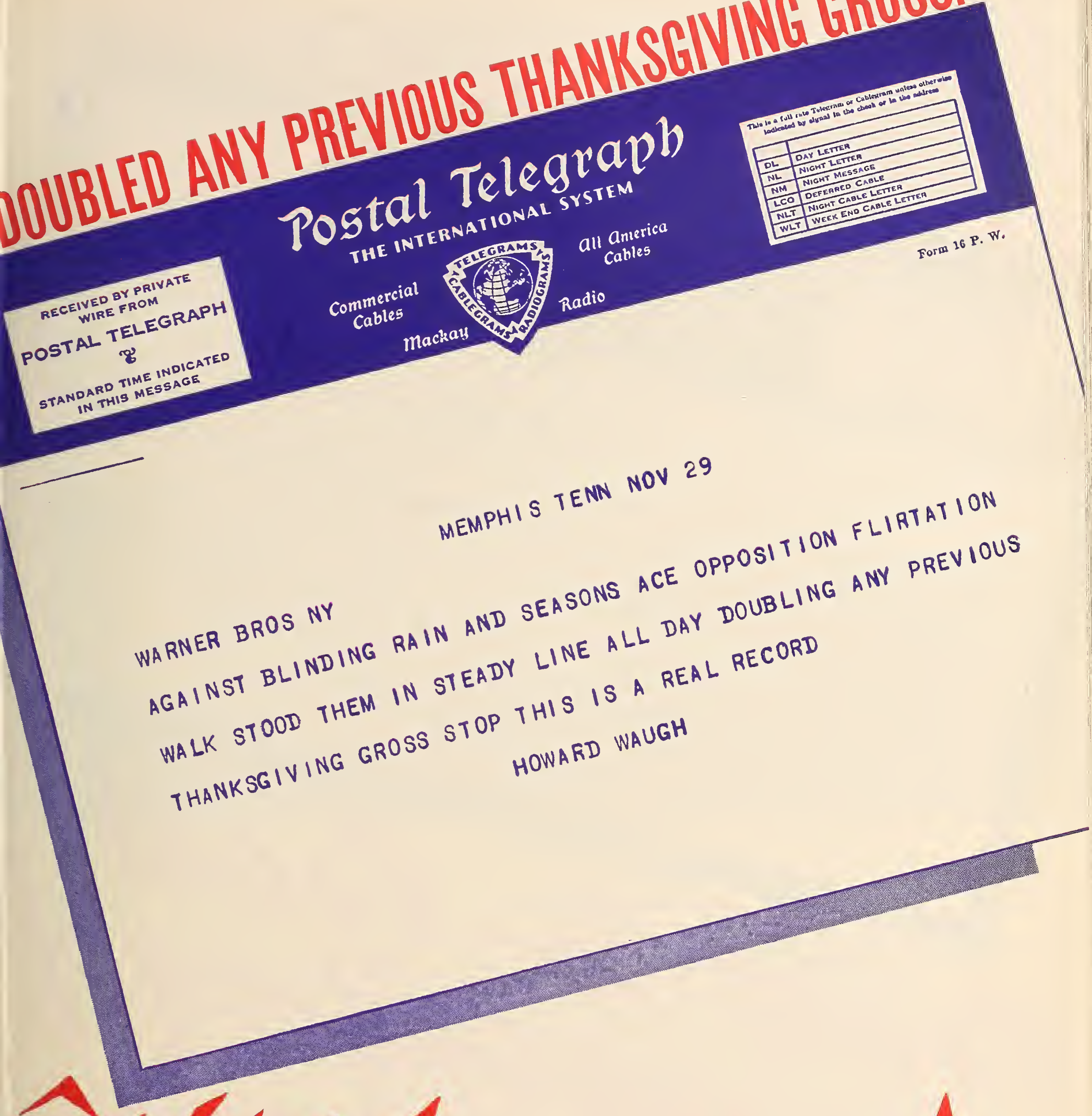
WARNER BROS NY

KNOW YOU WILL BE GLAD TO HEAR FLIRTATION WALK OPENED WARNER THEATRE TO BIGGEST SINGLE DAYS BUSINESS IN ONE YEAR AND PLAYED TO GREATEST ATTENDANCE IN THREE YEARS STOP AUDIENCE REACTION PROVES PICTURE TERRIFIC ENTERTAINMENT STOP LOOK FOR RECORD BREAKING WEEK REGARDS

HAROLD J MIRISCH

# Wire After

# "DOUBLED ANY PREVIOUS THANKSGIVING GROSS!"



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Form 16 P. W.

MEMPHIS TENN NOV 29

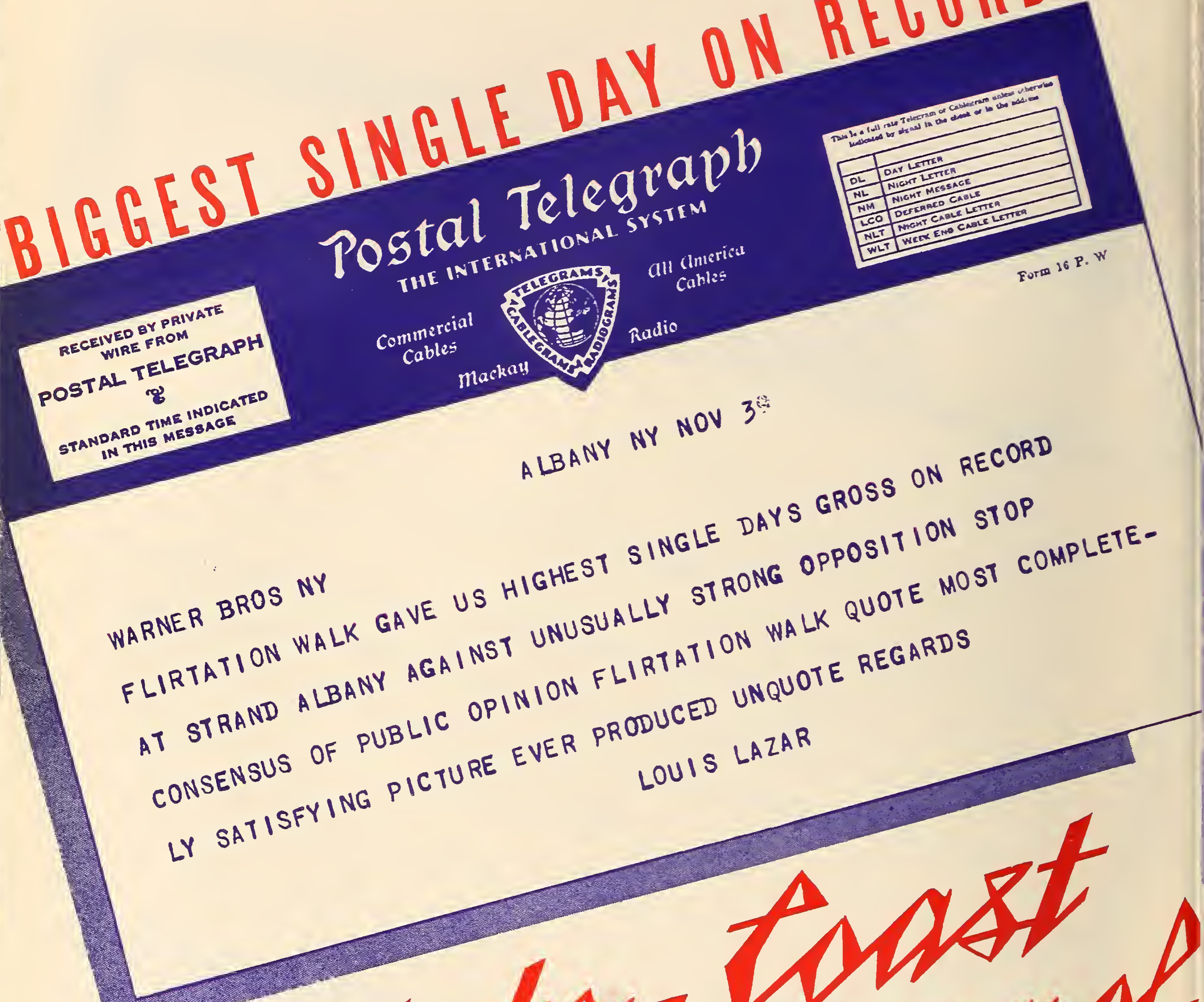
WARNER BROS NY

AGAINST BLINDING RAIN AND SEASONS ACE OPPOSITION FLIRTATION WALK STOOD THEM IN STEADY LINE ALL DAY DOUBLING ANY PREVIOUS THANKSGIVING GROSS STOP THIS IS A REAL RECORD

HOWARD WAUGH

# Wire... Tell the

# "BIGGEST SINGLE DAY ON RECORD!"



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Form 16 P. W

ALBANY NY NOV 3

WARNER BROS NY

FLIRTATION WALK GAVE US HIGHEST SINGLE DAYS GROSS ON RECORD
AT STRAND ALBANY AGAINST UNUSUALLY STRONG OPPOSITION STOP
CONSENSUS OF PUBLIC OPINION FLIRTATION WALK QUOTE MOST COMPLETE-
LY SATISFYING PICTURE EVER PRODUCED UNQUOTE REGARDS

LOUIS LAZAR

*Coast-to-Coast Success Story of*

# FLIRTATION WALK

*First of The Big Shots from Warner Bros.*

# The One Big Question That Confronts This Industry Today-

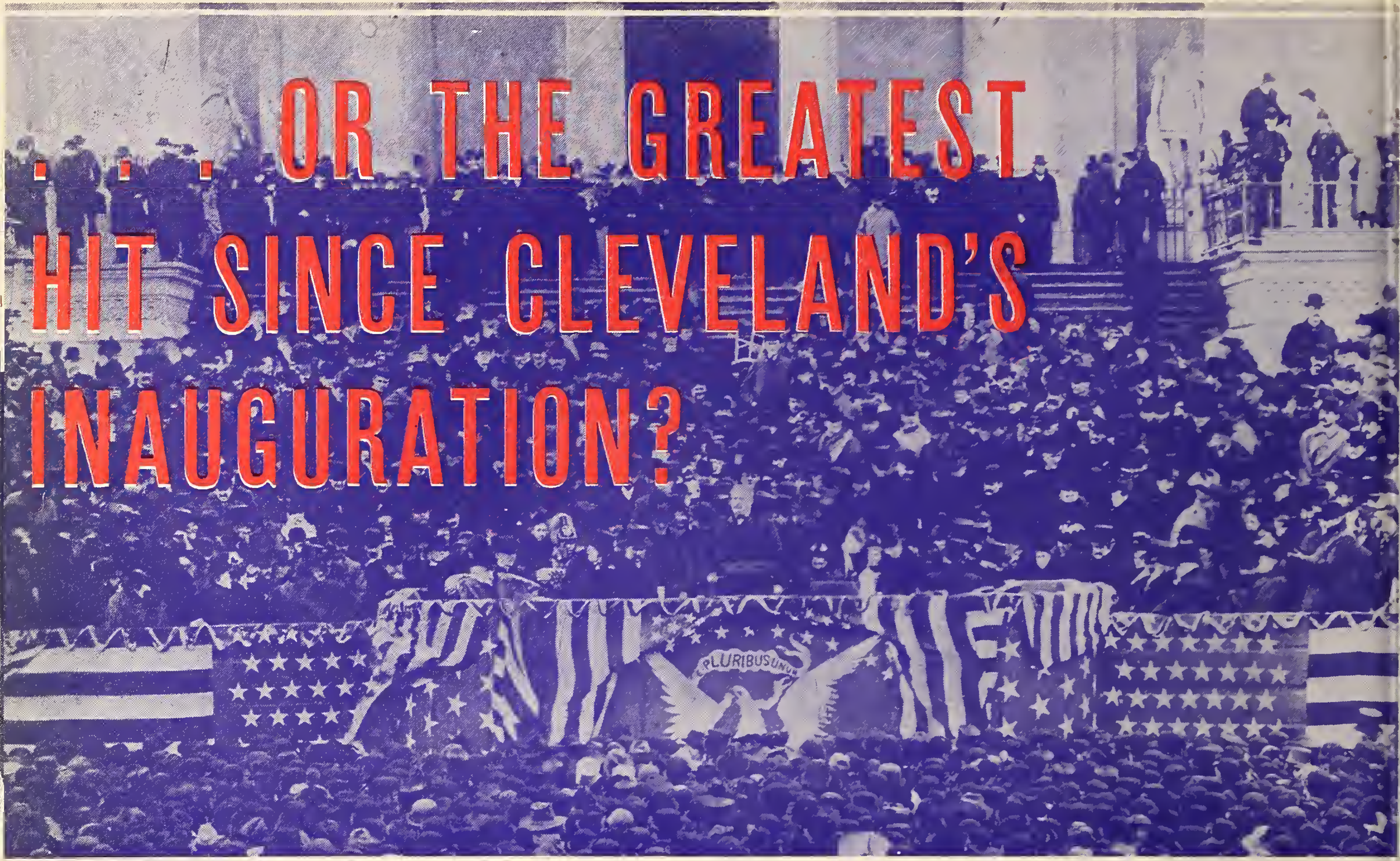
# IS FLIRTATION WALK "THE GREATEST HIT SINCE THE SPANISH-AMERICAN WAR".

## BIGGEST IN 36 YEARS

## *says Walter Reade*

"I cannot resist the opportunity to send you a wire calling your attention to the gross at the Strand Theatre, Plainfield, New Jersey, of Flirtation Walk. It opened to . . . . . . . . . dollars on Thursday and we have not done . . . . . . . . . . . dollars in this theatre in one day since Spanish War. I hope that Sweet Adeline is just as good. Kindest personal regards."

(*Signed*) Walter Reade



# . . . OR THE GREATEST HIT SINCE CLEVELAND'S INAUGURATION?

## BIGGEST IN 42 YEARS

***says R. S. Coyle***

"Flirtation Walk broke all house records in attendance in the forty-two years of business of the Coyle Theatre. Flirtation Walk is the best of all Warner Bros. pictures, is the opinion of everyone.

(*Signed*) R. S. Coyle,
Charleroi, Penn."

**How far back will your record go on**

# FLIRTATION WALK

***First of The Big Shots from Warner Bros.***

MORE NEWS ON PAGE 21

# New Russian Film Breaks All Records

By BELLA KASHIN

Moscow, Nov. 20.—Breaking all records for Soviet films, the new picture "Chapaev," which is an authentic account of an episode in the career of the Red partisan fighter of the same name, has been seen by a million and a half people in Leningrad and Moscow for the first 10 days of its run.

Eighteen theatres in Moscow are now showing the film; two major houses having added an early morning and a midnight show that ends at 2 A. M. The only other time Russian theatres have been open at such an hour was some years ago when it was the practice during the Easter holidays to offer movies as a counter-attraction to the young people who might otherwise have gone to church.

Chapaev, who has become an almost legendary Soviet hero, was an illiterate carpenter who went over to the Bolsheviks when Russia was in the throes of civil war. Possessed of uncanny military genius, he became a Red Army commander in 1918 and a little more than a year later ended his meteoric career when he was killed in a surprise raid by a White Guard detachment.

Muscovites having noticeably steered clear of all politically-tinted films in the past two years, including such pictures as Pudovkin's "Deserter" and Viertov's "Three Songs About Lenin," the Soviet press recognized that no greater proof of the artistic merits of "Chapaev" exists than the phenomenal attendance which is piling up. The film is the work of the hitherto unknown Vassili brothers, each of whom have received an award of 10,000 rubles. In addition to their regular monthly salary, they also collect the usual one and one-half per cent royalty on every admission ticket sold.

## *Germans Test a New 270-Foot Projector*

Washington, Dec. 6.—At the Nurenberg (Germany) National Socialist Party convention a new Zeiss-Ikon projector was successfully used, reports the U. S. Department of Commerce.

The set is equipped with 4,300-foot reels and enables an enlargement of 450 times the size of the original.

The size of the picture on the screen is 27 by 34 feet, with individual actors appearing up to 20 feet tall.

A Magnosol lamp is used and enables a projection set to be located 270 feet from the screen.

## *Drop Bank Night Cases*

Kansas City, Dec. 6.—The Dickinson circuit has withdrawn bank night complaints filed several weeks ago against competitors in Lawrence and Independence, Kan., and Macon, Mo. Since filing these cases, which have been held in abeyance at Dickinson's request, the circuit has contracted for bank nights in these towns and throughout the circuit.

## *Surmounts Strike*

**Hollywood, Dec. 6.—Hampered by the street-car strike. "Flirtation Walk," pulled in a record business for its first day at the Hollywood and RKO Hillstreet, grossing approximately $1,000 at both houses over the first day's gross for "Dames" and "Wonder Bar."**

## *Warner Kenosha Spot Goes to New Concern*

Kenosha, Wis., Dec. 6.—The Kenosha Theatre here has been leased from Warner Bros. by the Standard Gateway Theater Management, Inc., which will also operate the Gateway here. The Bay in Green Bay and the Strand in Oshkosh have also been taken over for local management through special arrangements. All were formerly Warner houses.

William Exton, formerly of the Strand in Oshkosh, is in general charge here. Jesse C. Lund, manager of the Kenosha for the past three years, has been named manager of the Sedgwick in Philadelphia. Harry J. Corbett of the Gateway has been named manager of the Bay in Green Bay, succeeding Larry Conley.

Harry Keesar, former assistant manager of the Gateway, has been named manager of the house under the direction of Exton.

## *K. C. Chamber Leads Move Against NIRA*

Kansas City, Dec. 6.—An attempt to enlist the aid of business men and industries in twelve states in the Central West in fighting reenactment of the National Industrial Recovery Act in its present form has been started by the Kansas City Chamber of Commerce.

The move aims to obtain the support of Congressmen and Senators to vote for certain changes in the present act when it is brought up at the coming session of Congress. The most important change would be to give the Government no authority in making codes, its authority to be limited to either approving or rejecting a code set up by any industry.

Letters expressing the local chamber's opposition to the NRA are being sent to chambers of commerce in the following states: Missouri, Kansas, Arkansas, Arizona, Colorado, Louisiana, Nebraska, New Mexico, Oklahoma, Texas, South Dakota and Wyoming.

## *Blank Books a Test Passion Play Week*

Grand Island, Neb., Dec. 6.—A Passion Play during Christmas week at the Capitol, an A. H. Blank theatre, has been announced by Evert R. Cummings, district manager.

Rev. Albert Johnson, a Kearney, Neb., pastor, who has achieved state fame for staging the Passion Play each summer in an open-air amphitheatre at Kearney, will produce the local production, using 300 Grand Islanders in the cast.

If the production goes over, it is slated to be booked throughout Blank theatres in Nebraska with possible ultimate production in the Paramount in Omaha.

## *Warners Shift 2 Titles*

Hollywood, Dec. 6. — Warners have changed the title of the next Al Jolson picture, "Casino de Paree," to "Go Into Your Dance," which is the title of an original story by Bradford Ropes.

The studio has also changed the current Paul Muni picture from "Black Hell" to "Black Fury."

## *"Broken Soil" to Start*

Hollywood, Dec. 6.—"Broken Soil," Samuel Goldwyn's third production starring Anna Sten, will start shooting tomorrow. The cast includes Ralph Bellamy, Helen Vinson and Siegfried Rumann. King Vidor will direct.

## *Para. Borrows Romero*

Hollywood, Dec. 6. — Paramount has borrowed Cesar Romero from Universal to play Marlene Dietrich's leading man in "Caprice Espagnol." In addition Romero is appearing in "Clive in India" at 20th Century.

## *Dickson Joins Warners*

Gregory Dickson, for the last year and a half with Columbia, has joined Warners, assisting Stanley Shuford in handling trade paper advertising copy.

## *Gault at Bonnerville*

Bonneville, Ore., Dec. 6. — Jack Gault, well known publicity man and theatre manager, has been named as manager of Parker's new Roosevelt

## *Tampa Gang Sentenced*

Tampa, Dec. 6.—Five years at hard labor in the state prison at Raiford, was the penalty handed out by Judge Petteway to the five men who toted the two-ton safe from the office of the Ritz on the night of Sept. 4 to a lonely spot in the country where they broke the safe open and departed with the $2,000 cash and $3,500 in jewelry.

## *'U' to Star Edmund Lowe*

Hollywood, Dec. 6.—Universal has spotted Edmund Lowe in the starring role of the E. Phillips Oppenheim story, "The Great Impersonator." The film is slated to go before cameras in February. No director has been set.

## *Kruger Replaces Powell*

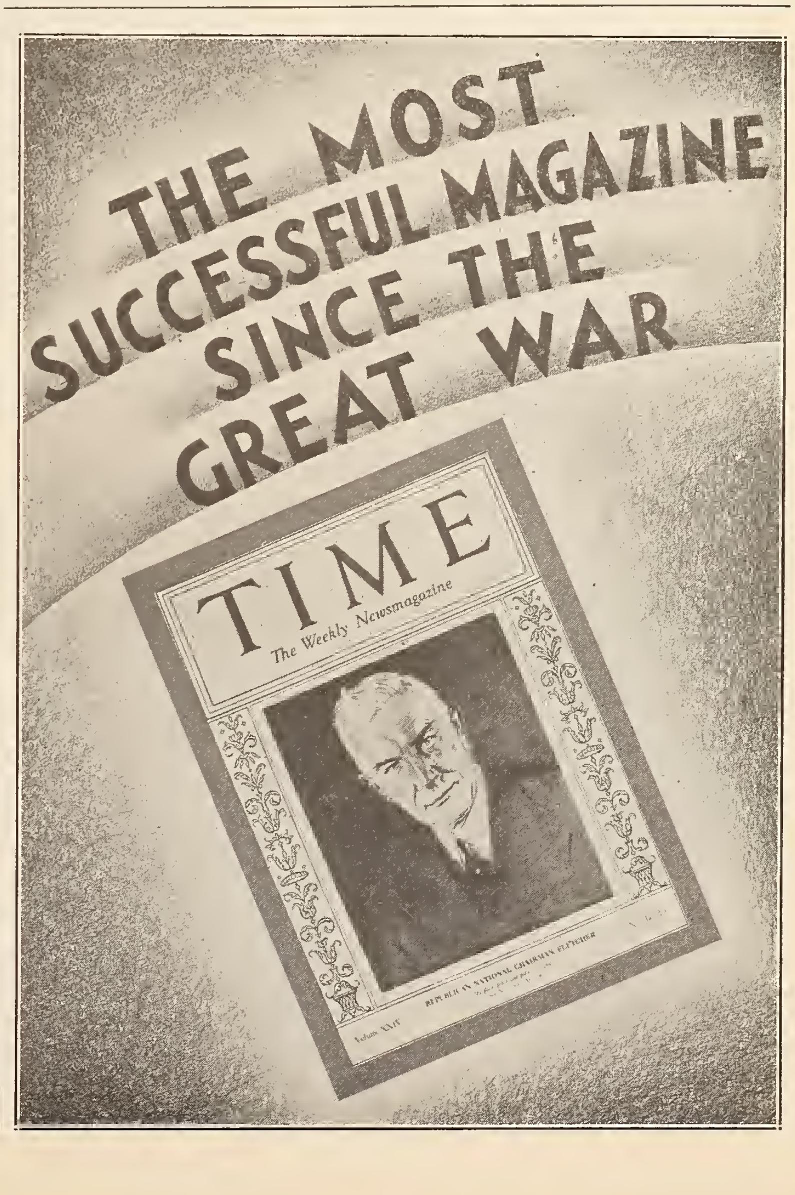
Hollywood, Dec. 6.—Due to previous assignments William Powell has been taken out of the top spot of "The Casino Murder Case," scheduled for early production at M-G-M. Otto Kruger gets the role.

## *Sedgewick to Do "Yale"*

Hollywood, Dec. 6. — Edward Sedgewick has been handed the directorial job on the Damon Runyon story, "Hold 'em Yale," which Charles Rogers will produce for Paramount.

## *Ross Nelson Married*

Independence, Ore., Dec. 6.—Ross Nelson, who operates the Isis Theatre here, has just been married to Mrs. Myrtle Cummings of Corvallis.


THE MOST SUCCESSFUL MAGAZINE SINCE THE GREAT WAR
TIME
The Weekly Newsmagazine

# British CEA Overbuilding Fight Starts

By **BRUCE ALLAN**

London, Nov. 30.—Cinematograph Exhibitors' Ass'n. has started its campaign against overbuilding with the issue of a pamphlet, "Are There Too Many Cinemas?"

This provocative piece of publicity consists, as had been announced in advance, of a reprint of Sam Eckman's paper on "Overbuilding," read to the exhibitors' summer conference at Blackpool, plus the legal opinion from W. E. Tyldesley Jones, K. C., as to the rights possessed by licensing authorities to veto new erection. There is also a foreword, by General Secretary Fuller, as to C. E. A. policy on this thorny question.

Fuller makes a special protest against the erection of buildings by local speculators.

Tyldesley Jones states very explicitly the important legal opinion that licensing authorities "have an absolute discretion as to the grant or refusal of a cinematograph license, and there is no appeal from their refusal."

Expressing the view that, in considering an application for a new license, the authorities may "consider the number of cinemas already in a district and whether it is in the public interest that a license for a new cinema should be granted," Jones emphasizes that each application must be judged on its merits. "They cannot fetter their discretion by deciding beforehand that they will refuse all new applications," and they must consider only public interest and not "the effect of the new cinema on existing cinemas by reducing their profits . . . though a refusal is not invalidated because it inures for the benefit of the existing licensees."

Another significant feature about the issue of this pamphlet marks a burying of the hatchet by Eckman and John Maxwell. Eckman supplies a postscript to his paper in which he emphasizes that he is not against all new construction and that he admits the reasonable nature of competition in districts where existing halls are out of date.

Maxwell in his turn has expressed approval of the pamphlet.

* * *

A public meeting is to be organized by the Trades Council at Manchester at which an appeal will be made to the public to refuse to patronize theatres which do not observe trade union conditions.

This decision is the sequel to the alleged refusal of local exhibitors to discuss wage scales and working conditions with the National Association of Theatrical Employees. Of one hundred and fifty theatres in the Manchester area fifty are "union" houses.

Wage negotiations in London have resulted in a working agreement, for a trial 12 months, between owners and employes represented on the Joint Conciliation Board.

* * *

The northwestern branch of the C. E. A. has brought to the attention of the general council the alleged inclusion in a magazine film of items of an advertising character, puffing well known products.

* * *

The British Film Institute has issued as a leaflet a "Survey of the Situation Regarding Non-Theatrical Cinematograph Apparatus and Films" which includes details of all available apparatus for 9 mm., 16 mm. and 17.5 mm. films. The institute also goes on record in favor of standardization on the basis of the I. C. E. 16 mm. system already adopted in France, Italy and Germany.

* * *

P. C. T. Construction, Ltd., a G-B subsidiary, made £101,000 profit for the year and pays four per cent on ordinary shares. P. C. T. C. is a financing company to the G. B. theatre companies.

* * *

An unnamed American production company is reported to be negotiating with the Irish Free State Government on the basis that it will erect a modern studio in return for sole production rights in the I. F. S. Irish stories will be acquired and the first film made next summer.

* * *

Associated British Film Distributors (Dominion and Foreign), Ltd., has been formed by Basil Dean, chairman of A. B. F. D. which produced at the A. T. P. studio, Ealing, London, in order to cope with increasing sales abroad.

* * *

Cyril Harris has been appointed commercial engineer for W. E. in England, in charge of the non-theatrical field. Col. W. E. Dennis, previously commercial engineer, has resumed the duties of commercial operating manager.

* * *

Charles Scott and Campbell Black, who won the London-Australia air race, carried a Mickey Mouse mascot and a letter from Walt Disney's London representative to Mickey Mouse, Melbourne.

* * *

Arthur Dent, managing director of B. I. P. (Export), Ltd., has closed a deal with Consolidated Films of Johannesburg, whereby 25 British International films will be secured for full South African distribution.

Among them are "Blossom Time," "The Great Defender," "The Old Curiosity Shop," "Radio Parade of 1935" and "Du Barry."

* * *

British exhibitors running programs of more than three and one-quarter hours will be put on the barred list by distributors who are members of the Kinematograph Renters' Society. This entails the refusal of further films.

The decision follows discussions between a deputation from the Cinematograph Exhibitors' Ass'n. and the council of the K. R. S. Double bills, in addition to newsreels and shorts, are hit by this decision. Distributors object to duals because big features are played on percentage and the cost of the supporting program reduces their proportion of receipts.

## Deny 2nd Sunday Vote

Melrose, Mass., Dec. 6.—The City Council has turned down a petition to re-submit the question of Sunday shows to the voters on the ground that the city has voted on the matter once this year, at the special election last April, and therefore should not be called upon to vote again on the same question the same year. The petition asked that the question be submitted again at the city election next month.

## Vibrations

**Hollywood, Dec. 6.—Take it from Jack Lewis of the Producers Assn., it's a genuine thrill to win a poker hand when traveling 120 miles an hour.**

**When Lewis garnered a full house on his recent trip East on the Union Pacific Streamliner, he wondered whether it was the train shaking, or just a case of poker nerves. A little later he was told they had just covered two miles in one minute.**

## Four New Concerns Chartered at Dover

Dover, Dec. 6.—Eaves Sound Projectors, Inc., Show Van, Inc., General Electric Specialties Corp. and Radio Club of America-Poland have been chartered here.

Eaves Sound Projectors, listed capital of $100,000. The incorporators are M. S. Cook, A. L. Raughley and J. M. Townsend of Dover.

Show Van filed to engage in the theatrical and general amusement business, listing a capital of $30,000. The incorporators are Wayne D. Phillips, J. Jack Stanley and Edward Weinstein of San Antonio, Texas.

General Electric Specialties filed to obtain and develop patents, listing capital stock of 2,000 shares, no par value. The incorporators are M. M. Lucey, H. I. Brown and L. S. Dorsey of Wilmington.

Radio Club of America-Poland filed to do a broadcasting business, listing no capital stock. The incorporators are M. S. Cook, A. L. Raughley and J. M. Townsend of Dover.

## Atkinson Made Head Of Canada's Legion

Toronto, Dec. 6.—Dr. Sam Atkinson has been named president of the Legion of Decency in Canada. The head of the movement is described as "formerly connected with the motion picture industry in Chicago."

Dr. Atkinson asserted that "if any theatre in Ontario shows a picture that is on the black list, then the people may be advised not to attend that theatre at all," pointing out also that the movement is not confined to Catholics alone.

"The Legion of Decency has been firmly established and many thousands of people throughout Canada will take the pledge," he added.

## Salvador Official Seeks Mexican Film

By **JAMES LOCKHART**

Mexico City, Dec. 6.—Dagoberto Galvidia, sub-secretary of state for San Salvador, is here inspecting film production with a view to increasing imports of Mexican films into San Salvador. He says Mexican pictures are popular there.

Producers here are elated as they see the possibility of increasing exports.

## Fulton to Des Moines

Des Moines, Dec. 6.—Robert K. Fulton is to be the new manager of the Roosevelt, new suburban theatre scheduled to open Christmas Day as a member of the A. H. Blank group. Building and decorating are being completed and equipment is now being installed. Fulton comes from the Strand at Waterloo, where he is being succeeded by Joe Stewart of the Garden in Des Moines.

# Revues Going Along Nicely In Providence

Providence, Dec. 6.—Revues as an adjunct to first run films are getting a great play and a big hand at Fay's, where they have been staged for the past month.

Realizing that audiences were more or less fed up on the old-time five acts of vaudeville, Fay conceived the idea of the miniature revue and its success has proved the soundness of his theory. The revues have comics, dancers and torch wailers with a crowd of girls prancing through smart routines. It looks as though the policy is in for the winter.

## Omaha Again Hears Bank Night Charge

Omaha, Dec. 6.—The grievance board established the fact that there was and is competition between the Capitol and Rialto theatres at Sioux City, Iowa, in a rehearing of a bank night case ordered by Code Authority.

The Capitol, an A. H. Blank house, was the complainant against the Rialto, managed by E. E. Seff. The local board has found Seff guilty of bank night operation previously and he had appealed. Code Authority declined to hear the appeal until the local board had established the fact the houses were in competition.

Seff was found guilty by the local grievance board on a second bank night charge brought by Nathan Dax, manager of the Hipp, Sioux City. Seff did not indicate he would appeal the second decision.

## Kansas Eying Move For Consumers' Tax

Topeka, Dec. 6.—Exhibitors in Kansas are watching with interest the outcome of discussions of the governor's legislative advisory council, meeting here this week. Additional taxation measures are up for approval.

Lieutenant Governor Charles W. Thompson, who is presiding, is expected to submit his consumers' tax bill under which this levy would be substituted for the general property tax on real estate. A consumers' tax, which is another name for the sales tax, would be applied to theatre admissions along with other services.

The advisory council will make recommendations regarding legislation to be taken up at the full legislative session convening in January.

## Picketing Ban Upheld

Portland, Dec. 6.—The Rivoli Theatre Co. has won the first round in its legal battle to prevent the M. P. Machine Operators' Protective Union from picketing its theatre. This has been going on for three years. Judge Tucker has overruled a demurrer filed by the attorneys for the union.

## Sachs Back to Dallas

Dallas, Dec. 6.—Harry Sachs has returned to Dallas to become booker for Interstate Circuit, handling the larger Texas cities. Sachs was recently with Warners' theatres at Cleveland.

# Insiders' Outlook

(Continued from page 2)

ested: a steady flow of box-office attractions. . . .

▼

The drift is clear. Ed Kuykendall, Campi member, has said his piece and how it read left little doubt about his sentiments on the manner in which the clearance question has been kicked about. On the theory that the first anniversary of the code might move other Campi members into the beginning and the end of quotable material, this outlook inquired in several directions yesterday. Bob Cochrane was heading for the coast to talk to Carl Laemmle about production, the code and perhaps how it prevents Universal from assembling the sort of casts it would like to. He was in the mood for talking, train time being close at hand. . . .

▼

Here is what he thinks, the added significance about it all resting in the fact that others are of the same mind even if they haven't aired what their inner thoughts happen to be saying:

> "I don't know and I don't know anyone who does. The code has increased the cost of production and I don't know whether or not we have gotten it back.
>
> "The code has had some good effects and some bad. I had been hopeful that it would quiet some of the kickers in the industry who wanted justice, but they apparently won't be because their idea of what justice ought to be is injustice."

▼

Officials of the code scheme would have you believe at one moment that industry is all wrong and that through the omniscience of a few G-men certain feats of sleight of hand would be passed over it and immediately it would become all right," Martin Quigley is on record as having stated. "The essence of the code scheme is an idea of dictatorship." While the idea of dictatorship is not very digestible food for the American businessman, in or out of motion pictures, it is not the idea of dictatorship or even the threatened actuality of a sole dictatorship in Washington which has given the greatest amount of trouble. It is rather the fact that something has gotten into the air about the National Capital which seems to cause government functionaries, of both greater and lesser importance . . . to assume the mental posturings of a dictator in fact." And at another point: "The motion picture business will be what its own men and its own methods make it." Not yesterday or the day before was this commentary voiced, but a year ago—November 4, 1933, if you would be exact—in *Motion Picture Herald,* although the analysis holds forth now, exactly as it did then. . . .

▼

That which the code has done has been to provide a forum, backed vaguely and shadow-like by the prestige of the Federal Government, to hear the complaints of those who have them or think they have. A good thing this and a step in the right direction, to annex one of Will Hays' pet expressions. There have been some adjustments, it is true, especially in the flood of overbuying cases which has hit various code boards throughout the country. But the conclusion is nevertheless indisputable that the code, by and large, has so far failed of its purpose. Perhaps it has failed because the scope encompassed in that original purpose was too gargantuan, too Utopian and too all-embracing. Men and tactics will not change because something called a code tells them to do so. If the license-revoking power of the instrument had been used just once, the lesson thus conveyed might have been convincing. It was not for whatever the reason and results, therefore, are what they are. . . . KANN

## J. A. Curtis Goes West

John A. Curtis, vice-president of First Division, has left for the coast.

# Purely Personal

LOUIS KORN and **Hattie Reinstein** of the M-G-M home office, **Joe Simon** of Toronto, **Dan Hassler**, Atlanta; **Foster Gauker**, Indianapolis; **Thelma White**, Oklahoma City, and **Harold A. Weinberger**, Washington, celebrate birthdays Monday.

**Buddy Cantor** will interview **Frankie Thomas**, 12-year-old boy featured in "The First Legion," at Station WMCA tomorrow night at 6:30 o'clock.

**Dana Burnet**'s novel, "The Shining Adventure," has been acquired by Fox as a vehicle for **Shirley Temple**. The author has been signed to do the adaptation.

**Erle Wright**, publicity head of the Poli Circuit, left for New Haven last night after a few days in the city.

**E. Phillips Oppenheim**'s "The Great Impersonation" has been bought by Universal. **Edmund Lowe** and **Jane Wyatt** will have the chief roles.

**Dave Gould**, Puerto Rico manager for M-G-M, has returned after an extended trip here for his health.

Paul Lukas has been signed by M-G-M on a long-term deal. **Charles Reisner** has been resigned to direct.

**Anita Kurtin** has been given an M-G-M pact and **Cecile Murray** has been signed by Hal Roach.

**Robert Ellis** and **Helen Logan** have sold their original, "Happiness C. O. D., to Chesterfield.

**Clifton Webb** doesn't report on the M-G-M lot under his one-picture contract until June.

**Booth Tarkington**'s new story, "Rennie Peddigoe," has been acquired by M-G-M.

**Edward Childs Carpenter**, playwright, has been signed by M-G-M.

**Hal Horne** attended his first Ampa meeting since his marriage.

**Herbert Gorman**'s "Suzy" has been purchased by M-G-M.

ARTHUR SCHWARTZ, who has been with Universal for seven years, has joined **Harry Brandt** as an assistant to **Joe Schwartz** in the booking department. The **Schwartzes** are not related.

**Adolph Zukor**, **Sam Dembow**, **Howard Dietz**, **Mort Spring**, **Harry** and **William Brandt**, **Joe Hornstein**, **Nat Cohen**, **David Loew**, **John W. Alicoate**, **Louis Nizer** and **John** and **Charles Balaban** glimpsed at the M. P. Club yesterday.

**Iris Barry**, one of the founders of the London Film Society, will give the first of a series of lectures on "The Film in England" before the Film & Photo League, 31 East 21st St. Sunday night.

**Katharine Hepburn** and **Leland Heyward** were glimpsed at the other night's performance of "The Children's Hour." **La Hepburn** crouched low in her seat to avoid stares.

**Frank Buck** sails on the *Berengaria* tonight for London for preliminary work before starting for the jungles to make another picture.

**A. L. Alperson** returned yesterday from Milwaukee after a short stay. He was in the Beer City several weeks ago.

**Solly Kann** has joined Artcraft, printers and lithographers for a number of independent companies around town.

**Sidney Skolsky**, columnist on the *Daily News,* is mourning the death of his father, **Louis**. He was 80.

**Harry Shiffman** will be tendered a birthday luncheon by his friends today at the Paramount Chop House.

**Ed Kuykendall** leaves for Washington and points south and west on Friday, accompanied by his daughter.

**Sam Jacobson** leaves within the next few days for a boat trip to Havana and Jamaica for a vacation.

**Frank C. Walker** is due back from Warm Springs, Ga., and Washington any minute now.

**Hugh Walpole** has arrived in town from the coast. He sails for England tonight on the *Berengaria.*

**Irving Samuels** of the Automatic Devices Co. of Allentown, Pa., in and out in one day.

**Johnny Weissmuller** and **Lupe Velez** left for the coast by train on Wednesday.

**Bert Sanford** of Erpi is due back from a business trip to Boston on Saturday.

**Jules Levy** returned from Philadelphia yesterday after a sleepless night.

**Saul E. Rogers** will be in Boston on legal business until the week end.

**Al Lichtman** leaves for Hollywood either Sunday or Monday.

**Harry Asher**, Boston independent, is in town for a few days.

**Harry Brandt** leaves for Florida Dec. 15 for a vacation.

**George Arliss** will leave for the coast on Saturday.

**Al Friedlander** is back from Detroit and Chicago.

**Felix F. Feist** is due from Philadelphia today.

**Ben Amsterdam** of Philadelphia is around.

# Canadians Protest Music Fee Scales

OTTAWA, Dec. 6.—A deputation of exhibitors and hotel owners waited upon C. H. Cahan, Secretary of State in the Dominion Federal Government at Ottawa this week, to petition for the appointment of a government commission to investigate fees claimed by the Performing Rights Society of Canada.

The theatre men argued that the annual seat tax levied by the society is excessive and that the Canadian Government had the right under the statutes to order an inquiry into the various rates charged by the society. The hotels have been drawn into the situation because of the imposition of fees by the society for radio services for guests in the hostelries, the organization having claimed the right to collect such fees under a recent judgment handed down in England.

Cahan asked for additional information from the theatre and hotel owners.

Exceptionally Fine For Holiday Bookings

POWERS COMICOLOR CARTOONS

Real Headline Attractions

"JACK AND THE BEANSTALK"
"ALADDIN AND WONDERFUL LAMP"
"THE QUEEN OF HEARTS"
"THE HEADLESS HORSEMAN"
"DON QUIXOTE"
"THE BRAVE TIN SOLDIER"
"THE LITTLE RED HEN"
"PUSS IN BOOTS"
"VALIANT TAILOR"
"JACK FROST"

# Brazil Pickup Found Gaining By MacDonald

With the clearing up of the political situation and improvement in the coffee business, theatres in Brazil likewise will benefit, Karl MacDonald, assistant to Sam Morris, foreign head of Warners, states following a seven-week trip to Brazil, Trinidad, Venezuela, Curacao, Jamaica and Cuba.

"There is a tremendous improvement in both these situations and the outlook for the theatre business is also good," he said. "Theatres are operated too cheaply and the price of admission is low," MacDonald declares. However, the theatre business is headed for better days and real admission prices, he says.

Quite a bit of building is going on, the Warner foreign executive says. Recently a new 2,100-seat house was opened just outside of Rio de Janeiro. Another neighborhood theatre is being built by Adhemar Riberio, who owns four downtown first runs. Riberio's new theatre will seat from 1,500 to 2,000.

Jose B. Andrade of Santos, where he operates a big circuit, is building a new 3,500-seat theatre in the Braz section of San Paulo. There are already two theatres in this district, MacDonald asserts.

Things in general are going along nicely in these countries, the Warner official states. This was his second trip to Brazil and the West Indies since July. On his first trek, MacDonald installed Harry Novak, formerly with Paramount, as general manager of the Buenos Aires office. On his last trip, he took Nat Liebskind to Rio de Janeiro where Liebskind replaced William Fait as manager of the Warner branch.

## *New Transformers For Warner Studio*

Hollywood, Dec. 6.—Warners are installing six new 33,000-volt transformers, which will give the Burbank studio facilities for generating more electrical power than any other major studio. Frank Murphy, head of the electrical department, is in charge of the installation, which is being rushed to be used on major Warner productions of the year which are "Midsummer Night's Dream," "Go Into Your Dance," "Gold Diggers of 1935" and "Black Fury."

The new transformers weigh 15,000 pounds each and will generate power for the four new studio stages now under construction. This new equipment doubles the amount of electrical apparatus formerly used at Warners.

## *Start Work on "Laddie"*

Hollywood, Dec. 6.—"Laddie," with John Beal in the title role, goes into work Dec. 10 at Radio.

George Stevens will direct under the Pandro Berman production banner.

## *Penzner Switches Lots*

Hollywood, Dec. 6.—Seeking larger studio facilities for the production of its first picture, "The King's Highway," Penzner Prod. has moved from Talisman studios to Prudential.

## *Hollywood Personals*

**Hollywood, Dec. 6.—Charles Boyer and Pat Paterson in from New York. . . . Busby Berkeley busy with a huge Coney Island number for "Gold Diggers of 1935" at Warners. . . . Dick Powell's parents here on a visit from Arkansas. . . . Pat O'Brien and Mrs. O'B. to San Francisco for the premiere of "Flirtation Walk". . . . Ethel Hill over the flu. . . . Not so with Carole Lombard who is still at home. . . . . Earl Rettig, unit man for Jesse Lasky at Fox, married to Rosalie Castner, in Tia Juana the other day. . . . Ernst Lubitsch, David Selznick, and Harry Rapf in charge of the entertainment committee for the first Mayfair ball Saturday. . . . Felix Young has had his Radio office decorated with Gallic tapestries. . . . Edmund Goulding commutes to Palm Springs every day by plane to visit Mrs. G., now almost recovered from her illness. . . . Marion Marsh up again after an attack of ptomaine poisoning. . . . Paul Muni flying to New York for a play. . . . John Stone vacationing in Palm Springs. . . The Henry Ginsbergs in Palm Springs for a vacation. . . . Roland Young to New York December 20 to appear in a play on Broadway. . . . Elizabeth Allen to spend Christmas in New York. . . . Having finished her role in "David Copperfield" at M-G-M, Jean Cadell is aboard the *Reliance* en route to London via the Canal. . . . Sam Cohen has another cold. . . . Ginger Rogers a blonde again. . . Dorothy Parker the sensation of the Screen Actors Ball—at least to all those within earshot. . . . George Brent gets the male lead in Warners' "Oil for the Lamps of China." . . . Una Merkel and husband and a party to Arrowhead over the week-end. . . . Errol Flynn in romantic lead opposite Kay Francis in "A Present from Margate" at Warners. . . . The second section of Marion Davies' bungalow has been delivered to the Warner lot. . . . Kent Taylor has changed the shape of his mustache. . . . Joseph Schenck in Hollywood from Europe. . . . Freddie Fox now assistant director on "The Folies Bergere de Paree" for 20th Century. . . . Jeanne Waid surprised friends by eloping with Lawrence Tarver two weeks ago The newlyweds are now in San Francisco. . . . Ed Flynn a guest of Winfield Sheehan on the Fox lot. . . . Charlie Butterworth back from the east. . . .**

## *Watt Joins Small*

Hollywood, Dec. 6.—Nate Watt, associated with Lewis Milestone for several years as assistant, has signed a nine-month contract with Edward Small to act in a similar capacity.

Watt's contract allows him to do outside pictures providing Small doesn't need him. He recently completed writing, directing and editing of "A Week-End in Agua Caliente," a Spanish musical short which United Artists produced for the Mexican Government.

## *Finish "Bengal Lancer"*

Hollywood, Dec. 6.—After three years of consideration with the story started and abandoned at frequent intervals, "Lives of a Bengal Lancer" is at last in the cutting rooms following 88 days of shooting. The picture has been identified as the "jynx of all jynx pictures" on the Paramount lot. More than 40 persons were injured slightly and seriously during the filming of the battle scenes.

## *Adler Joins Roach*

Hollywood, Dec. 6.—Felix Adler, former scribbler for Harold Lloyd, has been signed by Hal Roach to work on an untitled feature which Sam Taylor will direct.

The Ben Jacksen and Harold Leyton office set the deal.

## *Preparing Radio Series*

Hollywood, Dec. 6.—Helen Hayes is preparing a series of dramatic sketches which she will deliver over the radio early in the spring. She will broadcast once a week over a national hook-up from New York.

## *Using New RCA "Mike"*

Hollywood, Dec. 6.—RKO has installed the new RCA ribbon velocity microphones on the "Roberta" sets.

## *Switches O'Brien Group*

Hollywood, Dec. 6.—Sol Lesser has decided to rush "When a Man's a Man," Harold Bell Wright story featuring George O'Brien, into production before completing "The Cowboy Millionaire," which still has two weeks to go.

The new schedule will probably affect the release dates on the two films, the latter of which was partially filmed in England.

## *Buy "Crimson Ice"*

Hollywood, Dec. 6.—Paramount has purchased "Crimson Ice," novel by Rex Deane and Courtland Fitzsimmons. It is a murder mystery woven around a hockey game. Cary Grant will be featured. Fitzsimmons is coming from New York to prepare the screenplay. Charles R. Rogers will produce.

## *"Typee" in Preparation*

Hollywood, Dec. 6.—M-G-M is readying a production unit for a trip to the South Seas in two weeks to film "Typee," Phil Goldstone's first effort for the studio.

The picture stars Mala. No director has been set.

## *Start Ambulance Film*

Hollywood, Dec. 6.—M-G-M has "Ambulance Call" before the cameras. The cast features Chester Morris and has Robert Taylor, William Henry, Louise Henry, Johnny Hines, Sid Silvers, Billie Burke and Mary Jo Mathews in supporting roles.

## *Join "U" Troupe*

Hollywood, Dec. 6.—Irene Biller and Irene Ware have joined Universal as members of the stock company. Miss Biller's first role will be in "The Great Ziegfield." Miss Ware's first will be in "Rendezvous at Midnight."

# Studio Aides Seeking Work By SERA Plan

Hollywood, Dec. 6.—Unemployed technicians, writers and directors will be given an opportunity for employment under a producing plan sponsored by the SERA. The employes will be paid by the state and will aid in the filming of various industrial projects and historical happenings for Government files, much on the same order of the films taken during the World War.

The A. S. C. has had delegates in Washington for the past two months promoting the scheme in order to place their idle cameramen and assistants.

## *Warner Rearranging Studio Assignments*

Hollywood, Dec. 6.—With increased production, caused principally by the alliance with Cosmopolitan, Jack L. Warner is reapportioning production assignments so that the whole burden may not fall upon his or Hall Wallis' shoulders. Forthcoming productions will be distributed to Robert Presnell, Harry Joe Brown, Sam Bischoff, James Seymour and Robert Lord, who will have complete charge of one group of pictures under the general supervision of J. L. Warner.

## *"Beau Brummel" Set*

Hollywood, Dec. 6. — Reliance Pictures has definitely decided to produce "Beau Brummel." Other companies have announced the picture, but Edward Small, vice-president, has decided to start and has a deal on for the services of Robert Donat.

## *Hardwicke Role Fixed*

Hollywood, Dec. 6.—Cedric Hardwicke, English actor, is here from New York on a one-picture deal with Radio. The actor goes to the Pathe lot immediately for a lead in production, "Becky Sharp."

## *Roach Signs Duncan*

Hollywood, Dec. 6.—Arletta Duncan has been handed a long-term contract by the Roach studio. The deal was set by the O'Reilly and Mann office.

## *Boasberg on Script*

Hollywood, Dec. 6.—Al Boasberg has gone over to Radio to pen the next Wheeler and Woolsey, "Murder in Tin Pan Alley." The deal was negotiated by Ben Jacksen and Harold Leyton, Inc.

## *With Lowe-McLaglen*

Hollywood, Dec. 6.—Florence Rice has been signed by Fox for the romantic lead in "East River" with Edmund Lowe and Victor McLaglen.

## *Oakie in "Milky Way"*

Hollywood, Dec. 6.—Jack Oakie has been definitely set for the male lead in "The Milky Way" at Paramount. Roscoe Karns will also have a feature part.

DICK POWELL
RUBY KEELER
PAT O'BRIEN
HEAR THESE SONG HITS FLIRTATION WALK MR. & MRS. IS THE NAME
ALL SEATS 77 TOTAL 85
FIRST NEW YORK SHOWING
HATS
BILLIARDS
RECORDS...

## In the East—

**IN BOSTON—** "Gala week; 'Flirtation' wham . . . leading the town by big margin at the Metropolitan," says Variety.

**IN NEWARK—** Variety says—"nothing like this in years at the Branford." Held over.

**IN PITTSBURGH—** Stand-out business—best week the Stanley has had in year!

**IN WASHINGTON—** Standees and turnaways every performance at the Earle.

**IN BALTIMORE—** Biggest business in months at the Stanley.

**IN WORCESTER—** Topped records of "Footlight Parade" and "Wonder Bar" at the Warner.

**IN SPRINGFIELD—** Beat "Footlight Parade" and "Wonder Bar" by tremendous margins.

*Military and civic celebrities throng St. Louis' brilliant Shubert-Rialto premiere.*

## In the Midwest–

**IN CLEVELAND–** Tremendous at Hippodrome, topping "Wonder Bar" gross by almost $2000.

**IN AKRON–** More than *double* opening days of "Footlight Parade" and "Wonder Bar" at the Strand.

**IN YOUNGSTOWN–** Biggest musical gross of the year at the Warner.

**IN ST. LOUIS–** Stand-out business–held over 2nd week–at the Shubert-Rialto.

**IN MILWAUKEE–** Greatest attendance in three years at the Warner.

**IN INDIANAPOLIS–** "Out-grossing any picture to play this house or town this year–*Variety.*

**IN CHICAGO –** Capacity at the Roosevelt. Well on its way to a top gross.

**IN CINCINNATI–** Packing 'em in at Keith's. "Theatre's best take in months."–*Variety*

FLIRTATION WAL
DICK POWELL
RUBY KEELER
WARNER BROS. MILITARY MUSICAL
SHOES
VERYWHERE..

## In the South–

**IN DALLAS**–Topped opening day business of "Wonder Bar" and "Footlight Parade" at the Palace.

**IN BIRMINGHAM**– "'Flirtation Walk' topping Birmingham at the Alabama".—*Variety*

**IN HOUSTON**–Grand opening day business topped "Dames" and "Footlight Parade" at the Majestic.

**IN SAN ANTONIO**–Greatest single day's business in months — topping "Dames", "Wonder Bar" and "Footlight Parade" at the Aztec.

**IN FORT WORTH**–Another smash opening day, leading "Dames", "Footlight Parade" and "Wonder Bar" by heavy margin at the Worth.

**IN MEMPHIS**–Doubled any previous Thanksgiving gross at Warner.

BANDS PLAYING FLAGS FLYING GUNS ROARING
295
DICK POWELL·RUBY KEELER
STARTS FRI.
MICHIGAN

# FOR THE FIRST MILITARY MUSICAL

## In the West

**IN HOLLYWOOD**—Opened the Hollywood at $2. to smash opening day's business, topping "Wonder Bar" and "Dames" by $800.

**IN SAN FRANCISCO**—Warfield leading all other theatres with terrific gross and capacity crowds.

**IN DENVER**—With wintry weather blasting the town, the Denver walked away with highest gross and grand business.

**IN PORTLAND**—Held second week and doing smashing business at the Broadway.

# FLIRTATION WALK

*First of The Big Shots from Warner Bros.*

MORE NEWS ON PAGE 9

# "Veil" Pulls $13,250 Take In Pittsburgh

PITTSBURGH, Dec. 6. — The sole standout here last week was "The Painted Veil," which collected $13,250 at the Penn. That's nice business, considerably better than average, but nothing compared to the grosses Garbo films used to roll up a couple of years ago.

At the Alvin, there were no kicks with the holdover of "The White Parade," which was good for $9,000 in five days of its second week. The Pitt, returning to unit shows, picked up with "The Bowery Music Hall Follies" and "I'll Fix It" on the screen, hitting above $6,000, while "What Every Woman Knows" was something of a disappointment at the Fulton, doing only around $3,300 in four days.

"The St. Louis Kid" and Paul Whiteman's band couldn't better $17,000 at the Stanley and the combination of "The Pursuit of Happiness" and "Wednesday's Child" was good for only $4,200 at the Warner.

Total grosses in six first runs were $52,950. Average is $56,000.

Estimated takings for the week ending Nov. 29:

**"THE WHITE PARADE" (Fox)**
ALVIN — (2,000), 25c-40c, 5 days, 2nd week. Stage: Johnny Perkins, Blenders Quartet, Marie and Antoinette, Jerry Mayhall's band and others. **Gross:** $9,000. (Average, for 6 days, $10,000.)

**"WHAT EVERY WOMAN KNOWS" (M-G-M)**
FULTON—(1,750), 15c-40c, 4 days. **Gross:** $3,300. (Average, for 6 days, $4,500.)

**"THE PAINTED VEIL" (M-G-M)**
PENN—(3,300), 25c-50c, 6 days. **Gross:** $13,250. (Average, $12,000.)

**"I'LL FIX IT" (Col.)**
PITT—(1,600), 15c-35c, 6 days. Stage: "Bowery Music Hall Follies" with Frank Farnum. **Gross:** $6,200. (Average, $5,500.)

**"THE ST. LOUIS KID" (Warners)**
STANLEY — (3,600), 25c-60c, 5 days. Stage: Paul Whiteman's band. **Gross:** $17,000. (Average, for 6 days, $19,000.)

**"PURSUIT OF HAPPINESS" (Para.)**
**"WEDNESDAY'S CHILD" (Radio)**
WARNER—(2,000). 25c-40c, 6 days. **Gross:** $4,200. (Average, $5,000.)

# "White Parade" Is Top Draw in Omaha

OMAHA, Dec. 6.—"The White Parade," heading a dual bill with "The Curtain Falls," was good for $9,000, over the line-up $1,500.

"Happiness Ahead" and "By Your Leave" took a nice $4,000 at the Brandeis, and "What Every Woman Knows" and "No Ransom," the third dual, was good for $3,800 at the World.

Total first run business was $22,800. Average is $22,500.

Estimated takings:

*Week Ending Nov. 28:*

**"WHAT EVERY WOMAN KNOWS" (M-G-M)**
**"NO RANSOM" (Liberty)**
WORLD—(2.200), 25c-40c, 7 days. **Gross:** $3,800. (Average, $3,500)

**"THE PAINTED VEIL" (M-G-M)**
PARAMOUNT—(2,800), 7 days, 25c-40c. **Gross:** $6.000. (Average, $8,000)

**"HAPPINESS AHEAD" (Warners)**
**"BY YOUR LEAVE" (Radio)**
BRANDEIS—(1.200), 7 days, 25c-40c. **Gross:** $4,000. (Average, $3.500)

**"THE WHITE PARADE" (Fox)**
**"THE CURTAIN FALLS" (Chesterfield)**
ORPHEUM—(3.000), 7 days, 25c-40c. **Gross:** $9,000. (Average, $7,500)

# "Rhythm" Gets Lead in Heavy Boston Pickup

BOSTON, Dec. 6.—Grosses took another bound last week for one of the best records since the bank holidays were forgotten. First runs piled up $113,000. Midnight shows, plus holiday business, helped, along with the end of the football season.

"College Rhythm" packed the Metropolitan for a total of $33,500, which just beat out last week's grosses by $500. Larger gains were made by "The White Parade" at Keith's which went $4,500 over the top, while "Kid Millions" at Loew's State went to $4,000 above par. The Boston, with "Lady by Choice," was good for $3,000 over average.

Total first run business was $113,000. Average is $94,000.

Estimated takings for the week ending Nov. 29:

**"LADY BY CHOICE" (Col.)**
BOSTON—(2,900), 25c-50c, 7 days. Vaude. **Gross:** $19,000. (Average, $16,000.)

**"CHU CHIN CHOW" (Gaumont British)**
**"READY FOR LOVE" (Para.)**
FENWAY — (1,800), 30c-50c, 7 days. **Gross:** $10,500. (Average, $9,000.)

**"THE WHITE PARADE" (Fox)**
KEITH'S—(3,500), 25c-65c, 7 days. **Gross:** $20,500. (Average, $16,000.)

**"KID MILLIONS" (U. A.)**
LOEW'S STATE—(3,700), 35c-50c, 7 days. **Gross:** $20,000. (Average, $16,000.)

**"COLLEGE RHYTHM" (Para.)**
METROPOLITAN — (4,350), 30c-65c, 7 days. Stage: Ina Ray Hutton and Melodears. **Gross:** $33,500. (Average, $28,000.)

**"CHU CHIN CHOW" (Gaumont British)**
**"READY FOR LOVE" (Para.)**
PARAMOUNT—(1,800), 30c-50c, 7 days. **Gross:** $10,000. (Average, $9,000.)

# "Kernels," Stars Smash in Portland

PORTLAND, Dec. 6.—Thanksgiving week brought gains all along the line. Wheeler and Woolsey dominated both stage and screen at Hamrick's Orpheum and put the SRO well out in front with a take on "Kentucky Kernels" of $8,000, or $5,000 over normal.

"Flirtation Walk" at the Broadway was held over with a take of $6,500, or $1,500 over normal.

A heavy week at the Paramount, with "College Rhythm" and a show, brought in $8,000, or $3,000 over normal.

"One Night of Love" moved to the Mayfair for an extended run and took $3,500, exceeding par by $500.

Total first business was $35,600. Average is $25,000.

Estimated takings for the week ending Nov. 30:

**"FLIRTATION WALK" (F. N.)**
BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $6,500. (Average, $5,000.)

**"ONE EXCITING ADVENTURE" (Univ.)**
**"CASE OF THE HOWLING DOG" (Warners)**
ORIENTAL—(2,040), 25c, 7 days. **Gross:** $1,800. (Average, $2,000.)

**"KENTUCKY KERNELS" (Radio)**
HAMRICK'S ORPHEUM — (1,700), 25c-35c-40c, 7 days. Stage show. **Gross:** $8,000. (Average, $5,000.)

**"THE GAY DIVORCEE" (Radio)**
MUSIC BOX—(1,000), 25c-35c, 7 days, 5th week. **Gross:** $1.800. (Average, $2,000.)

**"ONE NIGHT OF LOVE" (Col.)**
MAYFAIR — (1,700), 25c-35c, 7 days. **Gross** $3.500. (Average, $3,000.)

**"COLLEGE RHYTHM" (Para.)**
PARAMOUNT — (3,008), 25c-35c-40c, 7 days. **Gross:** $8.000. (Average, $5,000.)

**"KID MILLIONS" (U. A.)**
UNITED ARTISTS—(945). 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000.)

# "Parade" Hit In Cleveland; Tops Par 100%

CLEVELAND, Dec. 6.—"The White Parade" was the big show of the week. It doubled average at the Hippodrome with a $12,000 gross.

"The St. Louis Kid," with a $5,200 take against a $3,000 average, went into second place. Garbo was a disappointment with $11,000 at Loew's State. "Wagon Wheels" went 50 per cent over par at the Lake, which is usually a second run. The weather was fine.

Three houses advanced their openings one day for Thanksgiving.

Total first run business was $41,900. Average is $49,000.

Estimated takings for the week ending Nov. 30:

**"ST. LOUIS KID" (Warners)**
ALLEN — (3,300), 20c-30c-40c, 7 days. **Gross:** $5,200. (Average, $3,000.)

**"THE WHITE PARADE" (Fox)**
WARNERS' HIPPODROME — (3,800), 30c-35c-44c, 7 days. **Gross:** $12,000. (Average, $6,000.)

**"MARIE GALANTE" (Fox)**
RKO PALACE—(3,100), 30c-40c-60c, 6 days. Stage: Benny Davis' Star Dust Revue. **Gross:** $9,000. (Average, $15,000.)

**"PAINTED VEIL" (M-G-M)**
LOEW'S STATE—(3,400), 30c-35c-44c, 6 days. **Gross:** $11,000. (Average, in 7 days, $10,000.)

**"WHAT EVERY WOMAN KNOWS" (M-G-M)**
LOEW'S STILLMAN — (1,900), 20c-30c-40c, 6 days. **Gross:** $3,000. (Average, for 7 days, $4,000.)

**"WAGON WHEELS" (Para.)**
WARNERS' LAKE — (800), 20c-25c, 7 days. **Gross:** $1,700. (Average, $1,100.)

# "Widow" Montreal Top with $14,000

MONTREAL, Dec. 6.—The last week in November in Montreal saw two theatres playing the second and last week of an attraction while a third decided to extend an engagement. "The Merry Widow" was the feature that was held over and it brought the Palace $14,000 for the first seven days.

The final week of "The Gay Divorcee" registered $8,000 for the Capitol with the help of a new second feature, "The Fountain." At the Princess, "The Last Gentleman" earned $7,000, as compared with a first week of $9,000.

Total first run business was $44,000. Average is $40,500.

Estimated takings for the week ending Dec. 1:

**"THE GAY DIVORCEE" (Radio)**
**"THE FOUNTAIN" (Radio)**
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days, 2nd week. **Gross:** $8,000. First week: $11,500. (Average, $9,500.)

**"PURSUED" (Fox)**
IMPERIAL—(1,914), 15c-25c-35c, 7 days. Stage: "In Gay Borneo." **Gross:** $3,500. (Average, $3,500.)

**"STUDENT TOUR" (M-G-M)**
LOEW'S — (3,115), 30c-40c-45c-57c-75c, 7 days. Stage: "Sidewalk Cafe," with Benny Ross and acts. **Gross:** $11,500. (Average, $10,500.)

**"THE MERRY WIDOW" (M-G-M)**
PALACE — (2,600), 30c-34c-40c-50c-65c, 7 days. **Gross:** $14,000. (Average, $11,000.)

**"THE LAST GENTLEMAN" (U. A.)**
**"BLIND DATE" (Col.)**
PRINCESS—(2,272), 30c-35c-50c-65c, 7 days, 2nd week. **Gross:** $7,000. First week: $9,000. (Average, $6,000.)

# "Tour" Show Get $25,000, Best on Loop

CHICAGO, Dec. 6.—Loop takes picked up last week with the Oriental showing decidedly good results. The $25,000 gross there was over normal by $10,000, due to the combination of "The Student Tour" on the screen and Olsen & Johnson on the stage.

"College Rhythm" and Joe Penner at the Chicago were also in the big money, getting $42,000, over the line by $7,400. "One Night of Love" in its sixth Loop week was still good for $5,800 at the 900-seat Garrick.

Total first run business was $129,800. Average is $131,600.

Estimated takings:

*Week Ending Nov. 27:*

**"THE MERRY WIDOW" (M-G-M)**
ROOSEVELT — (1,591), 25c-35c-50c, 3rd week, 7 days. **Gross:** $9,000. (Average, $11,000.)

*Week Ending Nov. 28:*

**"WE LIVE AGAIN" (M-G-M)**
UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days. **Gross:** $18,000. (Average, $17,000.)

*Week Ending Nov. 29:*

**"COLLEGE RHYTHM" (Para.)**
CHICAGO — (4,000), 25c-50c-68c, 7 days. Stage: Joe Penner, Gomez & Winona, William Hall, 4 Trojans. **Gross:** $42,000. (Average, $34,600.)

**"STUDENT TOUR" (M-G-M)**
ORIENTAL — (3,940), 25c-40c, 7 days. Stage: Olsen & Johnson comedy revue. **Gross:** $25,000. (Average, $15,000.)

**"KENTUCKY KERNELS" (Radio)**
PALACE — (2,509), 25c-35c-50c, 5 days. Stage: Mark & Fischer & orchestra, Daphne Pollard, Frank Gaby, Adler & Bradford. **Gross:** $8,000. (Average, $22,000.)

*Week Ending Nov. 30:*

**"WHAT EVERY WOMAN KNOWS" (M-G-M)**
APOLLO — (1,400), 25c-35c-50c, 7 days. **Gross:** $9.000. (Average, $12.000.)

*Week Ending Dec. 1:*

**"ONE NIGHT OF LOVE" (Col.)**
**(6th Loop week)**
GARRICK — (900), 25c-35c-40c, 7 days. **Gross:** $5,800. (Average, $5,000.)

**"GRIDIRON FLASH" (Radio)**
STATE-LAKE — (2,776), 20c-25c-35c, 7 days. Stage: Shuffle Along." colored revue. **Gross:** $13,000. (Average, $15,000.)

# "Lemon" and Show Lead in Oklahoma

OKLAHOMA CITY, Dec. 6.—A combination of "The Lemon Drop Kid" on the screen and "Variety Flashes" on the stage at the Liberty grabbed a big $2,487 in four days. Average for a week is $2,000. "Death on the Diamond," with the same stage show, was good for $1,500 for the last three days.

Stage shows are giving the Liberty the lion's share of the business here these days.

"The Painted Veil" took a par $4,000 at the Midwest.

Total first run business was $14,087. Average is $13,500.

Estimated takings for the week ending Dec. 1:

**"IMITATION OF LIFE" (Univ.)**
WARNER—(1.900), 10c-20c-36c-41c-56c, 7 days. **Gross:** $4,300. (Average, $5,000.)

**"THE PAINTED VEIL" (M-G-M)**
MIDWEST — (1,500), 10c-26c-36c-56c, 7 days. **Gross:** $4,000. (Average, $4,000.)

**"PURSUIT OF HAPPINESS" (Para.)**
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $1,800. (Average, $2.500.)

**"LEMON DROP KID" (Para.)**
LIBERTY—(1,500). 10c-15c-26c-36c, 4 days. Stage: "Variety Flashes." **Gross:** $2.487. (Average week, $2,000.)

**"DEATH ON THE DIAMOND" (M-G-M)**
LIBERTY—(1.500), 10c-15c-26c-36c, 3 days. Stage: "Variety Flashes." **Gross:** $1.500. (Average week, $2,000.)

# Cantor Grabs Big $13,000, Philadelphia

Philadelphia, Dec. 6.—"Kid Millions" was the highlight of a disappointing Thanksgiving week elsewhere. It piled up $13,000, nearly twice the normal take, at the Aldine.

"Lady By Choice," with a stage show headed by Amos 'n' Andy, ran up to $17,000, over par by $5,000, and "The White Parade," in its second week at the Fox, grabbed $14,000.

Total first run business was $80,900. Average is $70,300.

Estimated takings for the week ending Nov. 29:

**"KID MILLIONS" (U.A.)**
ALDINE—(1,200), 35c-40c-55c, 6 days. **Gross:** $13,000. (Average, $7,000)

**"WHAT EVERY WOMAN KNOWS" (M-G-M)**
(2nd run)
ARCADIA—(600), 25c-35c-40c, 7 days. **Gross:** $3,100. (Average, 6 days, $2,400)

**"COLLEGE RHYTHM" (Para.)**
BOYD—(2,400), 35c-40c-55c, 6 days. **Gross:** $11,000. (Average, $12,000)

**"LADY BY CHOICE" (Col.)**
EARLE—(2,000), 40c-55c-65c, 6 days. Stage: Amos 'n' Andy in person; Eddie White, Harry Burns and Company; Stars of the Future. **Gross:** $17,000. (Average, $12,000)

**"THE WHITE PARADE" (Fox)**
FOX—(2,000), 35c-55c-65c, 5 days, 2nd week. **Gross:** $14,000. (Average, 6 days, $12,000)

**"GAY DIVORCEE" (Radio)**
(2nd run)
KARLTON—(1,000), 25c-30c-40c, 6 days. **Gross:** $3,500. (Average, $3,500)

**"GIRL OF THE LIMBERLOST" (Monogram)**
LOCUST—(1,300), 35c-40c-55c, 6 days. **Gross:** $2,700. (Average, $5,000)

**"ST. LOUIS KID" (Warners)**
STANLEY—(3,700), 35c-40c-55c, 6 days. **Gross:** $11,000. (Average, $12,000)

**"GENTLEMEN ARE BORN" (F.N.)**
STANTON—(1,700), 35c-40c-50c, 6 days. **Gross:** $5,600. (Average, $6,000)

# "Kid Millions" Is Providence Smash

Providence, Dec. 6.—Holiday business brought smiles to exhibitors here with most houses going over their average takes by sizeable margins. Loew's State caught the heaviest sugar with "Kid Millions," chalking up $14,000, which is $2,000 over par.

"Flirtation Walk" boosted the Majestic's usual $7,000 score by $2,800 and Fay's came through with $8,000. The RKO Albee, booking "Kentucky Kernels" and a revue, was strong at $8,500. "Pursuit of Happiness" and "The Successful Failure" at the Strand caught an average $6,500.

Total first run business was $48,600. Average is $40,500.

Estimated takings for the week ending Nov. 29:

**"PURSUIT OF HAPPINESS" (Para.)**
**"THE SUCCESSFUL FAILURE" (Monogram)**
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $6,500. (Average, $6,500)

**"CHEATING CHEATERS" (Univ.)**
FAY'S—(1,600), 15c-40c, 7 days. Stage: "Anatole's Affairs of 1935." **Gross:** $8,000. (Average, $7,000)

**"FLIRTATION WALK" (F.N.)**
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $9,800. (Average, $7,000)

**"KENTUCKY KERNELS" (Radio)**
RKO ALBEE—(2,300), 15c-40c, 7 days. Stage: "Revue Internationale." **Gross:** $8,900. (Average, $7,000)

**"KID MILLIONS" (U.A.)**
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $14,000. (Average, $12,000)

**"NO RANSOM" (Cameo)**
**"BRAND OF HATES" (Bay State)**
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,400. (Average, $1,000)

# *"Kid Millions" at $6,000 Over Par 'Frisco's Best*

San Francisco, Dec. 6. — "Kid Millions" got off to a flying start at the United Artists by piling up $14,000, over par by $6,000.

"Chu Chin Chow" was also strong, getting $14,000 at the Golden Gate, and "Imitation of Life" was in the money at the Orpheum with an $11,000 take.

Total first run business was $87,000. Average is $83,000.

Estimated takings:

***Week Ending Nov. 27:***

**"CHU CHIN CHOW" (Gaumont-British)**
GOLDEN GATE—(2,800), 25c-35c-40c, 7 days. Stage, band. **Gross:** $14,000. (Average, $13,000)

***Week Ending Nov. 28:***

**"365 NIGHTS IN HOLLYWOOD" (Fox)**
**"THE DEFENSE RESTS" (Col.)**
FOX—(4,600), 15c-30s-40c, 7 days. **Gross:** $8,000. (Average, $11,000)

**"BABBITT" (Warners)**
**"PURSUIT OF HAPPINESS" (Para.)**
PARAMOUNT—(2,670), 25c-35c-55c-65c, 7 days. **Gross:** $11,000. (Average, $11,000)

**"EVELYN PRENTICE" (M-G-M)**
WARFIELD—(2,700), 25c-35c-55c-65c, 7 days. Stage, band. **Gross:** $22,000. (Average, $23,000)

***Week Ending Nov. 29:***

**"IMITATION OF LIFE" (Univ.)**
ORPHEUM—(3,000), 15c-30c-35c-40c, 7 days. **Gross:** $11,000. (Average, $9,000)

**"WHITE PARADE" (Fox)**
ST. FRANCIS—(1,400), 15c-35c-55c, 7 days. **Gross:** $7,000. (Average, $8,000)

**"KID MILLIONS" (U.A.)**
UNITED ARTISTS—(1,200), 15c-35c-55c, 7 days. **Gross:** $14,000. (Average, $8,000)

# "Rhythm" and Savo Smash Buffalo Hit

Buffalo, Dec. 6. — "College Rhythm" took this town by storm last week, piling up $18,700 at the Buffalo, with Jimmy Savo heading the stage bill. The gross was $4,400 over par.

At the Hippodrome, "Flirtation Walk" was also in the big money, getting $11,400, up by $3,400. "Great Expectations" and "Cheating Cheaters," on a dual bill, made a good showing with $6,800 at the Lafayette.

Total first run business was $51,700. Average is $42,800.

Estimated takings for the week ending Nov. 30:

**"COLLEGE RHYTHM" (Para.)**
BUFFALO—(3,500), 30c-55c, 7 days. Stage: Jimmy Savo; Ann Greenway; Dick & Edith Barstow; Great Yacopis. **Gross:** $18,700. (Average, $14,300)

**"THE DRAGON MURDER CASE" (F.N.)**
**"DUDE RANGER" (Fox)**
CENTURY—(3,000), 25c, 7 days. **Gross:** $5,300. (Average, $6,000)

**"THE PAINTED VEIL" (M-G-M)**
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $8,500. (Average, $8,000)

**"FLIRTATION WALK" (F.N.)**
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $11,400. (Average, $8,000)

**"GREAT EXPECTATIONS" (Univ.)**
**"CHEATING CHEATERS" (Univ.)**
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $6,800. (Average, $6,500)

## *Shields to Lincoln*

Lincoln, Dec. 6.—M. W. Shields, long identified with Publix in Texas, has joined the staff of Westland Theatres here. He replaces Harry Laptook, artist.

## *Buffalo Quarters Leased*

Buffalo, Dec. 6.—The local Variety Club has signed a three-year lease on quarters above Pfeiffer's restaurant. The rooms will be remodeled and a bar and restaurant service will be installed. A party is planned soon.

## *Flexible Seating*

**Great Bend, Kan., Dec. 6.—The Dickinson, which just opened here, has a capacity of 580 seats, but this number can be increased to 800 over night in the space occupied by a movable stage. The theatre is of ultra modern design.**

# Denver First Runs Are Hit By Bad Slump

Denver, Dec. 6.—Every first run was below average last week for the first time in months, the deficits running from $500 to $1,500. The best comparative showing was made by There's Always Tomorrow" with $2,000 at the Aladdin.

"College Rhythm" played to a record crowd at a Saturday night preview and it looks like a big week at the Denham.

Total first run business was $16,000. Average is $20,500.

Estimated takings for the week ending Nov. 29:

**"THERE'S ALWAYS TOMORROW" (Univ.)**
ALADDIN—(1,500), 25c-35c-50c, 7 days. **Gross:** $2,000. (Average, $2,500)

**"THE RICHEST GIRL IN THE WORLD" (Radio)**
DENHAM — (1,500), 25c-35c-50c, 7 days. **Gross:** $3,000. (Average, $4,000)

**"WE LIVE AGAIN" (U. A.)**
DENVER — (2,500), 25c-35c-50c, 7 days. **Gross:** $4,500. (Average, $6,000)

**"KANSAS CITY PRINCESS" (Warners)**
ORPHEUM—(2,600), 25c-35c-50c, 7 days. **Gross:** $5,000. (Average, $6,000)

**"THE CASE OF THE HOWLING DOG" (Warners)**
PARAMOUNT—(2,000), 25c-40c, 3 days. **Gross:** $600.

**"STUDENT TOUR" (M-G-M)**
PARAMOUNT—(2,000), 25c-40c, 4 days. **Gross:** $900. (Average for week, $2,000)

## *German Censors See 43 in Three Months*

Washington, Dec. 6. — During the first three months (July, August, September) of the current season, 43 feature films were approved by the German censors, says Acting Commercial Attache Douglas Miller, in Berlin, in a report to the U. S. Department of Commerce. The passed films included 30 German, six American, three Austrian, two Czechoslovakian, and one each French and Hungarian.

These figures, the report continues, reveal an increase in German production as compared with the previous year when 25 German, 32 American, and five other European films were admitted.

During September 16 features were screened first run in Berlin, as against 19 the previous month and 15 in September, 1933, Attache Douglas continues.

# "Millions" Is Kansas City's Top, $13,400

Kansas City, Dec. 6.—"Kid Millions," grossing $13,400 at Loew's Midland, was the week's leader. "Desirable" with a stage show at the Tower garnered $7,800, above the line. "Marie Galante" was good for $3,500 in five days at the Uptown. The Mainstreet's business on "Kentucky Kernels" was considerably off.

The week inaugurated low price scales at the Midland and Tower. Matinee business Thanksgiving gave all theatres a boost but stormy weather later cancelled the gains.

Total first runs business was $36,700. Average is $33,700.

Estimated takings:

***Week Ending Nov. 27:***

**"KENTUCKY KERNELS" (Radio)**
MAIN STREET—(3,100), 25c-35c-40c, 5 days. Stage: Salici Marionettes, Dave Jones, Dean & Joyce revue with Peggy Lee, Gilbert Bros., Vic Oliver. **Gross:** $5,500. (Average, 5 days, $7,000)

***Week Ending Nov. 28:***

**"THE ST. LOUIS KID" (Warners)**
NEWMAN—(1,800), 25c-40c, 7 days. **Gross:** $6,500. (Average, $7,000)

**"MARIE GALANTE" (Fox)**
UPTOWN — (2,000), 25c-40c, 5 days. **Gross:** $3,500. (Average, 5 days, $2,700)

***Week Ending Nov. 29:***

**"KID MILLIONS" (U.A.)**
MIDLAND—(4,000), 15c-25c-40c, 7 days. **Gross:** $13,400. (Average, $10,000)

**"DESIRABLE" (Warners)**
TOWER—(2,200), 25c, 7 days. Stage: "Showboat Revue," with Four Mullen sisters, Bradna Boys & Co., Bill Aronson, George & Nancy, Paul Spor. **Gross:** $7,800. (Average, $7,000)

## *Matinee Time Stirs St. Louis Argument*

St. Louis, Dec. 6.—There's quite some agitation here as to when a matinee should end. F. & M. has extended matinee scales from 6 P. M. to 7:30 P. M. at the Ambassador and Missouri and the protest is general.

Fred Wehrenberg, M.P.T.O. head, asked the grievance committee to do something about it and was told it was a matter of contract between exhibitor and distributor. A meeting attended by exhibitors, exchange managers and others in the Fox projection room early this week failed to reach an understanding.

Most exhibitors think 6 P. M. should be the matinee limit; others favor 5 P. M.

## *Ben Steerman Returns*

Pittsburgh, Dec. 6.—Ben Steerman, Warners' auditor here, and his bride, the former Miriam Wald, have returned from their honeymoon in Bermuda and are now living at the Coronada Apartments. Before her marriage, Mrs. Steerman was a secretary in Warners' booking department.

## *Kamp Succeeds Martin*

Chicago, Dec. 6.—Charles Kamp, has replaced Fred Martin, as office manager of the local United Artists exchange.

## *Schorgl on Bank Nights*

Kansas City, Dec. 6.—James Schorgl, resigned as Dickinson circuit booker, has been appointed bank night representative for Kansas by R. W. McEwan, territorial distributor.

## "One Night" Twin Cities' High Grosser

MINNEAPOLIS, Dec. 6.—"One Night of Love" demonstrated its staying powers last week. In its second week at the Orpheum it led the town with a take of $6,800, over par by $1,300, and in its first week at the St. Paul Orpheum it reached $5,000, up by $1,000.

"College Rhythm" was also in the money. It took $6,000 at the State here and the same amount at the Paramount across the river.

"Little Friend" got off to a good start with $3,000 at the Minneapolis World and another Gaumont British film, "Chu Chin Chow," took $2,500 at the 300-seat St. Paul World.

Total first run business in Minneapolis was $24,400. Average is $21,000. Total first run business in St. Paul was $21,500. Average is $18,000.

Estimated takings:

***Minneapolis:***

***Week Ending Nov. 29:***

**"WHAT EVERY WOMAN KNOWS" (M-G-M)**
CENTURY—(1,650), 25c-40c, 7 days. **Gross:** $4,300. (Average, $4,000)

**"STUDENT TOUR" (M-G-M)**
LYRIC—(1,238), 20c-35c, 7 days. **Gross:** $1,800. (Average, $1,500)

***Week Ending Nov. 30:***

**"ONE NIGHT OF LOVE" (Col.)**
ORPHEUM—(2,900), 25c-50c, 7 days, 2nd week. Stage: Bus Van heading five acts. **Gross:** $6,800. (Average, $5,500)

**"COLLEGE RHYTHM" (Para.)**
STATE—(2,300), 25c-40c, 7 days. **Gross:** $6,000. (Average, $5,500)

**"GRIDIRON FLASH" (Radio)**
TIME—(300), 25c-35c, 3 days. **Gross:** $1,000. (Average, $2,500 for week)

**"SING AND LIKE IT" (Radio)**
TIME—(300), 25c-35c, 4 days. **Gross:** $1,500. (Average, $2,500 for week)

**"LITTLE FRIEND" (Gaumont British)**
WORLD—(400), 25c-75c, 7 days. **Gross:** $3,000. (Average, $2,500)

***St. Paul:***

***Week Ending Nov. 29:***

**"YOUNG AND BEAUTIFUL" (Mascot)**
METROPOLITAN—(1,200), 15c-20c, 4 days. **Gross:** $1,200. (Average, $2,000 for week)

**"GRIDIRON FLASH" (Radio)**
METROPOLITAN — (1,200), 15c-20c, 3 days. **Gross:** $800. (Average, $2,000 for week)

**"COLLEGE RHYTHM" (Para.)**
PARAMOUNT—(2,300), 25c-40c, 7 days. Stage show. **Gross:** $6,000. (Average, $5,500)

**"MARIE GALANTE" (Fox)**
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $4,500. (Average, $3,500)

**"ONE NIGHT OF LOVE" (Col.)**
ORPHEUM—(2,000), 35c-40c, 7 days. **Gross:** $5,000. (Average, $4,000)

**"HELL IN THE HEAVENS" (Fox)**
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

**"CHU CHIN CHOW" (Gaumont British)**
WORLD—(300), 25c-75c, 7 days. **Gross:** $2,500. (Average, $2,000)

## *Defer Sharon Action On Sunday Openings*

SHARON, Pa., Dec. 6.—A showdown on the Sunday movie issue has been deferred temporarily. The matter was expected to come up for discussion by City Council recently, but the minutes were corrected to call for action at any meeting.

Shows have been operating the past four Sundays. Theatre interests are seeking repeal of the Sunday ordinance and the Civic League of Sharon is demanding enforcement. Each side claims it has the signature of several thousand persons on petitions.

## Trolley Row Hits Grosses On the Coast

LOS ANGELES, Dec. 6. — Grosses started off strong last week, but when the car strike set in many customers decided to stay home. "The St. Louis Kid" at the RKO was the only par draw at $8,000.

"We Live Again" took $11,400 at the Chinese and $11,250 at Loew's State. "College Rhythm" held up to $15,000 in its second week at the Paramount.

Total first run business was $68,950. Average is $81,700 without the United Artists and 4 Star.

Estimated takings for the week ending Nov. 28:

**"WE LIVE AGAIN" (U. A.)**
CHINESE—(2,500), 30c-65c, 7 days. Stage: Sid Grauman's prologue, Raymond Paige and his orchestra. **Gross:** $11,400. (Average, $12,500)

**"OUTCAST LADY" (M-G-M)**
4 STAR—(900), 30c-55c, 7 days. **Gross:** $3,000.

**"WE LIVE AGAIN" (U. A.)**
LOEW'S STATE—(2,413), 30c-55c, 7 days. **Gross:** $11,250. (Average, $14,000)

**"COLLEGE RHYTHM" (Para.)**
PARAMOUNT—(3,595), 30c-55c, 2nd week, 7 days. Stage: Rube Wolf and his orchestra, F & M revue. **Gross:** $15,000. (Average, $18,000)

**"ST. LOUIS KID" (Warners)**
RKO—(2,700), 25c-65c, 7 days. **Gross:** $8,000. (Average, $8,000)

**"OUTCAST LADY" (M-G-M)**
UNITED ARTISTS—(2,100), 25c-55c, 7 days. **Gross:** $3,500.

**"ST. LOUIS KID" (Warners)**
WARNER BROS. (HOLLYWOOD) — (3,000), 25c-65c, 7 days. **Gross:** $7,500. (Average, $14,000)

**"JEALOUSY" (Col.)**
WARNER BROS. (DOWNTOWN) — (3,400), 25c-40c, 7 days. Stage: 6 acts vaudeville, Oscar Baum and his orchestra. **Gross:** $6,800. (Average, $12,000)

**"GRIDIRON FLASH" (Radio)**
**"I'LL FIX IT" (Col.)**
PANTAGES — (3,000), 25c-40c, 4 days. **Gross:** $2,500. (Average, $3,200)

## "Painted Veil" Is Indianapolis Draw

INDIANAPOLIS, Dec. 6. — "The Painted Veil" was the big noise among the first runs. It went over the line by $1,500 for a total of $6,000 at the Palace.

"College Rhythm," moved from the Indiana for a second downtown week at the Circle, grabbed $3,500. "Girl of the Limberlost" reached $3,750 in 10 days at the Apollo.

Total first run business was $25,250. Average without the Apollo is $22,000.

Estimated takings for the week ending Nov. 29:

**"GIRL OF LIMBERLOST" (Mono.)**
APOLLO — (1,171), 25c-40c, 10 days. **Gross:** $3,750.

**"COLLEGE RHYTHM" (Para.)**
CIRCLE—(2,638). 25c-40c, 2nd week. **Gross:** $3,500.

**"IMITATION OF LIFE" (Univ.)**
INDIANA — (3,133), 25c-40c. 7 days. **Gross:** $5,500. (Average, $7,000)

**"GENTLEMEN ARE BORN" (F.N.)**
LYRIC—(1,896). 25c-40c, 7 days. Vaudeville. **Gross:** $6,500. (Average. $7,000)

**"THE PAINTED VEIL" (M-G-M)**
PALACE—(2,431). 25c-40c, 7 days. **Gross:** $6,000. (Average, $4,500)

## *Shamrock Takes Studio*

DETROIT, Nov. 6.—Bert C. Fassio, president of Shamrock Pictures Corp., this city, has taken over the studio building formerly occupied by Wilding Pictures Co. The Shamrock Co. is moving in this week.

### *A Long Summer*

**Kansas City, Dec. 6.—Though the frost is on the pumpkin and it's only so many days to Christmas, the Publix Newman, closed several months, still has its marquee announcing that it's "closed for the summer."**

## "Kernels" and Its Stars Are Seattle Smash

SEATTLE, Dec. 6.—"Kentucky Kernels" on the screen and Wheeler and Woolsey on the stage were a sensation here last week at the Orpheum. They piled up $8,400, over par by $2,900.

The only other attraction in town to stand up under the competition was "One Night of Love," which grabbed $4,800 in its fourth week at the Liberty.

Total first run business was $37,450. Average is $36,500.

Estimated takings for the week ending Nov. 30:

**"PRIVATE LIFE OF DON JUAN" (U.A.)**
BLUE MOUSE—(950), 25c-40c-55c, 7 days. **Gross:** $3,750. (Average, $4,000)

**"HELL IN THE HEAVENS" (Fox)**
FIFTH AVENUE—(2,450), 25c-40c-55c, 6 days. **Gross:** $5,400. (Average, $7,000)

**"ONE NIGHT OF LOVE" (Col.)**
LIBERTY — (1,800), 15c-25c-35c-50c, 7 days, 4th week. **Gross:** $4,800. (Average, $4,000)

**"HAT, COAT AND GLOVE" (Radio)**
**"GIRL O' MY DREAMS" (Monogram)**
MUSIC BOX—(950), 25c-35c-50c, 7 days. **Gross:** $3,200. (Average, $3,500)

**"TRANSATLANTIC MERRY-GO-ROUND" (U.A.)**
MUSIC HALL—(2,275), 25c-40c-55c, 8 days. **Gross:** $6,300. (Average, $6,500)

**"KENTUCKY KERNELS" (Radio)**
ORPHEUM—(2,400). 25c-35c, 7 days. Vaudeville headed by Wheeler & Woolsey. **Gross:** $8,400. (Average. $5,500)

**"WHAT EVERY WOMAN KNOWS" (M-G-M)**
**"365 NIGHTS IN HOLLYWOOD" (Fox)**
PARAMOUNT—(3,050), 25c-35c, 7 days. Stage show featuring Harry Berry. **Gross:** $5,600. (Average, $6,000)

## *Stage Shows Boost Oklahoma City Spot*

OKLAHOMA CITY, Dec. 6.—Increasing attendance at the Liberty with each succeeding change of program indicates the definite popularity of the current policy of stage attractions in conjunction with first run films at popular prices.

Proof of this increasing popularity is a check of box-office receipts. The Liberty, without shows, was doing an average business of $2,000 with two changes a week. Since inaugurating the new policy of shows the first four days of the week, the average has been boosted to $2,500, $2,000 of this figure being grossed the first four days. The three-day picture the last of the week averages $500.

## *Form Majestic in Ohio*

CINCINNATI, Dec. 6.—Majestic Film Exchanges of Ohio, Inc., has been incorporated by Alvin H. Rowe, Martha T. Sherritt and Claire Rowe, as an Ohio subsidiary to distribute product of Majestic Pictures Corp.

## "Flirtation" Washington's Top, $22,600

WASHINGTON, Dec. 6.—"Flirtation Walk" led the first runs at the Earle with a take of $22,600, over par by $5,000.

"The Painted Veil" was runner-up with a take of $18,800, which topped average by $4,300.

A return engagement of "The Merry Widow" at Loew's Columbia and a six-day first run of "Madame DuBarry" at the Metropolitan pulled well, the former getting $4,100 and the latter $4,600. "Madame DuBarry" was taken off to make way for a Thanksgiving Day opening of "Wagon Wheels."

"Marie Galante" and George Jessel, the latter heading a stage show, were weak at Loew's Fox, taking only $19,500.

"Wednesday's Child" was pretty weak, with only $2,400 at the end of three and one-third days. "Caravan" was shoved in Thanksgiving day and took $5,600 in four and two-thirds days.

Total first run business was $77,600. Average is $6,400.

Estimated takings:

***Week Ending Nov. 27:***

**"WEDNESDAY'S CHILD" (Radio)**
RKO-KEITH'S—(1,836), 25c-55c, 3 1/3 days. **Gross:** $2,400. (Average week, $11,400)

**"CARAVAN" (Fox)**
RKO-KEITH'S—(1,836), 25c-55c, 4 2/3 days. **Gross:** $5,600. (Average week, $11,400)

***Week Ending Nov. 29:***

**"FLIRTATION WALK" (Warners)**
EARLE—(2,218), 25c-77c, 7 days. Stage: Three Jackson Boys, Irene Vermillion & Co., Anthony Frome, Johnny Woods. **Gross:** $22,600. (Average, $17,600)

**"THE MERRY WIDOW" (M-G-M)**
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement). **Gross:** $4,100. (Average, $3,100)

**"MARIE GALANTE" (Fox)**
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: George Jessel, Shirley Ross, Kay Picture, Bartell-Hurst Foursome, 16 Danny Dare Girls. **Gross:** $19,500. (Average, $20,500)

**"THE PAINTED VEIL" (M-G-M)**
LOEW'S PALACE—(2,370), 35c-77c, 7 days. **Gross:** $18,800. (Average, $14,500)

**"MADAME DuBARRY" (Warners)**
METROPOLITAN—(1,591), 25c-40c, 7 days. **Gross:** $4,600. (Average, $4,100)

## *Feature Cincy Orchestra*

CINCINNATI, Dec. 6. —The Orpheum, 2,100-seat subsequent run neighborhood, recently reopened as an independent house, is featuring concerts by a 50-piece orchestra for one hour before opening the picture program on Sundays. No extra admission is charged.

The house recently installed a 15-piece orchestra under leadership of Theodore Hahn, Jr., prominent local conductor, which plays overtures at all performances.

## *Phila. Locust Scale Cut*

PHILADELPHIA, Dec. 6. — The Locust St. Theatre, operated by A. R. Boyd Enterprises, has followed the Stanley-Warner lead by reducing prices to a 55c top. The scale is now 40c until 6 P. M.; 55c thereafter.

It is not likely that either the Fox or the Earle, presentation houses, will touch their present top of 65c. Costs could not be cut enough to meet such a low scale.

## Short Subjects

### "Pilgrim Days"

*(Warners)*

If this, the first of the new "See America First" series, may be taken as a criterion of what is to follow then here is a group of shorts that should create very favorable audience reaction for they are interesting, instructive and amusing, all in one.

The first opens with scenes of Pilgrim New England and traces early American life through the periods of such great leaders as Roger Williams, Roger Conant and Peter Stuvyvesant to the present where views of Harvard and Yale are shown. Patriotic songs are interpolated in the mood of the scenes. Reviewed without production code seal. Running time, 11 mins. "G."

### "The Boston Tea Party"

*(Warners)*

The second of the "See America First" series maintains the standard of entertainment value set by the first. The reel takes one through historic Boston. The scenes then shift to the Forts through upper New York that figured prominently in the Revolution and then down through Jersey and Maryland, covering historic spots en route. Reviewed without production code seal. Running time, 11 mins. "G."

### "Hail Columbia"

*(Warners)*

Number three of the "See America First" series carries on in the spirit of the first two. Highlights in the life of Benjamin Franklin, George Washington and Alexander Hamilton feature this one. The Louisiana Territory and particularly old Creole New Orleans are also covered. The reel winds up with views of the old Baltimore forts particularly the one that inspired "The Star Spangled Banner," and old Spanish Florida. Reviewed without production code seal. Running time, 11 mins. "G."

### "Medbury at a County Fair"

*(Columbia)*

This short takes the audience on an interesting tour of what appears to be the Pomona, Cal., County Fair. Everything from prize cattle exhibits to horse racing is covered, all to the tune of Medbury's humorous comments. Medbury appears to be better than usual here, and his racy chatter is good. A short to be recommended for any house. Production Code seal, No. 426. Running time, 10 mins. "G."

### "Soft Drinks and Sweet Music"

*(Vitaphone)*

Featuring Georgie Price and Sylvia Froos, this is an amusing and quite entertaining short. It has fair comedy and excellent singing and dancing, including routines by the Vitaphone Girls. It is all woven around the attempts of Price to win recognition as a song writer and his final success, only for him to awaken and find it was all a dream. Price's imitations of Ed Wynn, Al Jolson, Eddie Cantor and Harry Richman are particularly good. Production Code Seal, No. 0139. Running time, 20 mins. "G."

## Looking 'Em Over

### "Men of the Night"

*(Columbia)*

**Out of familiar material,** Lambert Hillyer has created a fast-moving, suspenseful crook melodrama in "Men of the Night," which ought to do nicely at the neighborhoods. The story has many humorous moments, for which Ward Bond, as a thick detective, is primarily responsible. Romance too has its day in the film, with Bruce Cabot and Judith Allen handling this angle of the yarn extremely well. Cabot, a lieutenant of detectives, is assigned to run down a gang of jewel robbers, of which Charles Sabin is the brains. Working with his buddy, Bond, he gets his men all right but not before some pretty close brushes with death. The gang has it in for Cabot because he has been responsible for the arrest of one of their number on a murder charge, the safety of the whole mob being at stake.

First Cabot is forced to turn the murderer free while he is taking the man to a hospital so that his victim may be able to identify him. Next Cabot is taken for a ride, but manages to escape. Miss Allen gets herself involved in the ugly business when Cabot enlists her help in trying to nab the gang. Their friendship hits a snag when Cabot unjustly suspects her of being connected with the gang, but later, when the thieves are arrested, everything is patched up.

Among the players are also John Kelly, Arthur Rankin, Matthew Betz and Walter McGrail. Hillyer directed as well. Production Code Seal No. 354. Running time, 58 minutes. "G."

### "Maryjka"

*(Regal)*

While Polish fans will find more than enough to entertain them in "Maryjka," made by Muzafilm of Warsaw, American audiences should also find some measure of amusement in the picture, particularly from a visual point of view. Set in the Carpathians, the production overflows with pictorial beauty and provides an interesting insight into the life and customs of those who inhabit this mountain country.

The simple terms in which the story is told, plus the liberal use of English subtitles make the action easy to follow.

The film tells a tale of superstition and passion among the folk of a Carpathian village. Maryjka (Ina Benita) is the Magdalene of the place. The men seek her favors, while the women and other respectable villagers damn her and seek to drive her from the community. In a fight of which jealousy is indirectly the cause an admirer is killed and another badly stabbed. It is a case of self-defense, but the villagers are bent on capturing the murderer because they know Maryjka is sheltering him.

At the close of the film the hunted man, played by Zbigniew Staniewwicz, wins the forgiveness of the villagers by saving a child from drowning when the dam waters are turned loose by the village half-wit.

The acting is commendable and the direction of Jan Nowina-Przybylski creditable. No code seal. Running time, 60 minutes. "A."

### "Spice of Life"

*(Columbia)*

This, the second of the series being produced by Mentone, falls slightly below the first in entertainment value. Doctor Rockwell opens the film with more of his insipid, inane chatter and closes it with the same. Between his prattling is interspersed jokes clipped from the *Literary Digest*. Most of them might garner laughs from the average audience. Previewed without production code seal. Running time, 10 mins. "G."

### "Girl from Paradise"

*(Educational)*

First rate musical in two reels. Nils T. Granlund puts on his Paradise floor showing and blends a story into it with a couple of off-stage acts. The comedy is first rate, the singing is excellent and the dance numbers are pleasing to the eye. Sylvia Froos, Frank Luther and George Shelton are featured and Granlund does his stuff in front of a microphone. A swell number. Production Code Seal, 0195. Running time, 21½ mins. "G."

### "The Magic Fish"

*(Educational)*

One of the Terry-Toon series with pop rocking a cradle with triplets and stopping to tell them a bedtime story about the magic fish that he put back in the water when he was a kid and which saved him from Davy Jones, sharks and an octopus when his rowboat was wrecked by a bolt of lightning. It's good kid entertainment. Production Code Seal, No. 0162. Running time, 6 mins. "G."

### "Your Stars for 1935"

*(Educational)*

It's hot stuff for the astrology enthusiasts, but most people will not take this seriously. Wynn, the astrologer, appears on the deck of a boat being interviewed by the ship news reporters and makes a flock of predictions for next year in reply to questions. Most of them are so broadly phrased that he will win no matter which way conditions turn out. Production Code Seal, No. 0166. Running time, 11½ mins. "G."

## Short Subjects

### "Hollywood Trouble"

*(Universal)*

HOLLYWOOD, Dec. 6.—This, the second of a series of six comedies produced by the Thalians, is a good laugh-getter that should please both adults and kids.

The comedy starts from the first shot which shows a picture set and all the equipment. The dumb prop man supplies most of the laughs with a lighted birthday cake, which he drags into dramatic scenes with much tearing of hair by the director. The scene then switches to one of those dramatic schools where the pupils swing from chandelier to chandelier in Tarzan fashion with accompanying sound. The villain shoots up the place trying to get back his wife who has gone the way of all screen gold diggers.

Director Jack Townley keeps the laughs flowing fast and cast performances are all good. No code certificate. Running time, 20 mins. "G."

### "Hollywood Gad-About"

*(Educational)*

This is a smartly cut film with a flock of names showing the Actors' Guild Frolic in Los Angeles. Walter Winchell does the announcing in the grandstand in front of a microphone. Mary Astor is "queen"; William S. Hart appears; Eddie Cantor drives a chariot; Gary Cooper sits in the crowd, and there are at least a dozen others, with some comic antics by one of the kids from Roach's "Our Gang." Very good. Production Code Seal, 217. Running time, 9½ mins. "G."

### "Three Cheers for Love"

*(Educational)*

A very pleasant, amusing light comedy interspersed with songs by Sylvia Froos and Warren Hull to the accompaniment of Johnny Johnson's Band. Audience should go for this, since it has a plausible story, good comedy and unstrained situations, all blending for good results. The story concerns the attempt to prevent Miss Froos and Hull from becoming interested in each other and their ultimate wedding. Reviewed without production code seal. Running time, 15 mins. "G."

### "Tom, Tom, the Piper's Son"

*(Educational)*

A fine Terry-Toon that should have particular appeal to children. Adults also should find amusement in it. It tells the tale, in a novel way, of Tom, the Piper's Son, and traces his career, from the rescue of the kitten from the well to the restoring of the flowers in Mary's garden. Production Code Seal, No. 0194. Running time, 5 mins. "G."

### "Snapshots"

*(Columbia)*

The third of the series described as "seeing Hollywood with Harriet Parsons," should go over big with those audiences that like informal shots of the stars, who are here shown in their homes and at play. Practically everyone in Hollywood is in this reel. Production Code Seal, No. 403. Running time, 10 mins. "G."

# THEY CAME! THEY SANG! THEY CONQUERED!

## Proudly We Hail

**DICK POWELL**

**RUBY KEELER**

**PAT O'BRIEN**

**FRANK BORZAGE**

**THE WEST POINT CADETS**

**BOBBY CONNOLLY**

**and MORT DIXON • ALLIE WRUBEL**

**for Their Glorious Contributions to the Industry's Proudest Achievement**

# FLIRTATION WALK

*First of The Big Shots from Warner Bros.*

MORE NEWS ON PAGE 31

### Owen a Busy Man

**Hollywood, Dec. 6. — To Reginald Owen probably goes the all time record for an actor working in the most number of pictures at the same time. It happened while alternating between Universal and Radio for parts in the "The Good Fairy" and "Enchanted April," respectively. He was called to Paramount for added scenes in "Here Is My Heart." Following this he found a few hours time to appear at the United Artists lot for costume fitting and rehearsals in "Folies Bergere."**

## Cooper Interests in Construction Drive

Kansas City, Dec. 6.—J. H. Cooper Enterprises have embarked on a program of theatre construction and modernization, says Robert O. Boller, architect.

The company has a house under construction in Pueblo, Col., seating 1,000 and costing $75,000. Opening is scheduled around Jan. 1. Standard Theatres Corp., affiliated with Cooper Enterprises, is building an 850-seat house at 16th and Gatewood, Oklahoma City, costing $60,000, to be completed in April.

The Criterion, Standard Theatres house in Oklahoma City, is being modernized completely, with all new furnishings and equipment, at a cost of $75,000.

Joe Cooper of New York, head of Cooper Enterprises, and Patrick McGee, general manager of the Standard circuit, were here recently to confer with Boller, who is handling the projects.

## Transfers, Openings Gain Near St. Louis

St. Louis, Dec. 6.—Transfers of theatres and openings are becoming more numerous in this territory. Eight houses have changed ownership lately and three have reopened.

The Southern Amusement Co. has taken over the Peerless from Oscar Lehr and the New Shenandoah from David Komm here. In nearby Illinois the Lincoln at Bunker Hill has been transferred by Critchlow & Bullard to S. Halloway; in Rollton, Ross Denny has shifted the Bijou to T. K. Dickson. Missouri transfers include the Academy at Ironton from W. T. Sumpter to R. Mathews; the Harlem at Kinloch from J. H. Wilson to R. B. Sexton; the Ritz at Montgomery City to Paul Golterman; the Norris at Appleton City from S. H. Yoffie to T. D. Peal.

The Noll at Bethany, Mo., the Rex at Charleston, Ill., and the DeLuxe at East St. Louis have been reopened.

### Form Shelby Theatre Co.

Louisville, Ky., Dec. 6.—The Shelby Theatre Co., Louisville, has been incorporated with a capital stock of $1,500 by J. I. Schwarz, Richard A. Pierson and Kolman Hirschman, all of Louisville. The same interests operate a circuit of theatres.

The Capital Amusement, Ashland, Ky., has been incorporated with a capital stock of $5,000 by Dick Martin, Mellie Martin and Geneva Samon.

### Form 2 Theatre Firms

Albany, Dec. 6.—Penn Amusement Co., Inc., New York City, has been chartered to operate film theatres, engage in the general amusement business, etc. Irving Schleier, Max Goldman and Mildred Freeman are directors and subscribers.

Par-Land Theatres, Inc., New York City, has been chartered,. Joseph Kohn, Harry Shuffman and Y. F. Freeman are directors and subscribers.

### Cut Arkansas Capital

Dover, Del., Dec. 6.—Arkansas Amusement Corp., operating theatres in Little Rock, has reduced its capital by $181,347.62 from $201,347.62 to $20,000. Arkansas Amusement is affiliated with Publix and operates the Pulaski, Arkansas, Little Rock, Capitol and Royal. Ed Rowley is president.

### Spokane Majestic Sold

Spokane, Dec. 6.—Will Starkey has sold his Majestic to Dillingham & Luft, former Ritzville exhibitors. The house will be remodeled and equipped with new seats, sound equipment and screen. A new ventilating system will be installed and both the front and interior redecorated.

### Krier Gets Omaha State

Cedar Rapids, Ia., Dec. 6.—Jack Krier has arrived here to reopen the State, an A. H. Blank house, which has been dark for several weeks. When the house closed, he was sent by Blank to Omaha to assist Ted Emerson in the reopening of the Paramount there.

### Drop Des Moines Vaude

Des Moines, Dec. 6.—The RKO Orpheum has discontinued vaudeville after giving week-end programs for the last few months in connection with film showings. The house capacity was not large enough to pay out at current prices, according to H. Cavanagh, manager.

### Charter New Utah Firm

Salt Lake City, Dec. 6.—Projection Products, Inc., has been chartered here. Equipment will be manufactured by local concerns and assembled by the new company. Officers are: President, W. P. Nelson; vice-president, E. R. Henrie, and secretary-treasurer, J. D. Gabbot.

### Dissolve P. & B. Theatres

Dover, Del., Dec. 6. — P. and B. Theatres, Inc., of Audubon, Ia., a Delaware corporation, has been dissolved. A certificate of voluntary dissolution by the consent of all the stockholders was issued by Charles E. Grantland, secretary of state.

### Fox Midwest Drops Hous

Topea, Dec. 6. — Fox Midwest has transferred its lease on the Best here to M. G. McKinney, operator of the Apex, colored house. This reduces the circuit's holdings in Topeka to five, one of which is closed. The Best was a Class B house.

### Plan New Denver House

Denver, Dec. 6.—The Roxy Theatre Corp., just formed, will build a theatre costing $25,000 and seating 600 at 26th and Welton. It will be opened about Dec. 1. Able Davis, Charles Ernst and C. U. Yaeger are the incorporators.

### Plan 2nd Detroit Spot

Detroit, Dec. 6.—Ben and Lou Cohen, operators of the Hollywood, Roxy and a number of neighborhood houses, will build a new 1,500-seat house in the Ford motor district. The house is to be named the Rio.

This is the second house to be planned for the district. Alex Schreiber and William London also have plans under way.

The Cohen Bros., who acquired the Mayfair last spring and closed it for the summer, plan on reopening this spot on Thanksgiving Day. It will operate an all-night grind policy with duals.

### New Detroit Spot to Open

Detroit, Dec. 6.—With the opening of the new Tower northwest Detroit has what is said to be one of the most modern theatres in the country.

The interior is decorated in bright colors and gold and silver and is illumined by ceiling light panels. The auditorium is designed to prevent visional distortion for the occupants of the side seats. All seats have ample room for late comers. The house is to be operated by Lou Wisper and Frank Wetsman, owners of seven neighborhood spots.

### Sparks Buys Two More

Tampa, Dec. 6.—The Garden, a neighborhood house in the Tampa Heights section, and the Nebraska, in Sulphur Springs, a suburb, both owned by Butler E. Gore, have been sold to the Sparks circuit. This purchase gives Sparks control of all the white houses in the central section of Tampa, with the exception of one small house, the Orpheum.

### Southern Theatres Open

New Orleans, Dec. 6.—Theatres which are re-equipping and reopening this month are: The Ritz, Lake Charles, La., reopened by C. and C. Enterprises; the State, Bogalusa, La., new sound equipment; the Yazoo, Yazoo, Miss., new sound equipment; the Ritz, Columbia, La., reopened. All houses have been equipped by Western Electric.

### Iowa Theatres Spruce Up

Des Moines, Dec. 6.—Improvements are being made in several theatres in this section. The Rex at Nonona has installed new sound equipment. The Capitol at Sioux City, Ia., has completed a new front with chromium finish and indirect lighting. The new Roxy at Bethany, Mo., has opened with I. W. Maple as manager.

### Plan Baltimore House

Baltimore, Dec. 6. — Fremont Amusement Co. has been formed with Louis Kaplan as president. It proposes to convert into a theatre the buildings at 504-6 North Fremont Ave. The cost is estimated at about $3,500, according to the application for the permit and the plans filed with the Bureau of Buildings.

### Norwalk House Planned

Norwalk, O., Dec. 6.—Jerry Steel, owner of the Apollo, Oberlin, in association with William Sellman, former United Artist salesman, will build a de luxe house here in Main St., according to reports. It is further stated that Fred Clary, formerly with Loew in Cleveland, will manage the house.

### Phone to Patrons

**Mansfield, O., Dec. 6.—Warner's Majestic is rendering a new service to patrons. Cards, headed "To Our Patrons," with space for name, address and telephone number, are distributed in the lobby. They read:**

**"In keeping with our policy of rendering every possible service, we urge you to fill out this card. Our plan is to 'phone you each week and acquaint you with the current and coming attractions. The management trusts that this service will aid you in arranging your entertainment program."**

## Ouimet, Veteran of Canada, Opens House

Montreal, Dec. 6.—A time-honored theatre received a new lease of life and the father of the film business in Canada returned to activity when L. Ernest Ouimet, first exhibitor in Montreal and first film distributor in the Dominion, reopened the Imperial with a screen and stage policy, prices ranging up to 35 cents.

This pioneer opened the Ouimetoscope in Montreal 30 years ago, featuring Pathe one-reelers, stored then in the basement and sold them outright to other nickelodeons. Eventually he became the owner of the Path franchise for the Dominion an opened exchanges across the country His next step was to try producin in Hollywood, but his retirement fron active business ensued. Now he i making an entirely fresh start only few yards from the site of his origina venture.

## Say Three Spots to Open in Clevelan

Cleveland, Dec. 6.—It is rumore that three theatres now closed are soo to open with double features. They ar said to be the Family, recently in volved in an injunction suit restrainin the former owners from playing duals the Circle, long closed and reporte about to open with pictures and vaud ville, and the Metropolitan, which ha been dark, with intermittent exceptior for many years. All houses, it is sai will be opened by out-of-town i terests.

Double features can be exhibited any of these houses provided they a owned and operated by interests n operating picture theatres in Clev land at the time the single featu agreement went into effect.

### To Build at Columbus

Columbus, Dec .6.—The first ne theatre construction here in the pa three or four years will be by The dore Lindenberg, operating the Gran view, who will build a 600-seat hou to be known as the Bexley. It will used as a testing place for the Linde berg sound system, which has been u dergoing experimental tests at t Grandview for the past year. T system, it is claimed by the inventor, radically different from anything nc on the market.

Lindenberg's lease on the Grandvi reverts to the owner, W. C. Ch brough, local theatre operator, ea next month.

# FLIRTATION WALK

## IS THE FIRST OF

## "THE BIG SHOTS" FROM WARNER BROS.

DICK POWELL & RUBY KEELER in "FLIRTATION WALK"°

IRENE DUNNE in "SWEET ADELINE"*

PAUL MUNI in "BORDERTOWN"*

JAMES CAGNEY & PAT O'BRIEN
in "DEVIL DOGS OF THE AIR"*

"GOLD DIGGERS OF 1935"°

RUDY VALLEE in "SWEET MUSIC"*

AL JOLSON & RUBY KEELER in "GO INTO YOUR DANCE"°

PAUL MUNI in "BLACK FURY"°

MAX REINHARDT'S
"MIDSUMMER NIGHT'S DREAM"*

"ANTHONY ADVERSE" with ALL-STAR CAST

*A Warner Bros. Picture °A First National Picture Vitagraph, Inc., Distributors

# Cleric Urges Clean Films, No Censoring

OMAHA, Dec. 6.—Censorship is not wanted, but cleaner, better pictures with stronger and more dramatic themes are desirable, Dr. Fred Eastman of Chicago Theological Seminary told members of the Better Films council here.

More people in the world will see the next Mae West release than have seen Hamlet since it was written, he said, lauding the amusement and educational potentialities of pictures.

"Motion pictures are better than last year," he asserted. "This is due to the 10 million dollar 'slap' administered the industry by the Legion of Decency. Producers were frightened into shelving some excellent productions."

Dr. Eastman advocated something "more than just clean pictures."

"American people do not want wishy-washy pictures. They want strong dramas with humor, imagination and some touch of grandeur. We can even stand a little dirt. The dirt itself is an obvious feature in any picture where it is found. It's the subtle establishment of false standards that is objectionable. Decency adherents want freedom for the motion picture and honest, sincere and great pictures—so that America's name won't be defamed abroad."

This best can be accomplished, he said, by: 1, contine to patronize the best pictures; 2, boycott unwholesome pictures; 3, educate the public to discriminate and acquaint them with the social issues involved; 4, outlaw, by legislation, block booking and blind selling and give the public some form of liberal social control without censorship.

# *Auditorium Ruling Irks St. Louis Men*

ST. LOUIS, Dec. 6.—Local theatre men have won a dubious victory in their fight to prevent the Municipal Auditorium from being used for theatrical purposes with a decision by the Municipal Auditorium Commission that the structure shall not be used for commercial entertainment except for such productions as cannot or will not use privately-owned theatres.

This policy, it is believed, will leave the door wide open for any show that the management of the Auditorium wants to take in, and was adopted over the protests of local theatrical interests, including the M. P. T. O. of St. Louis, Eastern Missouri and Southern Illinois, headed by Fred Wehrenberg.

It is understood the theatre men will carry their case to the Board of Aldermen. Should this recourse fail, they are expected to appeal to the voters of the city.

## *Mischa Got Sore*

**Hollywood, Dec. 6.—Mischa Barkovitch has walked out as stand-in for the Marx Brothers.**

**Reason: He said he understood he was to be billed as Barko, or the fourth Marxman.**

# *Sunday Fines Barred In Washington, Pa.*

WASHINGTON, Pa., Dec. 6.—The City Council has voted down, three to one, an ordinance to fine theatres for operating on Sunday.

The ordinance, practically a duplicate of the one in effect in York, Pa., was prepared and presented by the Council of Protestant Churches with David B. Morris, as spokesman.

Mayor Robert E. Griffiths expressed the belief the question should be put to a vote of citizens.

# *Louis Landau Injured*

ST. LOUIS, Dec. 6.—Louis Landau owner-manager of the Maryland Theatre, suffered three broken teeth and other injuries when attacked by a man who had previously annoyed two women patrons. The attack on Landau took place before the arrival of police who had been called. The man fled down an alley. Landau was given emergency treatment at the City Hospital.

# "Parade" Is Detroit Wow; Gets $26,000

DETROIT, Dec. 6.—"The White Parade" packed 'em in at the Fox. The take, $26,000, which is $11,000 over par, was practically capacity business for the whole week.

Total downtown business was $74,900. Average is $65,000.

Estimated takings for the week ending Nov. 29:

**"GAMBLING" (Fox)**
**"WEDNESDAY'S CHILD" (Radio)**

ADAMS—(1,770). 10c-40c, 6 days. **Gross:** $2,700. (Average, $5,000.)

**"THE WHITE PARADE" (Fox)**

FOX—(5,100), 15c-65c, 7 days. Stage: 7 acts Vaude. **Gross:** $26,000. (Average, $15,000.)

**"SIX-DAY BIKE RIDER" (Warners)**
**"HAPPINESS AHEAD" (Warners)**
**(Both Second Runs)**

FISHER—(2,975), 10c-40c, 7 days. **Gross:** $6,500. (Average, $10,000.)

**"COLLEGE RHYTHM" (Para.)**

MICHIGAN—(4,100), 15c-65c, 7 days. Stage: Three X Sisters, Fox Family and other acts. **Gross:** $24,000. (Average, $20,000.)

**"KANSAS CITY PRINCESS" (Warners)**
**(First Run)**
**"HAPPINESS AHEAD" (Warners)**
**(Second Run)**

STATE—(3,000), 10c-65c, 7 days. **Gross:** $5,100. (Average, $5,000.)

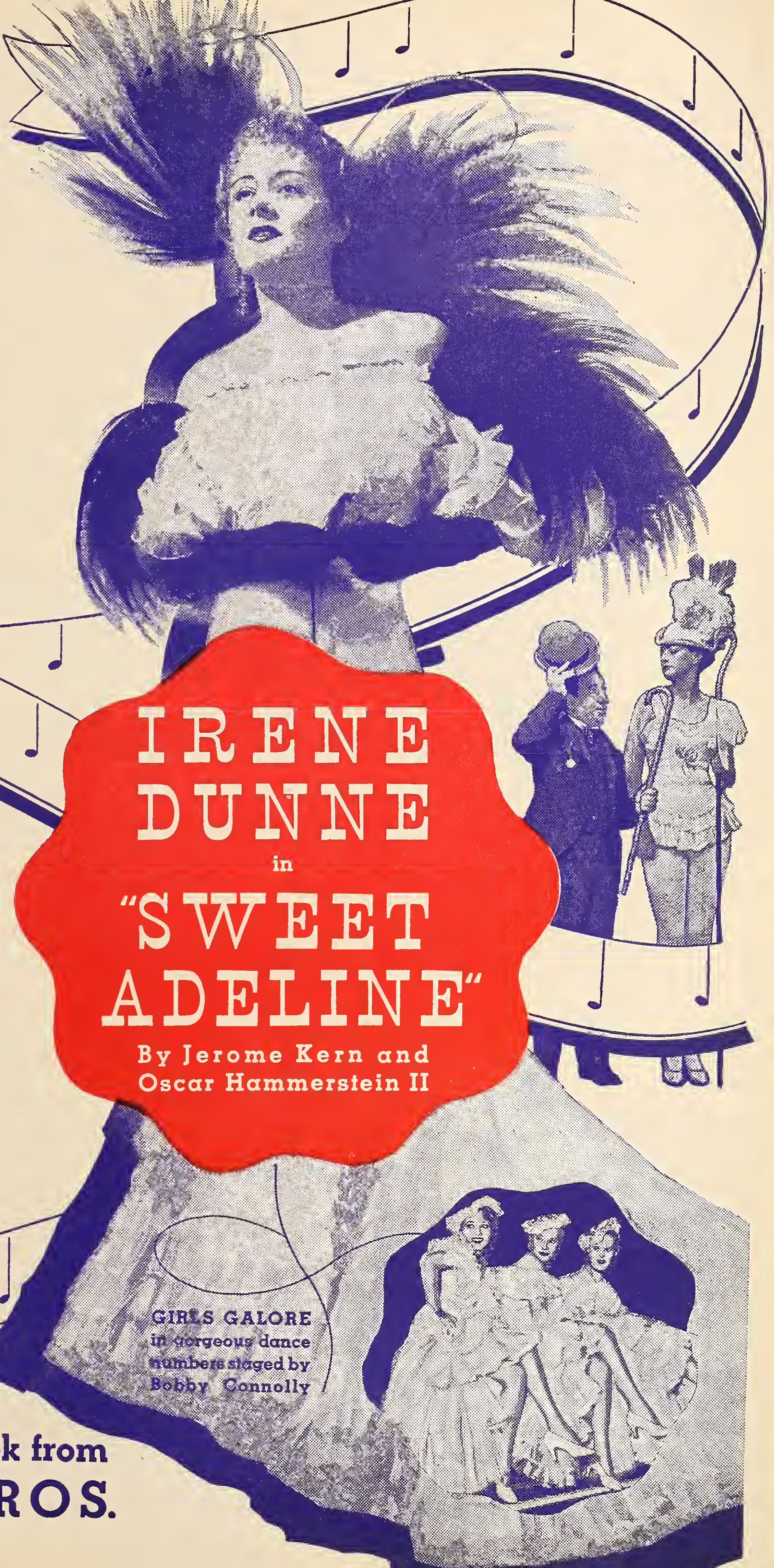
**"PAINTED VEIL" (M-G-M)**

UNITED ARTISTS—(2,070), 25c-50c, 7 days. **Gross:** $10,600. (Average, $10,000.)

-and
the next
will be...

# THE BELOVED MUSICAL HIT OF BROADWAY IMMORTALIZED ON THE SCREEN BY WARNER BROS.!

**Only the makers of "42nd Street" and "Gold Diggers" would attempt it! Only the producers of "Dames" and "Flirtation Walk" could accomplish it! This triumphant picturization of the stage sensation which Broadway acclaimed for 63 capacity weeks!**



# IRENE DUNNE

in

# "SWEET ADELINE"

**By Jerome Kern and Oscar Hammerstein II**

**The show that made "Here Am I"—"Why Was I Born"—and "Don't Ever Leave Me" famous!**

**Hear these and 9 other great hits including . . . "Lonely Feet" and "We Were So Young"**

Travel the romantic road to yesterday in this glorious love story with all the comedy and color of the glamorous, amorous Nineties!

MERVYN LEROY'S first musical production since "Gold Diggers",

**DONALD WOODS · HUGH HERBERT · NED SPARKS JOSEPH CAWTHORN**

. . . hundreds of others . . .

**GIRLS GALORE** in gorgeous dance numbers staged by Bobby Connolly

## Coming Xmas Week from WARNER BROS.

# Pickup Signs Are Spreading In Northwest

Portland, Dec. 6.—Signs of improvement are numerous in this territory. New sound apparatus, remodeling and theatre transfers are reported. Frank J. Becker, manager of Western Sound Equipment Co., holds the Federal Housing Act has been a big help.

The Grand at Renton, Wash., C. F. Denz, owner, is nearly complete. W. L. and L. L. Talkington are planning a new house at Coulee, Wash., near the new dam. J. J. Parker and associates are to build at North Bonneville, Wash., site of another dam. Harry Gamble has purchased M. B. Johnson's Hiland at North Bonneville and is installing new sound.

C. E. Hudson of Oregon City, Ore., has acquired portable sound equipment to use in a circuit of high schools in the Willamette Valley. The Warm Springs Indian Agency is installing new sound, and Mrs. Edna Eckersley, operating the Wigwam, at Nez Perce, Idaho, has acquired portable sound projectors for use in a number of communities near the center of Idaho.

## *Standard, Oklahoma, Will Spend $120,000*

Oklahoma City, Dec. 6.—Standard Theatres, Inc., has an extensive building program, beginning with the remodeling of one of the city's oldest theatres and the building of two new suburban houses. According to Pat McGee, general manager, the program will cost $120,000.

The Criterion reconditioning is the first project on the program. The house will be closed Nov. 3 and will be completely done over from marquee to stage at a cost of $50,000. The third floor will be changed so that all the offices of the company, which are now scattered in several theatres, can be housed.

Of the two new suburbans plans for one have been completed and work started a few days ago. It is to be an 800-seat house to cost $35,000. The new theatres will give Standard five suburbans, or a total of 12 in the city.

## *Form Two Theatre Units*

Albany, Dec. 6.—Mac-Alt Amusement Corp., Buffalo, has been chartered to operate theatres. James L. McGrane, V. O. Schneckenburger and G. C. Warsitz are directors and subscribers.

Cajo Company, Inc., New York, has been chartered to exhibit pictures. L. Schneider, G. Schwartz and M. Waller are directors and subscribers.

## *Omnichrome Chartered*

Albany, Dec. 6. — Omnichrome Corp. has been chartered with capital of $50,000 to deal in film. Marshall H. Rosett, Joseph Kaplan and Rose Eskin are directors and subscribers.

## *Report New Kansas Spots*

Kansas City, Dec. 6.—A theatre seating 1,500 is to be constructed in Wichita, Kan., according to reports.

Another new project is a 600-seat house planned for Winfield, Kan.

## *Three Open in West*

Kanab, Utah, Dec. 6.—The new Kanab Theatre has been opened by Elmer Jackson.

Butte, Mont., Dec. 6.—After being dark for two years, the Broadway, formerly run by Merle Davis, will be reopened by John Gavin soon after extensive renovation.

Caldwell, Ida., Dec. 6. —The Roxy, completely remodeled, has been reopened by G. C. Knight.

## *Pattonburg House Burns*

Pattonsburg, Mo., Dec. 4.—The Main Street Theatre here, owned by Binney Bros., was destroyed by an early morning fire with a loss estimated at $9,000.

## *To Rebuild at Duquesne*

Duquesne, Pa., Dec. 6.—Plans have been proposed for remodeling the old Liberty here, according to Glen Floyd and J. F. Huszar, and actual work will be started immediately. The house was damaged by fire about six years ago and the property has not been improved since. Floyd and Huszar, Follansbee, W. Va., exhibitors, until recently competitors, are partners in the project. The house will be called the Grand and ready for opening by the fall.

## *Central Gets York House*

York, Neb., Dec. 6.—The Central States Theatre Corp. has acquired the Rialto here from Ross Labart, giving the Harry Weinberg circuit control of the three houses here.

# *Variety Club Chatter*

## *Cincinnati*

Cincinnati, Dec. 6.—Members are rejoicing with Barker Harry J. Wessell over the rapid recovery of his son, who suffered the amputation of a leg as the result of a recent auto accident.

Rev. Cletus Miller, chaplin of Tent No. 3, has been given charge of a local orphanage.

John Schwalm has regained use of his pedal extremity after having been compelled to take time out on account of an injury to said foot, incurred when he slipped while crossing the floor of his home.

Abe Lipp, dough guy, spent considerable time in Columbus last week on legal business in which he is engaged.

## *Kansas City*

Kansas City, Dec. 6.—All signs indicate the Variety Club Annual M. P. Relief Dance and Show at the Pla-Mor Dec. 10 will be the most successful affair staged by the local industry to date. The number of advance reservations reccived by Chief Barker Frank Hensler presages a record attendance.

As in past years, proceeds will be used for charitable activities and to furnish Christmas baskets to the needy. Aurthur Cole, general chairman, promises one of the largest floor shows seen hereabouts. Some of the talent, it is expected, will come from the downtown theatres.

Cole and Hensler, who is co-chairman, have announced these committees: Ticket sales—Hensler, chairman: George Fuller, Sam Abend, Gus Diamond, C. R. Bevan, Finton Jones, Frank Thomas, Tom Baldwin, Leland Allen, Jimmy Lewis, Charles Shafer, Bill Truog, Is Beiser, Don Davis.

Floor committee—Bill Warner, chairman; Fuller, Truog, Joe Manfre, Bob Withers, William Benjamin, Harry Taylor, Tommy Thompson, Hensler.

Attendance—H. P. Wolfberg, chairman; Ward Scott, Max Roth, R. C. LiBeau, Harry Graham, E. C. Rhoden, L. J. McCarthy, Ed Dubinsky, H. A. McClure, H. E. Jameyson.

Entertainment—George Baker and Irwin Dubinsky, co-chairman, Barney Joffee, Lawrence Lehman, John McManus, Stanley Chambers.

Publicity—Paul Bayzman, chairman; William Wagner, Ken Force, Al Finestone. Sam Abend and Earl Jameson will have charge of hauling. Withers will handle checking, and Paul Laroche clocking.

The various companies are represented on a committee of hostesses, captained by Col. Harry Taylor.

## *Washington*

Washington, Dec. 6.—The first annual dinner and ball of Tent No. 11 has come and gone. In a carnival atmosphere, created with the help of floodlights, a 100-piece band, and unusual decorations, 761 barkers and guests held forth in the grand ballroom of the Willard Hotel.

Chief Barker Rudolph Berger opened the proceedings by introducing Canvasman A. Julian Brylawski, chairman of the dinner committee, who in turn gave way to Chaplain John C. Palmer, who pronounced the invocation.

From then on the program moved with dazzling rapidity, with entertainment concurrent with the banquet.

Barker Arthur A. DeTitta and a battery of camera and sound men of the Fox Movietone News shot the incoming guests. The film was rushed to the Army War College, where it was developed and printed and was screened about 1 A. M. at the conclusion of the entertainment.

Outside the hotel also was the Loew's Theatres' Cadet Band of 100 pieces, under the leadership of Capt. J. B. MacKenzie.

George Jessel started as master of ceremonies and later turned the task over to Barker Arthur Godfrey, CBS announcer.

Johnny Slaughter and his 10-piece orchestra played during the dinner, with talent from the local night clubs supplying the entertainment. At 10:30 P. M. the entertainment features went on a coast-to-coast hook-up of CBS.

It was a notable event.

# Cincy Critic Hits Federal Censor Moves

Cincinnati, Dec. 6.—Commenting on the agitation of Federal supervision of films, Max Sien, film editor of the *Cincinnati Post,* says in a current editorial:

"The ghost of Federal censorship, after a layoff of more than two months, has returned to haunt Hollywood. And what is more—and worse—it has returned with a comrade wraith who answers to the name of Federal control.

"Hollywood, with its accustomed show of savoir-faire in the face of criticism, is resuming its nail-gnawing where it left off last August; at approximately the first knuckle.

"A few weeks ago the National Council of Parent-Teachers resumed its fight for censorship and the production of educational films under the aegis of the U. S. government and early this week the Better Films Department of the W.C.T.U. urged Federal censorship.

"Of course this is very disappointing to film producers who have their hands full already, what with the rewards of virtue, chastisement for sinners and a fellow named Upton Sinclair to contend with.

"Unless the bottom suddenly drops out of Joseph I. Breen's sense of morality, it is doubtful whether the renewed crusade will receive the mass support which drove the Legion of Decency program to a successful consummation.

"It has been our impression that Breen's cleansing has been very thorough. If anything, he has swung too far to the right and rectitude. In place of the once-revealing costumes, or lack of same, we have gowns which are hardly less than second cousins to the overall, while the code of morals observed could not have been more narrowly formulated by a Cotton Mather.

"Yet the plaints persist. And a lot of detached observers are wondering why.

"In the light of Mr. Breen's energetic whitewashing, the attack launched recently in Cleveland at the current state of film affairs is astonishing."

After quoting the statement of Maud M. Aldrich, Portland, Ore., chairman of the Better Film Department, in her address before the W.C.T.U., Sien continues:

"This sort of thing is hardly fair to the industry which has voluntarily tossed overboard lurid sex themes and fed its public an emasculated 'Of Human Bondage,' a harmless version of 'Du Barry,' a most proper adaption of 'The Green Hat' under the title of 'The Outcast Lady,' and tried its hand at such nice things as 'Mrs. Wiggs,' 'Girl of the Limberlost,' 'Treasure Island,' 'Peck's Bad Boy' and others too numerous to mention."

## *Gets Ellicott City Spot*

Baltimore, Dec. 6.—R. G. Everett, son-in-law of M. Silverberg, proprietor of the Park, has taken over the Earle, Ellicott City, Md., from Paul Caplan.

# The sweetest box-office music in 2 years!

## for PHILADELPHIA

Fox Theatre, Philadelphia, premiere run, reports sensational morning, noon, night crowds . . . every reviewer in town shouting his praises . . . word-of-mouth advertising electrifying city.

Music by Jerome Kern. Lyrics and Libretto by Oscar Hammerstein, 2nd

# Music in the Air

**GLORIA SWANSON**
*and* **JOHN BOLES**
**DOUGLASS MONTGOMERY**
**JUNE LANG**
**Al Shean • Reginald Owen**
**Joseph Cawthorn • Hobart Bosworth**
*An Erich Pommer Production. Directed by Joe May.*

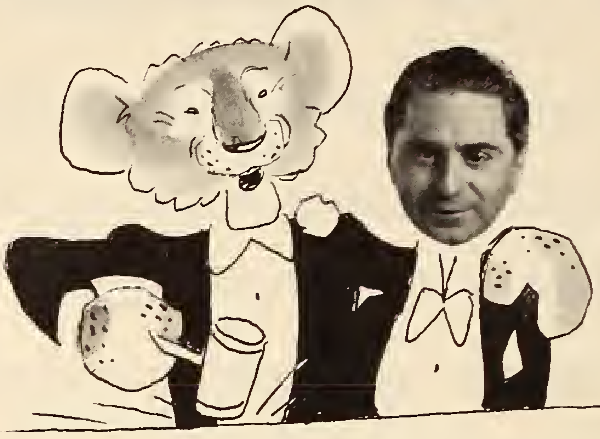
Continuity by Robert Liebmann, Screen play by Howard I. Young and Billie Wilder. Dances by Jack Donahue.

*next week*
RADIO CITY
MUSIC HALL
*will be filled*
WITH "MUSIC
IN THE AIR"

FOX

FOX

# "The next speaker is Mr. Kann, Editor of Motion Picture Daily..."

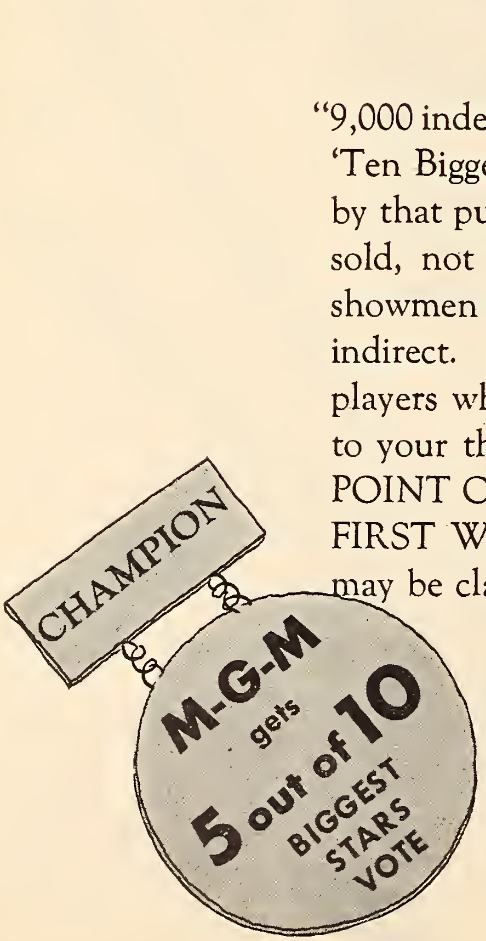


## LET HIM TELL YOU ABOUT

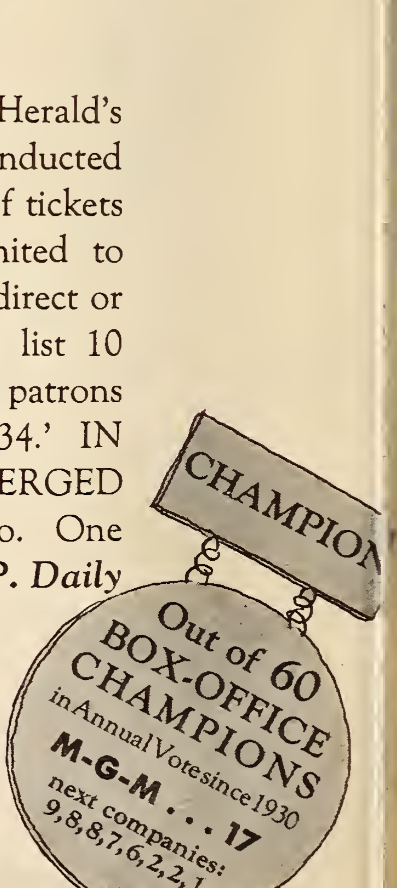
# THE 10 BIGGEST MONEY-MAKING STARS!

*(Reprinted from Motion Picture Daily)*

"9,000 independent exhibitors voting in Motion Picture Herald's 'Ten Biggest Money-Making Stars', an annual poll conducted by that publication. The basis of the poll . . . a story of tickets sold, not opinions ventured. The ballots were limited to showmen without producer or distributor affiliation, direct or indirect. The question in each ballot was: 'Please list 10 players whose pictures drew the greatest number of patrons to your theatre from Sept. 1st, 1933 to Sept. 1st, 1934.' IN POINT OF COMPANY ALIGNMENT M-G-M EMERGED FIRST WITH FIVE. Next had two. Next had two. One may be claimed by both." —*Kann, M. P. Daily*


CHAMPION
M-G-M gets 5 out of 10 BIGGEST STARS VOTE

## PIN AN M-G-M MEDAL ON YOUR BOX-OFFICE!


CHAMPION
Out of 60 BOX-OFFICE CHAMPIONS in Annual Votes since 1930
M-G-M . . . 17
next companies: 9,8,8,7,6,2,2,1

The Leading
Daily
Newspaper
of the
Motion
Picture
Industry

# MOTION PICTURE DAILY

Alert,
Intelligent
and
Faithful
Service to
the Industry
in All
Branches

VOL. 36. NO. 135 NEW YORK, SATURDAY, DECEMBER 8, 1934 TEN CENTS

## Code Expense In 11 Months $181,498.30

### *Of This Total Offices Here Cost $72,796*

Eleven months' operation of Campi and its various agencies has cost $181,498.30, of which $24,478.41 was spent during November. Of the 11-month total, $72,796.01 was chalked off for home office expense. Salaries for New York's main office totaled $38,753.85. In Hollywood, the expense was $14,962.73, of which $8,313.01 is marked off for salaries. Local board operation cost $93,793.56, of which $50,060.98 was for salaries.

Receipts from producers and distributors since Jan. 1 total $100,500. Monies received from exhibitors amounted to $88,798, a combined total of $189,298. This figure checked against a total disbursement of $181,498.30 leaves a cash balance of $8,030.22.

Of the $24,478.41 expense last month, salaries for home office personnel totaled $5,436.35; for Hollywood, $2,251.86; for local boards, $7,618.75, or a total of $15,306.96. Home office disbursements, including salaries, were $9,327.13; Hollywood, $3,076.19; local boards, $12,075.09. The monthly cost sheet for November was $488.09 under the budget. For the month of October, the expenditures were $928.49 under.

## *Flinn Gets Salary Boosted to $20,000*

Because of his conscientious work on the code, John C. Flinn, executive secretary of Campi, has been given an increase of $8,000 per annum, bringing his new yearly salary figure to $20,000.

The recommendation for boosting Flinn's salary has been before Code Authority for some time, but was passed at last Thursday's meeting. At this session, the executive secretary

(*Continued on page 3*)

## *Say Sales Tax Hits Accessories Solely*

Admissions and film contracts do not come under the new city sales tax which goes into effect Monday, according to major company executives and Charles L. O'Reilly, president of the T.O.C.C.

Purchases of accessories are taxable, however.

O'Reilly says the city tax follows

(*Continued on page 4*)

## Yamins Lauds Code; Favors Some Changes

### *Thinks Campi and Boards Should Be Continued*

FALL RIVER, Dec. 7.—"One year's experience with the code and its operation under Code Authority as well as under local boards have proved that a self-regulating body within the industry can be of inestimable value in solving industry problems, and that such a body should continue to function," says Nathan Yamins, Campi member.

"The year's experience also has convinced me that the time has now arrived for amendment of the code both as to substantive and administrative provisions, in order that the small enterprise—the little exhibitor—may get that measure of justice and protection to which he is entitled.

"The code and the NRA were never intended to injure the little fellow, but the code and the manner in which it is being administered, are doing just that and must be changed."

## *NRA Names Dec. 19 For Vaude Hearing*

WASHINGTON, Dec. 7.—Amendments to the vaudeville sections of the film code will be discussed at a public hearing set todav by the NRA for

(*Continued on page 3*)

### *Cantor Missed It*

**Cincinnati, Dec. 7.—"If Eddie Cantor could see me now!" exclaimed Rubinoff as he was showered with kisses by a bevy of admiring sorority girls from the University of Cincinnati, who literally "mobbed" him as he arrived at the Union Terminal here. A 30-piece band also was on hand to escort him to the City Hall, where Acting Mayor Imbus presented the keys to the city.**

**Rubinoff is to conduct the augmented Cincinnati Symphony Orchestra of 100 musicians in a concert tomorrow night for the benefit of the Cincinnati Musicians' Ass'n.**

## Boycott Idea Fizzles Among K.C. Theatres

KANSAS CITY, Dec. 7.—The proposal to boycott M-G-M and other distributors whose product is first run at prices competitive to the neighborhoods apparently has fizzled. Independents now are expecting that Campi will modify first runs' protection in event those theatres fail to maintain normal admissions.

Jay Means, I. T. O. president, who started the boycott idea, says the proposal is being "held in abeyance." Despite his expressed indignation, he

(*Continued on page 3*)

## *McConnell, Garyn on Sales For "March of Time" Series*

**Fred J. McConnell has been named eastern sales manager and Walter P. ("Pat") Garyn western sales manager of "The March of Time" series which First Division will handle.**

W. P. Garyn

F. J. McConnell

**Both men are among the better known distribution executives. McConnell, for years was with Universal in charge of short subject sales and latterly has been with the Van Beuren Corp. Garyn, an old hand at theatre operation with the original Keith circuit, was once assistant to Winfield Sheehan when the latter was Fox sales manager, later was a sales executive with M-G-M and for several years was general sales manager of National Screen Service and subsequently executive assistant to Herman Robbins, its president.**

## Amusements Join Against Free Programs

### *Films, Theatres, Radio Are Represented*

Three forms of amusements, films, radio and legitimate theatres, yesterday joined forces in a move to combat unfair competition arising from time to time, such as the free shows sponsored by Standard Oil Co. of N. J. Amalgamation of entertainment industries followed a protest meeting at Campi, which was directed at the free oil company shows in New England within the last week.

Reports were current late last night that efforts were being made to induce Standard Oil to cancel the free show tour. Representatives of various companies, including Standard Oil, met yesterday afternoon at the Hays office to discuss the matter and it is understood sessions will continue over the week-end. Officials of Music Corp. of America, agents for the artists playing in the free shows, refused to comment, referring all queries to Standard Oil executives.

However, several code members contacted believed that the Socony gratis entertainment was a thing of the past.

Labor officials, musicians and actors joined the Campi move to drive out the new type of entertainment. On a committee of six appointed yesterday by Charles L. O'Reilly, chairman of the session, all interests are represented. The committee consists

(*Continued on page 3*)

## Wisconsin Forming New Theatre Group

MILWAUKEE, Dec. 7.—A committee of 10 exhibitors, including four M. P. T. O., four Allied and two unaffiliated members, met here yesterday to lay the groundwork for an independent statewide exhibitors' association. Present plans hall for dissolving M.P.T.O. of Wisconsin as well as Allied and the

(*Continued on page 2*)

## *F. J. Godsol Passes Away in Switzerland*

Frank J. Godsol, one time president of Goldwvn Pictures Corp., died in Lausanne, Switzerland, a few days ago, according to word received in New York yesterday by Ben Blumenthal, who himself was once active in

(*Continued on page 4*)

MOTION PICTURE
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(Registered U. S. Patent Office)

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# Wisconsin Forming New Theatre Group

(*Continued from page* 1)

formation of an association without national affiliations.

It is felt that such an organization is needed to handle problems which have been besetting the industry here, including price wars, double features and premiums. It is hoped to have the new organization functioning by Jan. 1. There is an additional need for such an association with the state legislature convening in January, it is felt.

The committee working on the new setup consists of E. F. Maertz, Charles Washicheck, James J. Boden and John Honthaner, representing Allied; George Fischer, A. C. Gutenberg, A. D. Kvool, Ernst Langemack, representing M. P. T. O. of Wisconsin, and Ross Baldwin and B. K. Fischer, not presently affiliated with either organization.

## *Flint Agrees to Ban Duals After Jan. 1*

Flint, Dec. 7. — Duals will be banned here after Jan. 1. An agreement to this effect has been reached by all exhibitors. Previous attempts to accomplish this have failed.

A move to establish the same ban is also under way in Grand Rapids, but has not made much headway as yet.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Night Life of the Gods"*

*(Universal)*

Hollywood, Dec. 7.—A picture that is completely but pleasantly goofy, with cast and director seemingly purposely insane, but with no one caring as fun percolates from their antics.

The screen play is based on Thorne Smith's widely read novel of the same name. If audiences like to forget their cares and will take comedy reminiscent of slapstick days, this picture will be their meat.

The yarn concerns an invention by Alan Mowbray by which he turns humans into stone and vice versa at will. Visiting a museum, he experiments with ancient gods and goddesses, whom he revives for a fling at night life on Broadway, with hilarious results.

Lowell Sherman's direction scores, keeping the audience laughing with the picture. His fine hand shows to particular advantage in the most ludicrous situations.

Mowbray gives a knockout performance as the eccentric inventor. Florine McKinney, as his self-appointed love, is as bewitching a minx as has appeared on the screen. Gilbert Emery's comedy as Mowbray's resigned butler will convulse the sphinx. George Hassell and Robert Warwick do grand work as Bacchus and Neptune, respectively. Irene Ware, Marda Deering and Geneva Mitchell are good as goddesses.

Convincing support is given by Peggy Shannon as Mowbray's niece, Ferdinand Gottschalk as Miss McKinney's father, William Boyd as a detective and Henry Armetta as a fish vendor. John Mescall's photography is outstanding.

Production Code Seal No. 470. Running time, 80 minutes. "G."

## *"Mystery Woman"*

*(Fox)*

Hollywood, Dec. 7.—What "Mystery Woman" lacks in marquee names is counterbalanced by cast performances and planned direction. Intelligent timing and suspense keeps this drama entertaining. It is entirely devoid of dull spots.

The story revolves around an espionage plot and subsequent court martial of Rod La Rocque, an officer in the French army. His wife, Mona Barrie, in an endeavor to vindicate the officer of charges, plays a lone hand against John Halliday and Gilbert Roland, who, in turn, are pitting their wits against each other to gain possession of a necessary document. Each side holds one-half of the paper.

Miss Barrie is the centrifugal force of the action, which takes place aboard a transatlantic liner and climaxes in New York. Romantic suspense centers around the lovable crooks, Roland and Miss Barrie, which winds up in a bond of strong friendship. The fadeout features the death of Halliday and Roland in a gun battle and the release of La Rocque, who is exonerated and subsequently decorated with the Legion of Honor.

Eugene Ford's direction achieves dramatic suspense. All the cast

(*Continued on page* 4)

## *RKO Trading Heavy on Big Board*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 39½ | 38¾ | 39½ | + ⅜ | 600 |
| Consolidated Film Industries | 4½ | 4⅜ | 4⅜ | — ⅛ | 3,100 |
| Consolidated Film Industries, pfd | 18⅜ | 18¼ | 18¼ | — ⅜ | 7x |
| Eastman Kodak | 112½ | 112 | 112¼ | — ¼ | 400 |
| Fox Film "A" | 13¾ | 13½ | 13¾ | + ¼ | 1,000 |
| Loew's, Inc. | 36⅝ | 35¾ | 36⅛ | + ¼ | 13,000 |
| Paramount Publix | 3⅜ | 3⅛ | 3⅜ | + ¼ | 4,400 |
| Pathe Exchange | 1⅛ | 1 | 1 | — ⅛ | 2,200 |
| Pathe Exchange "A" | 14⅜ | 13¾ | 14⅛ | + ⅝ | 900 |
| RKO | 2¼ | 1⅞ | 2⅛ | + ⅛ | 16,300 |
| Warner Bros. | 5 | 4⅞ | 4⅞ | ..... | 1,700 |
| Warner Bros., pfd | 23⅜ | 22⅝ | 23⅜ | + ¼ | 20,000 |

## *Trans Lux Off Eighth on Curb*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13½ | 13½ | 13½ | ..... | 1,200 |
| Trans Lux | 2 | 2 | 2 | — ⅛ | 100 |

## *Paramount Broadway Bonds Off Half*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9 | 8¾ | 9 | + ⅛ | 7 |
| General Theatre Equipment 6s '40, ctf | 8½ | 8½ | 8½ | ..... | 2 |
| Keith B. F. 6s '46 | 64½ | 64½ | 64½ | ..... | 2 |
| Loew's 6s '41, ww deb rights | 104¾ | 104½ | 104½ | ..... | 15 |
| Paramount Broadway 5½s '51 | 44 | 44 | 44 | — ½ | 5 |
| Paramount F. L. 6s '47 | 61 | 61 | 61 | ..... | 10 |
| Paramount Publix 5½s '50 | 61½ | 61 | 61½ | + ¼ | 21 |
| Warner Bros. 6s '39, wd | 60⅞ | 60½ | 60½ | ..... | 4 |

# *Purely Personal*

Harold Hendee, research director of Radio, spoke the other night before the C. C. N. Y. alumnae chapter of Tau Delta Phi on "The Authentication of Motion Pictures."

Jane Baxter, who arrived from the coast Thursday after completing work with Ann Harding in "Enchanted April," sailed yesterday on the *Berengaria.*

June Knight and her new husband, Paul Ames, have gone back to the coast. Fox has signed Miss Knight for "Redheads on Parade."

Frank W. Lovejoy, president of Eastman Kodak, and Mrs. Lovejoy sail for Bermuda today on the *Queen of Bermuda.*

George Schaefer left last night for a week-end of duck hunting in Maryland.

Frankie Thomas, 12-year-old actor under Radio contract, departs for the coast tomorrow.

George Arliss leaves town for the coast today to enact the title role in 20th Century's "Cardinal Richelieu."

Clint Weyer was in Philadelphia yesterday.

## *Warners Will Stage Party for Orphans*

Wraners today will stage an annual Chanukah party for the Hebrew Orphan Asylum. The affair wil be held in the Warner memorial gymnasium.

The children will put on their annual play, "Life Begins at 8:35," a that time. Preceding the show, ther will be a supper attended by Harr M. and Albert L. Warner and othe home office executives.

## *Curtis to Form a Unit*

Hollywood, Dec. 7.—John A. Curtis, vice-president and treasurer o First Division, arrived here by plan from New York today to look ove various production facilities, preparatory to starting the company's ow production unit. He also will wor out plans to establish exchanges in th west.

Al Friedlander is expected her around Jan. 10 to assist Curtis o the exchange development.

## *1st Div. to Open More*

First Division is expected to announce today new exchanges in Detroit, Washington and one in th South. Arrangements for a Chicag office have not yet been complete but details are expected to be se some time next week.

## *1st Div. Gets Bout Filn*

First Division concluded arrangements yesterday for distribution c films of the Londos-Shikat wrestlin match at Madison Square Garden o Monday. The match is sponsored b the *N. Y. American* Christmas Fund

## *Delay Coast Code Meet*

Hollywood, Dec. 7.—Because c insufficient attendance the meeting o the directors of the Writers' and Actors' Guilds called for last night t discuss action on a new draft of code of fair practice, was postpone until Tuesday.

# Amusements Join Against Free Programs

(*Continued from page* 1)

f Harold S. Bareford, films; M. R. unyon, radio; Dr. Henry Mosko-itz, legitimate theatres; Frank Gill-ore, Actors' Equity; Joseph N. eber, American Federation of usicians; George Browne, I.A.T. .E. John C. Flinn was named exec-tive secretary of the committee and meeting will be held early next eek further to discuss the situation. he committee will be a permanent ne and will act from time to time n problems arising within the amuse-ent industries.

Attending the session at Campi ere O'Reilly, Flinn, Bareford, Ed uykendall, Marcus Heiman, Gill-ore, Birnbach, Merlin H. Ayles-orth, J. Robert Rubin, Martin Beck, ordon C. Youngman, Runyon, James aldwin, Charles S. Hynes, Walter incent, William P. Farnsworth, eputy administrator; Tyree Dillard, r., Brown, Louis Krouse, Rodger ennedy, R. A. Cooke and Sidney ustin.

Runyon and Baldwin represented he radio code authority while Hynes cted for the hotel code authority.

## *Rosenblatt to Come Here on Pay Scales*

Washington, Dec. 7.—Compliance irector Sol A. Rosenblatt will go to ew York Dec. 12 to meet with the ommittee which has been investigat-ng operators' pay scales in the metro-olitan area. The commission asked is participation in its next meeting in rder to attempt to develop conclu-ions for recommendations. Originally Rosenblatt had planned to go this eek, but could not because of the elay in getting back from the coast.

Rosenblatt has had the findings of the NRA fact finding committee be-fore him for the past few weeks and is prepared to set up basic wage scales for theatres without further delay.

It is understood that smaller houses will pay a minimum of about $80 a week for a booth, while in larger houses the booth cost will be graduated.

## *Code Attack Due at New Orleans Confab*

New Orleans, Dec. 7.—Directors of both Allied and the G. F. T. A. (Georgia) will meet singly and later jointly Monday and Tuesday to take up the code and will ask the government for its reopening, claiming that it is unfair to independents and that boards are "controlled by major circuits" and exchanges.

Recently a letter was mailed from this city to code authorities, charging malfeasance in office by the local board.

Col. H. A. Cole of Texas Allied makes the assertion that Code Authority is operating "under the influence of monopoly."

## *Consolidated Closing One*

Consolidated is closing the U. S. in the Bronx tomorrow night.

## *Campi Orders Ending Of Five Bank Nights*

Campi has handed down cease and desist orders on five appeals from "bank night" decisions of local grievance boards. In each instance, Code Authority affirmed verdicts of the lower boards. The "stop" orders were on the following cases: G. E. Klock, Klock, Neodesha, Kan., against J. E. Whitten, Gem, same city; Tower, Miami, against Coral Gables, Paramount and Rosetta, same city; Rex, Fairfield, Ia., against Orpheum, same city; Casino, Marshalltown, Ia., against Strand and Family, same city, and Capitol, New Braunsfels, Tex., against Opera House, same city.

In the complaint of Harry C. Swan of the Washington, Granite City, Ill., against Gaylord W. Jones, Rialto, same city, charging that the "Carpenter Food Show" put on by the respondent was a means to reduce admissions, Campi upheld the St. Louis board which decided in favor of Swan.

Two open air non-theatrical free shows were also ordered to quit the practice. They were being put on by Edward A. Ramsey of Mansfield, O., and on complaint of T. J. Fowles of the Idol, Lodi, O., and Ohio, Madison and Ritz, Mansfield, the Cleveland grievance body declared the practice a violation of the code, this being affirmed by Campi.

## *Flinn Gets Salary Boosted to $20,000*

(*Continued from page* 1)

made a lengthy and favorable report on the extra situation as a result of his recent trip to the coast.

Since last July, Flinn has kept operating expenses below the budget every month. For July, the budget was under by $1,362.09; for August, by $1,793.28; for September, by $2,273.10; for October, by $928.49; for November, by $488.09. June was the only month when the expense ran over the allowance. The overage figure then was $153.51.

## *NRA Names Dec. 19 For Vaude Hearing*

(*Continued from page* 1)

Dec. 19 at the Willard Hotel, as predicted in Motion Picture Daily yesterday.

A number of amendments have been submitted, but it is possible that the schedule may be changed to permit inclusion of others not yet received, which were considered yesterday by Campi.

## *A. W. Kelly in Hollywood*

Hollywood, Dec. 7.—Arthur W. Kelly, vice-president of U. A. in charge of foreign distribution, has arrived here on his way back to New York from an eight-month tour around the world.

## *Plan New Theatre Here*

The Van Dyke Amusement Corp., theatre operator, has leased the southeast corner of Broadway and Dyckman St. and proposes to build a theatre on the site.

## *Open at Walla Walla*

Washington, Dec. 7.—Fred Mercy and his son, pioneer Washington exhibitors, tonight opened the new Roxy at Walla Walla.

## *Cleaners Amendment Pending to Dec. 21*

Washington, Dec. 7.—An amendment to the code prohibiting exhibitors from entering into "any agreement, directly or indirectly, for services of a kind usually and customarily performed by theatre employes directly compensated by exhibitors unless such agreement provides that no person actually engaged in rendering such services shall be employed at a lower standard provided for" in the code, except under contracts entered into prior to the effective date of the amendment, was submitted to the industry today by Deputy Administrator William P. Farnsworth. The industry was informed that, failing to receive substantial objections prior to Dec. 21, the amendment will then be approved by the NRA.

This is the so-called "window-washing amendment," which was the subject of a hearing in Washington some months ago, and involves contracts held by a number of theatres of maintenance of their houses by an outside agency.

## *Fox Signs Martini*

Fox has signed Nino Martini, Metropolitan Opera and radio tenor, to do a series of musicals following the opera season. He will start work in May and will stay at the studios during the spring and summer.

# Boycott Idea Fizzles Among K.C. Theatres

(*Continued from page* 1)

has been showing M-G-M pictures at his Oak Park Theatre.

While the association adopted Means' resolution to stand 100 per cent for a boycott, it later developed the move largely depended on support from Fox Midwest and exhibitors within a radius of 100 miles around Kansas City. Cooperation also was sought from the Kansas-Missouri Theatre Ass'n. With the exception of independents in Kansas City, no exhibitors seem inclined to join the boycott. A faction of independents not affiliated with I. T. O. ridicules the idea.

Several independents are reported to have cancelled film contracts in protest against the low scales at down*town* first runs, and others threaten that regardless of contracts they will not play pictures first run at the 15-cent balcony price prevailing at Loew's Midland.

The situation has become more involved since RKO today cut the Mainstreet's scale to a par with the Midland's.

TIME MARCHES ON!
32,000,000 LISTENERS
TIME
The Weekly Newsmagazine
Fortune

## Catholic Churches Here to Post Films

Lists of approved and disapproved pictures will be posted in the vestibules of all Catholic churches of the archdiocese of New York starting Dec. 16.

The order has been issued by Cardinal Hayes in conjunction with a plea to all Catholics to sign Legion of Decency pledges. The pledges will be for one year and will be given to both adults and children.

In addition to posting the lists of films, pastors will read the lists each Sunday.

Detroit, Dec. 7.—Pledges of renewed support for the Legion of Decency in the Detroit Catholic diocese are urged in a letter from Bishop Michael J. Gallagher.

The letters have been mailed to every pastor in the Detroit area to be read at all masses in their churches Sunday.

## F. J. Godsol Passes Away in Switzerland

(Continued from page 1)

the industry as president of Export and Import Film Co.

Godsol had his origin in Cleveland, became associated with Pathe of France a number of years ago, later with the Shuberts, and, during the war, was purchasing agent in America for the French Government. He also founded Tecla Pearls. From a member of the board of directors of the former Goldwyn Co., he eventually obtained control and became its president, as Samuel Goldwyn, one of the founders of the enterprise, retired. It was Godsol who acted for the Goldwyn organization in the merger by which that company became part of Metro-Goldwyn-Mayer.

He was believed to have been 61 at the time of his death and had been living in Switzerland for his health for the past seven or eight years. He died of a lingering illness, reported to be a lung condition.

## "Bob" Long Is Dead

Robert Edgar Long, for years associated with David Wark Griffith in charge of the latter's publicity, is dead, following a brief illness at the Ruptured and Crippled Hospital. His experience in the publicity end of the business included posts with William A. Brady, the Aborn Opera Co., Earl Carroll and United Artists.

## Horne Services Today

Funeral services for Edward A. Horne, who was manager of Radio's print department for the past 15 years, will be held at two o'clock this afternoon at his home, 100 Thayer St., Manhattan. Burial will be at Gate of Heaven Cemetery, Valhalla, N. Y.

## Plan Monte Carlo Night

The M. P. Club will stage a Monte Carlo Night on Dec. 12 for the benefit of the Federation of Jewish Charities. There will be dancing and music and other forms of diversion with a free buffet supper during the evening.

## Signs for New Sound

Philadelphia, Dec. 7—Samuel L. Rothafel has closed a deal with RCA Victor for installation of High Fidelity Photophone reproducers in the Roxy-Mastbaum scheduled to open the day before Christmas.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

(Continued from page 2)

portrayals are intelligent. Ernest Palmer's photography is flawless. Philip MacDonald penned an interesting screen play from Dudley Nichols' story. Box-office results may depend upon the exploitation value of the mystery angle.

Production code seal No. 456. Running time, 72 minutes. "G."

## "Little Men"

(*Mascot*)

Hollywood, Dec. 7.—This film corrals the cream of Hollywood's juvenile talent to portray in expert fashion the lovable characters visualized and recorded in Louisa M. Alcott's novel of the same name. In text paralleling to some extent "Little Women," by the same author, exhibitors can capitalize on the popularity of the "Little Women" screen play.

Phil Rosen's direction of such capable youngsters as Frankie Darro, Dickie Moore, George Ernest, David Durand, Tommy Bupp, Buster Phelps, Dickie Jones, Ronny Crosby, Junior Durkin and Cora Sue Collins deftly succeeds in bringing tears and sympathy for a group of characters gathered under one roof, where they live and attend school in 1871 in New England, where schools were few and far between.

This locale produces ample opportunity to play upon the emotions of boyhood ideals, ambitions, hopes, dreams and disappointments and milks dry all these elements, producing a tender, human offering that should please those appreciating true characterizations of a period contributing to our early history.

The picture looms as a natural for the juvenile trade and the Yuletide season, Ralph Morgan and Erin O'Brien Moore furnish the paternal balance as the masters of a boarding school in faithful and effective fashion.

No code seal. Running time. 79 minutes. "G."

# Looking 'Em Over

## "War Is a Racket"

(*Eureka Prod.*)

Entirely lacking in continuity and composed of stock shots of a familiar hue, this picture has little that is impressive. Its preachment against war wavers occasionally and tends to become socialistic in nature. Toward the end it varies once more and becomes purely patriotic in its flag-waving presentation of American troops in action.

The film concludes by naming and picturing some of the best known international munitions plants and, through the medium of an inquiring reporter written into the script, places on the screen the opinion of anonymous persons interviewed that "war is a racket." The composition is lacking in conviction and its effectiveness as anti-war propaganda is correspondingly weak.

No code seal. Running time, 68 minutes. "G."

*"The Private Life of Don Juan," opening this morning at the Rivoli, was reviewed on Sept.* 8.

*"The Painted Veil," yesterday's opener at the Capitol, was reviewed on Nov.* 24.

*"The President Vanishes," which opened at the Paramount yesterday morning, was reviewed by wire from Hollywood on Nov.* 13.

## Gets Liberty Pictures

Hollywood Film Exchanges, distributors of Liberty Pictures here, has sold its complete list of pictures to the Rosenblatt Circuit, operating houses in New York and New Jersey.

## "Clive" Ready Jan. 25

National release of 20th Century's "Clive of India" by United Artists has been set for Jan. 25. The film is in an advanced stage of production.

## M-G-M Signs Bennett

Hollywood, Dec. 7.—M-G-M has signed Constance Bennett to a three-year contract. The pact provides for a 40-week guarantee the first year with two one-year options providing for the same amount of work.

## M-G-M Auditors to Meet

M-G-M auditors in the field and home office will hold their annual meeting at the Astor about Christmas Week.

## "Divorcee" $16,000 Hit at the Palac

"Gay Divorcee" at the Palace hi one of the best grosses in months fo this Broadway house. The intake wa $16,000, the picture being held as result In Brooklyn the Albee also garnered a neat $18,000, which is abou $3,000 above normal business. Starting today, the Radio picture opens i 26 RKO neighborhood houses for full week's run.

Second week of "The Merr Widow" " at the Capitol fell to $21,000. At the Paramount, "Colleg Rhythm" took in $19,500 for the second week. The Rivoli's take for th week nending last Wednesday nigh was $16,500.

## Quigley Award Goes To Solomon, Newar

Sig Solomon, Regent, Newark, i winner of the Quigley Award of th Managers' Round Table Club of th *Motion Picture Herald* for November. He took the honors for his campaign on "Judge Priest" by unanimous decision of the judges.

First mention goes to Fred Weimar, Orpheum, Sioux Falls, S. D., fo his work on "Little Miss Marker. The next five to win honorable mention were: Don Nichols, Charlotte Leo Henderson, Twin Falls, Idaho Matt Saunders, Bridgeport; Harr Charnas, New York, and Rosco Drissel, Wilmington.

## Say Sales Tax Hits Accessories Solel

(Continued from page 1)

the lines of the recent state sales ta in applying only to tangibles.

Under the terms of a schedul worked out by Mayor LaGuardi Comptroller McGoldrick and othe city officials the tax will not be levie on sales of one to 12 cents. Th schedule from 12 cents on is: 13 t 62 cents, tax one cent; 63 cents t $1.12, two cents; $1.13 to $1.62, thr cents; $1.63 to $2.12, four cents; $2.1 to $2.62, five cents; $2.63 to $3.1 six cents; $3.13 to $3.62, seven cents $3.63 to $4.12, eight cents; $4.13 t $4.62, nine cents; $4.63 to $5.12, 1 cents.

## Tax Fight Planned By Washington Me

Seattle, Dec. 7.—Washington theatre operators, through Allied Amusements of the Northwest, are mappin their campaign against additiona taxation burdens threatened when th state legislature meets in Olympi next month. Through Hugh Brue and James M. Hone, president an secretary, respectively, the theatre me are represented on the newly-forme Washington State Retail Legislati Council which will campaign again higher taxes.

## Eastman Plans Bonus

Rochester, Dec. 7.—The Eastma Kodak Co. today announced that would pay a wage dividend to employes, the first such payment three years.

## Fox Music Unit to Mov

Movietone Music Corp., Fox subsidiary, moves to Radio City Jan. taking over an entire floor for its ne headquarters.

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Daily
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Motion
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Industry

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## New RKO Plan Awaits Court Claims Action

### *Reorganization Outline Discussed in Interim*

Further progress on a plan of reorganization for RKO is awaiting court action on the creditors' claims iled against the company and a rehabilitation of Orpheum Circuit, bankrupt RKO theatre holding subsidiary, t is learned.

The basis of a reorganization plan for RKO has been discussed from time o time during recent weeks, but the definite formation of a plan has been mpossible because of the absence of a court determination of the claims which will be allowed against the company and their amounts. Once this has been established, reorganization factors will be enabled to proceed with the drafting of provisions for taking care of the claims in a reorganization plan. The working out of

(*Continued on page 7*)

## *Carolina MPTO Meet Begun at Charlotte*

CHARLOTTE, Dec. 9. — With 500 members of the industry on hand, the M.P.T.O. of North and South Carolina went into convention today at the Hotel Charlotte here.

The meeting, which continues through tomorrow, is devoting itself principally to a discussion of problems facing the industry, such as music fees, possible adverse legislation in both Congress and the legislatures of

(*Continued on page 6*)

## *Expect Skouras-FWC Contract This Week*

Charles and Spyros Skouras are expected to sign a joint 10-year operating contract with National Theatres this week, prior to the former's departure for the coast with his secretary, Charles Zabel.

Reorganization is slated to become effective on Jan. 1. Spyros will leave for the coast either the latter part of

(*Continued on page 6*)

## *Sound Parts to Be Used in Tax Ruling*

Submission of samples of component parts of sound equipment to the Internal Revenue Dept. for a ruling on whether or not the equipment is taxable will be undertaken by the Entertainment Apparatus Mfrs. Ass'n., it

(*Continued on page 6*)

# Schulberg May Return As Para. Studio Head

### *Comes East to Discuss Deal—Talks Will Be "Unofficial"*

B. P. Schulberg may again become head of production for Paramount.

So far in the conversation stage largely, but reported well along, nevertheless, the possibility will be aired further in the next couple of weeks by Schulberg, who arrived from Hollywood yesterday, and members of the new Paramount board.

As the Chief changed train crews in Kansas City Friday night, Schulberg made the flat statement to a MOTION PICTURE DAILY reporter that he was heading east on a deal to resume charge of all production.

"I will either take over Paramount production entirely or, if that falls through, will produce entirely independently of any studio, releasing through the major distributor who offers me the most advantageous terms."

The impending conferences will, of necessity, be viewed as "unofficial" in

(*Continued on page 7*)

## Early Ending Of Oil Shows Is Predicted

Indications are that Standard Oil's formal announcement of the discontinuance of its free show featuring Guy Lombardo will be made today or tomorrow, following week-end conferences which began with a meeting at M. P. P. D. A. headquarters on Friday.

Standard Oil executives in charge of the touring troupe would neither affirm nor deny the report on Saturday that an understanding had been reached with industry representatives whereby the free shows would be discontinued as of this week with circuits assuming Standard Oil's talent contracts. Other sources, however, definitely indicated that such was the case.

The touring troupe opened a week

(*Continued on page 6*)

## Stalemate On Zoning May Be Ended Shortly

End to the national clearance and zoning stalemate is near with Campi concentrating on two schedules, Kansas City and New Haven. Both have been rehashed and modified to Code Authority's liking and are due to be reviewed again Thursday. It is the opinion of a number of codists that either one, or both, plans will be approved. Compliance Director Sol A. Rosenblatt will attend this session and urge adoption of at least one of the schedules.

Although Kansas City independents were aroused to the point where a boycott against M-G-M and U.A. was threatened because of the price war between RKO's Mainstreet and Loew's Midland, Campi itself has a plan

(*Continued on page 6*)

## Warners Deny Plan To Make Equipment

Reports that United Research Corp., wholly owned Warner subsidiary, planned to enter the sound reproducer field within the next few months are denied by home office executives.

It is stated that the company was inherited by Warners when Brunswick Radio Corp. was taken over about five years ago. United is experimenting with home talker devices in addition to the U. R. C. sound device for theatres. A few installations of the latter device have been made.

(*Continued on page 6*)

## J. L. & S. to Sue on McVickers Product

CHICAGO, Dec. 9.—An anti-trust suit under the Sherman Act will be entered in Federal court next week by Jones, Linick & Schaefer against Balaban & Katz, with a similar suit to be launched in New York against Paramount Publix over the alleged inability of J. L. & S. to obtain first run product from major distributors for the McVickers.

The McVickers opened Tuesday night under J. L. & S. management with a public preview. The program

(*Continued on page 6*)

## *November Grosses Show Only Light Fluctuations*

Late November grosses continued along the levels which set in during the first week of the month in the 22 key cities from which MOTION PICTURE DAILY tabulates weekly reports.

For the week ending Nov. 29-30 the takes in 137 theatres totalled $1,369,576. This is slightly more than for the previous week when the total was

(*Continued on page 6*)

## Add Two Vaudefilm Houses to Census

WASHINGTON, Dec. 9.—With two additional film and vaudeville theatres, having receipts of $775,000, reporting following the conclusion of its survey of service industries, the U. S. Census Bureau last night announced that its investigation had disclosed a total of 10,265 theatres throughout the United States with receipts in 1933 of $415,153,000.

The bureau's final report, which gives totals for the nation only, tallies

(*Continued on page 7*)

## *Mooney Gets B. & D. Selling Job Here*

By BRUCE ALLAN

LONDON, Dec. 9.—Paul C. Mooney is aboard the *Paris*, New York-bound, to assume sales promotion in America for British and Dominion Pictures, the Herbert Wilcox company.

Mooney originally was a Cleveland newspaper man who later became branch manager for Fox in that city. Later, and for some time, he was sales manager for Louis B. Mayer and subsequently a vice-president of Producers' Distributing Corp.

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## *Para. "Battle" Bid Out*

Paramount had dropped out of the bidding for "The Battle," now current at the Criterion. Leon Garganoff, French producer, had this offer in addition to one from Fox. The latter is still pending. The picture bows out of the Criterion Dec. 13, and Garganoff sails for home in a few days.

## *To Star Glenda Farrell*

HOLLYWOOD, Dec. 9.—Glenda Farrell gets her first starring role at Warners in "Women Are Bum Newspaper Men." The picture will go before the camera this month with Robert Presnell supervising.

## *Two by Wheeler-Woolsey*

HOLLYWOOD, Dec. 9.—Bert Wheeler and Robert Woolsey will make only two features a year for Radio in the future instead of three or four. They feel they can get better results by concentrating on two, they say.

## *Radio Executives Coming*

HOLLYWOOD, Dec. 9.—J. R. McDonough and Pandro Berman of Radio were eastbound tonight for production conferences in New York.

## *George Monroe Married*

LINCOLN, Dec. 9.—George Monroe, Jr., who manages the Chief, Pueblo, Col., has married Erma Long here.

# *Insiders' Outlook*

INCLUSION of several Paramount executives on the board of the reorganized company in addition to Adolph Zukor appears to be in the cards for a later date. By-laws of the new company specify that the board membership is to consist of a minimum of 12 and a maximum of 16. For the purposes of presenting the reorganization plan to the court and inaugurating the new company at such time as the plan may be confirmed by the judge, the minimum board of 12 is being set, of which nine have already been named. . . .

▼

The initial 12, it appears fairly certain, will not include any other company executive in addition to Zukor, although one of the three directors remaining to be chosen may be a man with film experience. In selecting the initial membership, the objective of the reorganization factors has been to dispose at the outset of the question of creditors' representation on the board. This is offered as the explanation why not more than two film men stand to be included among the initial 12. . . .

▼

However, there will be four vacancies on the board remaining when the plan is confirmed by the court. At that time the board will be able to meet and elect officers of the new company and from among those elected at that time, it now appears likely, several undoubtedly will also be named to the board. These, in addition to the president of the new company, would probably include a vice-president, treasurer and secretary, all of whom will be film men, according to present indications. Such a procedure would place four or five industry men on a board of 15 or 16 members. . . .

WHILE it may be none of their business, in companies other than Paramount the direction in which the board has so far leaned has precipitated criticism of the Paramount reorganization factors. Dyed-in-the-wool film men at large fail to see how that organization will be able to move swiftly in a highly competitive field unless its controlling board includes enough personalities who know the ins and the outs of the industry and so can move in or out of any given situation quickly dependent upon the dominating circumstances. This column, at the risk of tiring you, this morning again doubles back on ground several times covered and takes upon itself the repetition of well-meant and, it is convinced, sound advice: Get more than a smattering of expert film men on that board, Paramount, or the opposition, well-schooled and well-steeled in matters filmatic, will mow you down. . . .

▼

The production situation there now finally comes to a head of some sort of another in the flirtations between the new directors, or their representatives, and Ben Schulberg, quondam studio chief. That's what brings him east for discussions which, no doubt, will not even be officially admitted. If Schulberg goes in, Manny Cohen will go out. The relations between both men are not and have not been cordial for some time, leading beyond all argument to the conclusion that Schulberg, everything else being equal, will not consent to the firing of any of the shots if Cohen returns the same privilege. . . .

▼

Note to the opponents of double features, meaning distributors principally: In England, distributors who are members of the Kinematograph Renters' Society rule off those exhibitors who permit their shows to run more than three hours and a quarter. That's another way of saying their service is eliminated. The decision developed after a deputation of theatremen, representing the Cinematograph Exhibitors' Ass'n., had finished their conferring with the K. R. S. Here, all you get is a mixture of talk, threats, hot air and inaction. Also, something beyond a suggestion of short-sighted competition tapering off into the double cross. . . .

▼

Impressions often are influenced in the approach. Thus, while David Sarnoff denies having told radio dealers television would be on the market by the end of the year and remains faithful to his earlier statements which foretold the invention, but no date for it, read what he had to say before the New York University College of Fine Arts the other evening:

> "Listeners will be able to watch the performance of the opera they are hearing. A play on Broadway may be seen by an audience in Arizona."

Sounds as if the promised land is around the corner, the Sarnoff enthusiasm being further heightened by:

> "If we let our imagination plunge ahead we may also dream of television in faithful colors. I believe that dream will come true one day, and when it does, every home equipped for reception can at certain times become an art gallery."

If that isn't dangling the bait, what is? . . .

▼

An idle couple of hours the other evening became worthwhile hours through a drop-in visit at the Criterion to catch "The Battle" belatedly. Powerful entertainment is this French picture produced by Leon Garganoff and highlighted by the performance superb of Charles Boyer as the fanatically and fatalistically patriotic Japanese naval officer. Nicolas Farkas' direction is excellent, his sense of the dramatic accurate and convincing and Merle Oberon, lovely and competent at one and the same time. Which is something. There's a pretty good name credited for the dialogue, too. It's Robert Stevenson. . . .

KANN

## *Loew's Leads Trading on Big Board*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 39¾ | 39⅜ | 39½ | ..... | 400 |
| Consolidated Film Industries | 4⅜ | 4⅜ | 4⅜ | ..... | 100 |
| Consolidated Film Industries, pfd | 18⅛ | 18⅛ | 18⅛ | — ⅛ | 600 |
| Eastman Kodak | 112 | 111⅞ | 112 | — ¼ | 300 |
| Eastman Kodak, pfd | 143½ | 143½ | 143½ | +1½ | 20 |
| Fox Film "A" | 13¾ | 13⅝ | 13⅝ | — ⅛ | 500 |
| Loew's, Inc | 36⅝ | 36⅛ | 36½ | + ⅜ | 13,400 |
| Loew's, Inc., pfd | 104½ | 104½ | 104½ | — ½ | 100 |
| Paramount Publix, cts | 3¼ | 3⅛ | 3⅛ | ..... | 700 |
| Pathe Exchange "A" | 14½ | 14½ | 14½ | + ⅜ | 100 |
| RKO | 2⅛ | 2 | 2 | — ⅛ | 3,000 |
| Warner Bros | 4⅞ | 4¾ | 4¾ | — ⅛ | 1,400 |
| Warner Bros., pfd | 23 | 23 | 23 | — ⅜ | 10 |

## *Technicolor Rises Eighth on Curb*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13⅝ | 13⅝ | 13⅝ | + ⅛ | 100 |

## *Paramount F. L. Bonds Up One*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Keith, B. F. 6s '46 | 65 | 65 | 65 | + ½ | 5 |
| Loew's 6s '41, ww deb rights | 104½ | 104½ | 104½ | ..... | 1 |
| Paramount Broadway 5½s '51 | 44 | 43¾ | 43¾ | — ¼ | 10 |
| Paramount F. L. 6s '47 | 62 | 62 | 62 | +1 | 5 |
| Paramount Publix 5½s '50 | 61½ | 61½ | 61½ | ..... | 2 |
| Pathe 7s '37 ww | 99½ | 99⅜ | 99⅜ | — ⅛ | 2 |
| Warner Bros. 6s '39, wd | 60½ | 60 | 60½ | ..... | 27 |

## *James J. McGrath Dead*

PROVIDENCE, Dec. 9.—Theatre men here mourn the passing of James J. McGrath, for 30 years employed by the Keith and Albee theatrical interests throughout the country as a specialist in scenic settings. He was 64 years old. At various times McGrath was employed by such stars as E. H. Sothern to join companies on road trips.

# THE BOAT HASN'T SAILED YET——

**There's still ime to book this ewis Milestone ★★★½★ hit for ne holiday season nd bring a tidal vave of business o your box-office!**

★ ★ ★ ½★ Dripping with wisecracks . . . boasting the best characterizations seen in many a day . . . succeeded in packing the house.
—*Daily News*

Comedy of low and high order along with intrigue, mystery, romance and melodrama . . . rates as good entertainment . . . incisive direction.
—*The Post*

Fun from start to finish . . . never a dull moment . . . like the "Thin Man" a melodrama which kids melodrama . . . superlatively fine cast.
—*Daily Mirror*

Has that priceless commodity called originality . . . refreshing in its treatment, interesting in its characterizations . . . and amusing.
—*Brooklyn Eagle*

Veers from wild comedy to sheer tragedy and takes all with same deliberate nonchalance . . . enough wise cracks to keep it going.
—*The Sun*

Brisk and humming melodrama . . . its drama and characterization is sure and good . . . actors play it well.
—*World-Telegram*

"Captain Hates the Sea" opened to second highest opening day gross since Arthur Mayer took over the Rialto.
—*M. P. Daily*

Takes you for
joy ride . . . sev
eral exceptiona
performances.
— *Bklyn. Times-Unio*

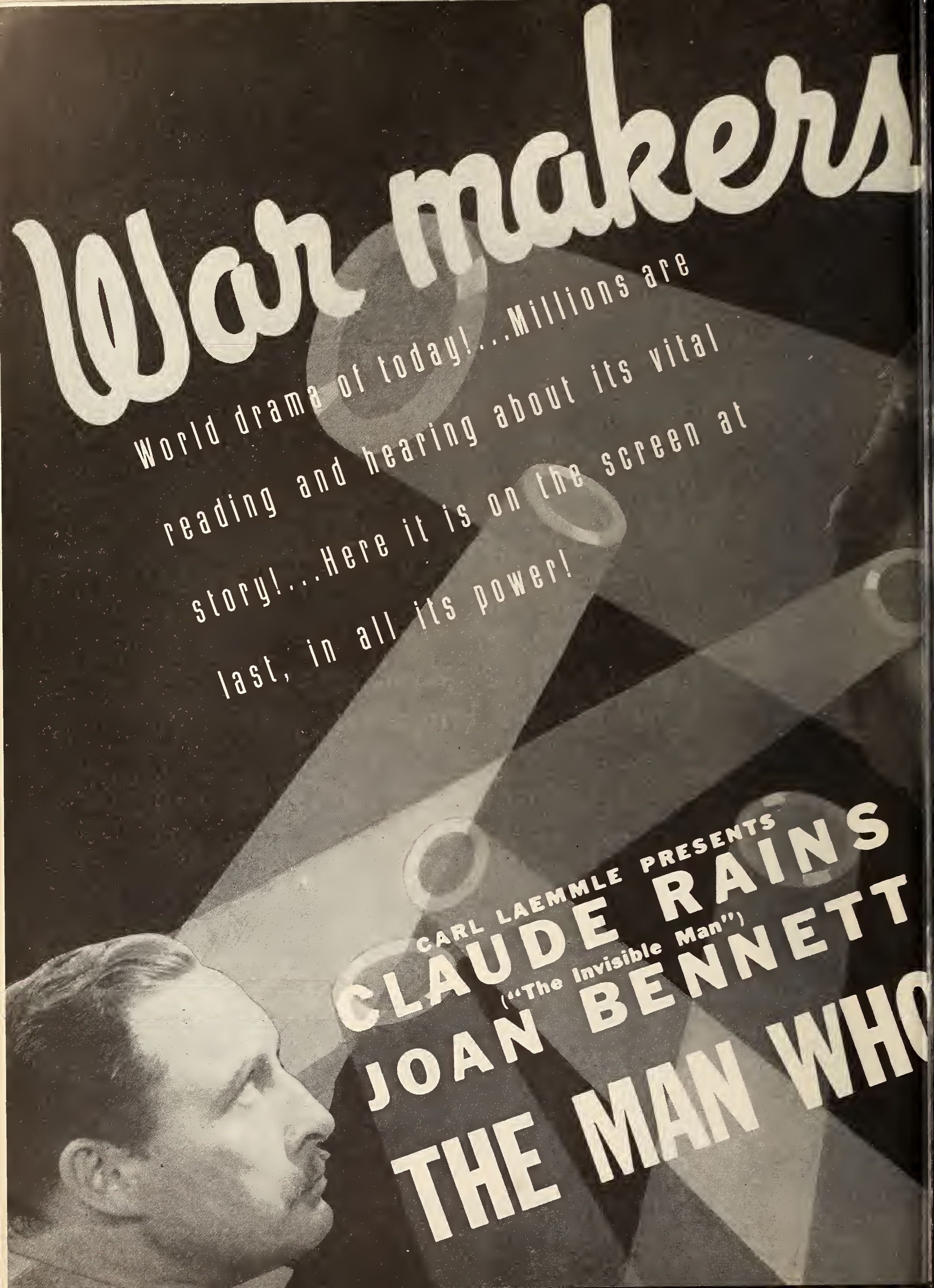
Grand entertainment . . delightful yarn . . . expertly directed . . . dialogue is hilarious . . . expertly played by a large and amusing cast.
—*The Journal*

Cash customers will love the punch-packed entertainment in latest Columbia gem . . . by all means take the cruise aboard Connolly's good ship.
—*The American*

**HELD OVER FOR 2ND WEEK —N. Y. RIALTO**

# The CAPTAIN HATES the SEA

**LEWIS MILESTONE Production** — *with* **VICTOR McLAGLEN JOHN GILBERT**
**ISON SKIPWORTH WYNNE GIBSON HELEN VINSON WALTER CONNOLLY**
**ED KEATING LEON ERROL WALTER CATLETT TALA BIRELL**

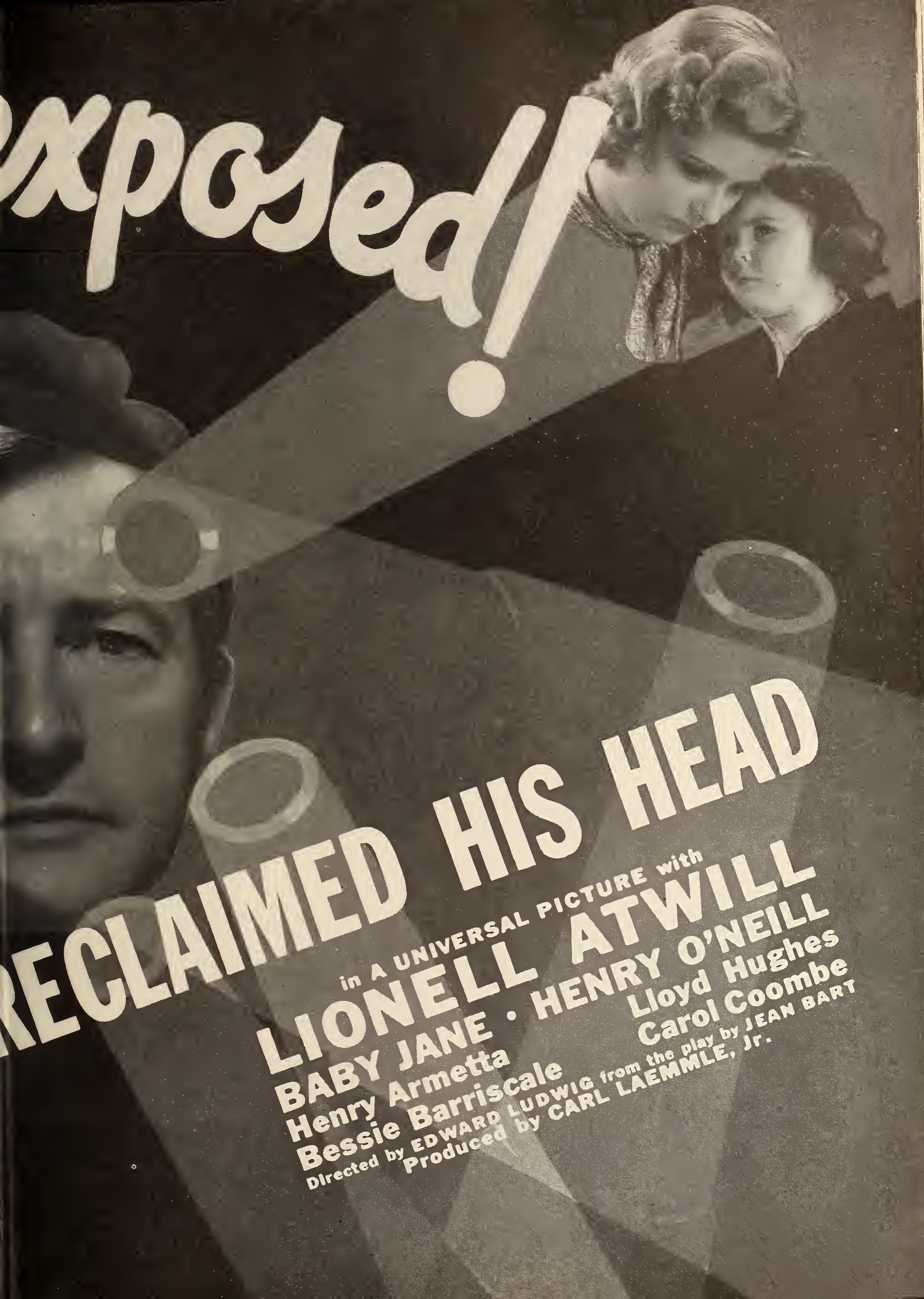


# War makers

World drama of today!...Millions are reading and hearing about its vital story!...Here it is on the screen at last, in all its power!

CARL LAEMMLE PRESENTS
**CLAUDE RAINS**
("The Invisible Man")
**JOAN BENNETT**

# THE MAN WHO



RECLAIMED HIS HEAD

in A UNIVERSAL PICTURE with

**LIONELL ATWILL**

**BABY JANE · HENRY O'NEILL**

Henry Armetta
Lloyd Hughes
Bessie Barriscale
Carol Coombe

Directed by EDWARD LUDWIG from the play by JEAN BART
Produced by CARL LAEMMLE, Jr.

# Stalemate On Zoning May Be Ended Shortly

(Continued from page 1)

to settle the pegging of prices. Penalties, in the form of setting releases back seven days for each five cents cut, would be imposed on downtown first runs as well as in the neighborhoods.

The plan, broached at the last session, was put over for discussion until Thursday, when S. R. Kent will act as chairman. It is believed the only solution to the Kansas City schedule will be to include penalties for all theatres not pegging prices.

The New Haven plan, discussed in brief last week, was referred to the appeal committee which originally heard it and recommended revisions. The revisions have been made and now the committee, presided over by George J. Schaefer, will make a report to Code Authority on the revised schedule. It is expected that Campi will approve the report.

In all schedules which get the official nod, the right of the distributor to sell protection to any run will be included.

Also scheduled for this week's Campi session is the controversy in Chicago over the releasing system set up by exchanges. While in most sections of the country the 14-day release period starts according to dates set by downtown first runs, independents from the Windy City maintain that exchanges are varying this rule and spotting releases after first run neighborhood dates, thereby confusing exhibitors who wish to act within the two-week period on cancellations.

Aaron Saperstein and Jack Miller were in town last week and discussed the situation briefly. While John C. Flinn clarified the releasing system, he promised to take it up with Campi at its next meeting for official action.

# J. L. & S. to Sue on McVickers Product

(Continued from page 1)

comprised two Shakespearean performances rendered before and after the feature picture by the Globe Players who held the stage at the "Merrie England" village at the World's Fair. The feature was "Jane Eyre."

The McVickers is owned by J. L. & S., but in recent years it has been leased by Paramount. Several months ago, in an effort to stave off declining receipts, Publix vested complete management of the house with B. & K., the thought being that complete local autonomy might prove beneficial. However, the house went dark the last week in July and has remained so until reversion to J. L. & S. last week.

## *Work Is Started on Mexico City House*

By JAMES LOCKHART

Mexico City, Dec. 9.—Construction has been started on a new 3,000-seat de luxe house which, it is estimated, will cost $500,000. It will have modern equipment, including air conditioning, and probably will be ready in eight months. It will be the 62nd film house in the Federal District.

# *November Grosses Show Only Light Fluctuations*

(Continued from page 1)

$1,305,450, but both totals run somewhat behind those recorded in the first two weeks of the month.

Comparative grosses for the latest available periods:

| Week Ending | Theatres | Grosses |
|---|---|---|
| Sept. 27-28 | 132 | $1,419,815 |
| Oct. 4-5 | 132 | 1,412,844 |
| Oct. 11-12 | 132 | 1,344,137 |
| Oct. 18-19 | 131 | 1,385,533 |
| Oct. 25-26 | 133 | 1,386,935 |
| Nov. 1-2 | 135 | 1,288,992 |
| Nov. 8-9 | 134 | 1,386,736 |
| Nov. 15-16 | 133 | 1,389,743 |
| Nov. 22-23 | 136 | 1,305,450 |
| Nov. 29-30 | 137 | 1,369,576 |

Comparative weekly totals:

| | *Week Ending Nov. 29-30* | | *Week Ending Nov. 22-23* | |
|---|---|---|---|---|
| | Theatres | Gross | Theatres | Gross |
| Boston | 6 | 113,500 | 6 | 108,500 |
| Buffalo | 5 | 50,700 | 5 | 47,700 |
| Chicago | 8 | 129,800 | 8 | 104,200 |
| Cleveland | 6 | 41,900 | 5 | 43,100 |
| Denver | 5 | 16,000 | 5 | 29,500 |
| Detroit | 6 | 74,900 | 6 | 69,200 |
| Indianapolis | 5 | 25,250 | 5 | 24,250 |
| Kansas City | 5 | 36,700 | 5 | 43,100 |
| Los Angeles | 9 | 68,950 | 9 | 80,450 |
| Minneapolis | 6 | 24,400 | 6 | 23,000 |
| Montreal | 5 | 44,000 | 5 | 46,000 |
| New York | 9 | 264,989 | 9 | 238,750 |
| Oklahoma City | 4 | 14,087 | 4 | 12,300 |
| Omaha | 4 | 22,800 | 4 | 24,200 |
| Philadelphia | 9 | 80,900 | 8 | 73,100 |
| Pittsburgh | 6 | 52,950 | 6 | 64,000 |
| Portland | 7 | 35,600 | 7 | 30,400 |
| Providence | 6 | 48,600 | 6 | 40,200 |
| San Francisco | 7 | 87,000 | 7 | 76,000 |
| St. Paul | 6 | 21,500 | 4 | 20,700 |
| Seattle | 7 | 37,450 | 7 | 35,100 |
| Washington | 6 | 77,600 | 6 | 71,700 |
| | 137 | $1,369,576 | 136 | $1,305,450 |

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## *Sound Parts to Be Used in Tax Ruling*

(Continued from page 1)

was stated on Saturday following a meeting of the organization.

This procedure was described as costly and time-consuming by the association, but was said to be the only method followed by the Internal Revenue Dept. in granting tax exemptions under Section 607 of the Revenue Act of 1932. The organization's statement said that it had learned that Erpi had followed this procedure in 1932 and on the strength of "an oral opinion of an agent of the department they considered their products tax exempt."

## *Yates on Coast to Start Record Plant*

Hollywood, Dec. 9.—Herbert J. Yates arrived from New York today for the second time in several months, this trip having to do with establishment of a phonograph record factory in Los Angeles to serve the country from Denver west. Ralph D. Poucher, Consolidated executive, accompanied Yates.

Also on the Chief were Robert H. Cochrane and Willard McKay of Universal.

## *Ohio's 3% Tax Idea Liked by Exhibitors*

Columbus, Dec. 9.—Ohio exhibitors generally are well pleased with the prospects of early enactment of a three per cent sales tax, as passed by the Senate last week, especially since the existing 10 per cent admission impost is to be repealed, and a flat three per cent levied on gross admissions, thus removing the necessity of affixing tax stamps to tickets.

The repeal of the present 10 per cent tax, and the method of collecting the sales tax, are covered by a Senatorial amendment in which the House is expected to concur when the measure is returned to that branch.

## *Carolina MPTO Meet Begun at Charlotte*

(Continued from page 1)

the Carolinas, clearance and zoning, and gift nights. Ed Kuykendall, M.P.T.O.A. president; Edward Levy, counsel for the national association, and others prominent in the exhibition field are leading the discussions on these and other subjects.

At the invitation of the program committee, headed by Roy Smart of High Point, N. C., Terry Ramsave editor of *Motion Picture Herald* tomorrow will address the convention on "Hearing from the Customers."

# Early Ending Of Oil Shows Is Predicted

(Continued from page 1)

ago and played to capacity houses at New Haven, Concord, N. H.; Providence and Boston, with a driver's license or certificate of ownership the only admission requisite. The current eastern tour was to have continued for another month and then resume in the south and the west. In early meetings between industry representatives and Standard Oil officials in protest against the free show tour Warners volunteered to assume the oil company's talent contracts when those commitments were advanced by Standard as a reason for its inability to call off the exploitation stunt.

Providence, Dec. 9.—Standard Oil's free touring show with Guy Lombardo and other acts played to capacity at the Metropolitan here despite absence of local newspaper cooperation and little advance ballyhoo except by radio. The troupe goes from here to Boston.

# Warners Deny Plan To Make Equipment

(Continued from page 1)

including one in the Grand Opera House, Wilmington, for test purposes.

The theatre reproducer is far from ready for practical installation, it is asserted by Warner officials, but experiments are being carried out by a skeleton force of about seven people working in the Long Island City plant.

## *Expect Skouras-FWC Contract This Week*

(Continued from page 1)

the month or the first week in January. He will be on the scene during the first weeks of the adoption of the reorganized plans.

Hearing in Los Angeles on the appeal of Harry L. Hartman and Marshall Square Theatres on a claim of $3,750,000 alleged damages for asserted monopoly in San Diego and San Francisco will not hold up reorganization, it is stated. Date for the hearing will be set within the next few days.

S. R. Kent, who returned from England last Tuesday, stated the Skourases will continue operation of Fox West Coast. He said he did not know of a 10-year contract. Kent also leaves for the coast the early part of January to confer with Winfield Sheehan on production. In addition, he will give the National Theatre setup an examination.

Los Angeles, Dec. 9.—Fox West Coast reorganization developments are dormant until Wednesday.

## *Gillham to Coast*

Robert Gillham, Paramount advertising and publicity head, left for Hollywood by air Saturday night. He will limit his stay on the coast to 10 days.

## *Get Buffalo Franchise*

The World Wide franchise for Buffalo has been awarded to Hollywood Pictures. This also includes Albany.

## RKO Plan Awaits Court Claims Action

*(Continued from page 1)*

plan for removing Orpheum from ankruptcy will also speed completion f an RKO plan.

Former Judge Thomas D. Thacher, ho was appointed special master to ear claims filed against RKO, conluded the rearings months ago, but p to now has made no report to the ederal District court on the expungig, reduction or allowing of claims. t is expected that Thacher's report ill be submitted within the next few eeks and will be a complete report n all claims filed.

About $38,000,000 in claims were led against RKO, including a Rockeeller Center claim for $15,000,000 for ent defaults on Radio City theatres nd office space and a lease provision pecifying that RKO would pay conruction costs of the theatres in the vent of a rent default. It is expected at this claim will be drastically reuced by the court. Other claims for ent and lease guarantees aggregated 17,400,000 and many of these are also xpected to undergo appreciable reuctions and eliminations. General laims aggregated $5,885,143.

Orpheum's unsecured claims were sted at $13,714,707, of which $11,89,826 was for rent and lease guaranees; $2,172,240, for bonds; $400,000 n inter-company loans, and $3,500,239 n cash and interest to Keith-Albee-rpheum, the principal creditor. Orheum was a holding company for bout 27 subsidiary theatre operating orporations, many of which have now een abandoned. It is expected that he Orpheum reorganization plan will urther reduce the theatre holdings nvolved.

## Zirn to Call Para. Committee Members

In line with his announced intention o oppose the Paramount plan of rerganization Samuel Zirn, counsel for small group of creditors, said Saturay that he would subpoena members f the various protective committees, heir counsel and members of the oard of the new company for the reditors' hearing on the plan, Dec. 7, before Federal Judge Alfred C. oxe.

Among those for whom Zirn said he vould seek subpoenas are Percy H. ohnston and H. P. Howell of the ank creditors' committee, and their ounsel, Morton G. Bogue; Frank A. Vanderlip, Dr. Julius Klein, Duncan G. Harris and Lawrence Stern of the lebenture holders' committee, and heir counsel, Davis, Polk, Wardwell. Gardiner & Reed; Duncan A. Holmes, Gerald Brooks and Maurice Newton of the stockholders' committee, and heir counsel, Alfred Cook.

## Cheese Club Gets Talent

Guests at the weekly Cheese Club uncheon at the Friars' Club today will be: Dr. Henry Moskowitz, executive director of the N. Y. League of Theatres; Capt. George Fried, Police Commissioner Louis J. Valentine, Arthur Brisbane, George Jessel and James Cagney.

## Neilan on U. K. Deal

London, Dec. 9.—Marshall Neilan is here from New York discussing a production deal.

## Schulberg May Return As Para. Studio Head

*(Continued from page 1)*

view of the present court status of Paramount Publix. The nine directors so far named on the new board are officially without power to transact any business on behalf of the about-to-be-reorganized corporation, pending a public hearing of the reorganization plan on Dec. 27 and its approval by the court. In the meantime, the trustees—Charles E. Richardson, Eugene W. Leake and Charles D. Hilles—will continue to run the company's affairs.

Important interests identified with the Paramount reorganization have been checking into the production situation with extreme care. In pursuing that procedure, reports reaching them on Schulberg have been described as "glowing," it is learned very reliably, and great compliment has been paid to his personality and ability as a producer.

While probably nothing of an official character can be consummated with Schulberg until Paramount is cleared of the bankruptcy courts and so turned over to its partially formed directorate to manage, there appears to be no reason why arrangements looking toward discussion of his return to the production helm, in place of Emanuel Cohen, cannot proceed in the meantime.

Kansas City, Dec. 9.—Howard Spellman, former story editor for Radio, said he will be B. P. Schulberg's assistant if the latter takes over Paramount production. He made this statement as he passed through here, bound for New York.

"You may say it is significant that I am going east with Schulberg and very likely will be with him in his future activities," Spellman told a Motion Picture Daily reporter.

## Bishop Hits Adult Listings for Films

Scranton, Dec. 9.—Opposition to a White list or "any list of pictures that are classed as dangerous to children, but not for their experienced parents," is voiced in a letter which Bishop Thomas C. O'Reilly sent to the priests of the Scranton Roman Catholic diocese.

The diocese covers an area of approximately 8,000 square miles in northeastern Pennsylvania and includes the cities of Scranton, Carbondale, Wilkes-Barre, Hazleton, Pittston and Williamsport. The Catholic population in the diocese is estimated conservatively at 300,000.

## Two Ties in Election

Two tie votes marked the election of officers for International Photographers' Local 644. Lawrence Williams and William Miller tied for president and E. Hyland and Jack Etra tied for members of the executive board. These ties will be settled at a special election Jan. 8.

Officers named were: Vice-president, U. K. Whipple; treasurer, Frank G. Kirby; secretary, John Geisel; business representative, O. B. Johnson; sergeant-at-arms, Frank Landi; trustee, Tom Hogan; executive board, William Miller, Charles Downs, Charles Gilson, Frank Zucker, Fred Fordham. J. T. Baltzell, Jeff Kizis, Herman Lutz, Dan Cavelli and Walter Nase.

## Stebbins Sues on Pact

Los Angeles, Dec. 9. — Arthur Stebbins has filed suit in Superior Court here against Berg, Stebbins, Allenberg and Blum, Inc., over a branch employment contract said to aggregate $175,000, prorated at $500 weekly. Stebbins charges the agreement was unduly dismissed. It is understood another suit over his stock in the corporation, of which he was a member, will follow.

Stebbins says he does not plan to re-enter the agency business as reported, but will return to the insurance field.

## Film Players Elope

Hollywood, Dec. 9.—Evelyn Laye and Evelyn Venable have returned from Yuma, Ariz., the brides of Frank Lawton and Hal Mohr, respectively, after eloping.

## Add Two Vaudefilm Houses to Census

*(Continued from page 1)*

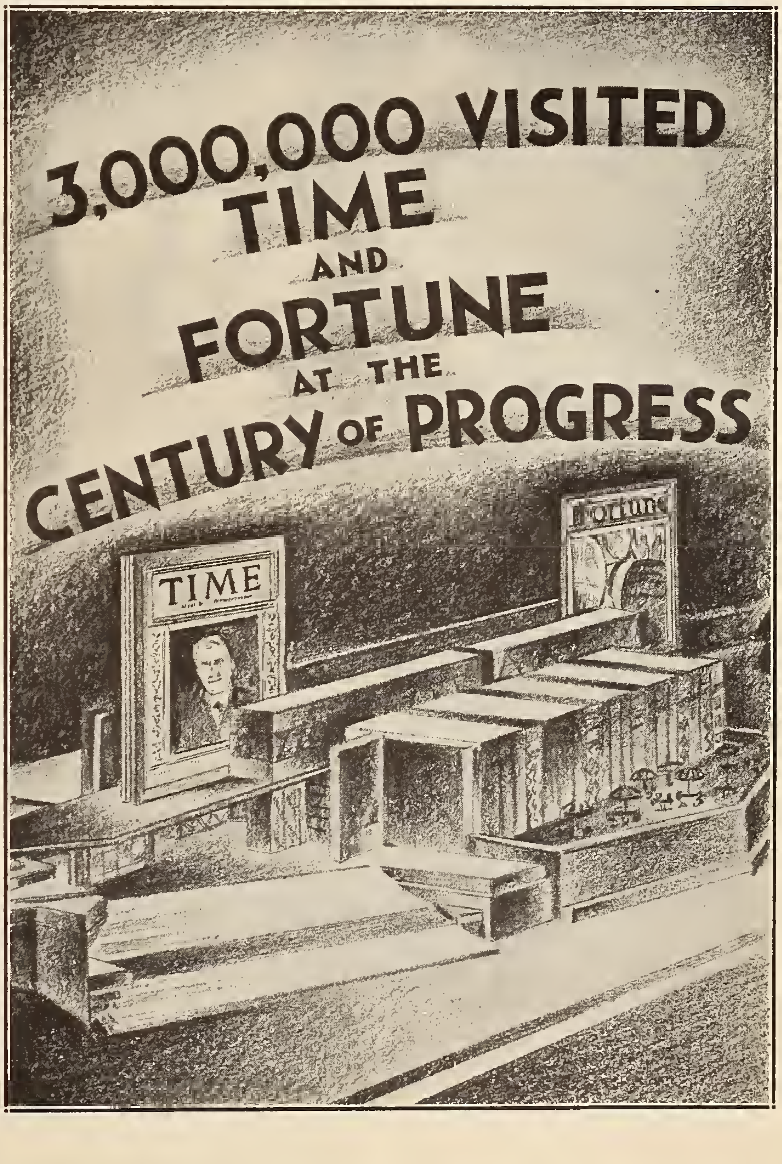
with the tabulation made by the Motion Picture Daily of 9,499 film houses with receipts of $356,316,000, and 122 legitimate theatres with receipts of $8,611,000. The report on film and vaudeville houses shows 644 theatres with receipts of $50,226,000, compared with the original estimate of 642 theatres with receipts of $49,451,000.

Fifteen cents out of every dollar spent by the public for services, in which category more than 200 kinds of business are grouped, went into box-office tills, the bureau showed. By classes, the film houses received 12.91 cents, the film and vaudeville houses 1.82 cents and the legitimate theatres .31 cent.

The 9,499 film theatres were operated by 8,024 proprietors, and had an aggregate payroll for 1933 of $71,451,000, of which $67,009,000 went to full-time employes, who averaged 54,030, and $4,442,000 to part-time workers, averaging 11,698.

The 644 film and vaudeville theatres were run by 191 proprietors, and had an average of 7,924 full-time employes receiving $10,053,000 and 711 part-time receiving $252,000, the total payroll for this branch being $10,305,000.

The 122 legitimate theatres had 69 proprietors and a payroll of $3,666,000, of which $3,457,000 went to 1,182 full-time and $209,000 to 448 part-time.



*They're saying it just that way!*

WALLACE BEERY

in THE

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OL. 36. NO. 137 NEW YORK, TUESDAY, DECEMBER 11, 1934 TEN CENTS

## FWC Parleys End; Skouras Pact Closer

### xpect Operating Deal Signed Shortly

Conferences relating to the operaion of Fox West Coast under reoranization plans ended late yesteray when Spyros and Charles Skours met with Chase National and Fox fficials at the Fox home office. Deails of the joint 10-year contract etween the Skouras brothers and ational Theatres were straightened ut and contracts are slated to be igned within the next few days.

The operating pact provides for a lat salary and a percentage of the rofits. Charles Skouras and Edvard Zabel are scheduled to leave or the coast the end of the week and

(Continued on page 7)

## eade Will Reopen Astor with "Babes"

Walter Reade will reopen the Astor omorrow night with "Babes in Toyand" at popular prices, making the econd first run for Reade on Broadvay. He also has the Mayfair.

Reade and Nicholas M. Schenck greed late last week to cancel the 0-year lease M-G-M held, the under-

(Continued on page 6)

## California's Solons Worry For Industry

### EPIC Assemblymen Are 27; They're Active

San Francisco, Dec. 10.—Heads of the theatre industry here are warily watching maneuvers of clashing political forces, many of which are drawing their battle lines in the north preparatory to the convening of the new California legislature Jan. 7.

Upton Sinclair was defeated for governor, but his famous EPIC plan gave him nearly 900,000 votes for the governorship, 250,000 behind the successful incumbent, Frank F. Merriam. It also elected 27 EPIC assemblymen and tied strings to some 11 more state

(Continued on page 6)

### It's Col. Rubinoff

**Cincinnati, Dec. 10.—The latest additions to the ever-growing list of Kentucky colonels include Dave Rubinoff, who came here to act as guest conductor of the Cincinnati Symphony Orchestra, and Theodore Hahn, local musician, conductor of a 15-piece stage orchestra at the Orpheum, suburban.**

**The credentials were presented to both men on the Orpheum stage.**

## Operators' Basic Scale to Be Fixed

With arrival tomorrow of Compliance Director Sol A. Rosenblatt from Washington for conferences with the NRA fact finding commit-

(Continued on page 7)

## Texans Lose Protection Suit by Dallas Decision

Dallas, Dec. 10.—R. Z. Glass today lost his suit for an injunction to prevent price-fixing and alleged monopoly against Karl Hoblitzelle, Interstate Circuit, Inc.; R. J. O'Donnell, Southern Enterprises, Inc.; Paschall-Texas Theatres, Inc., and Dent Theatres, Inc.

Judge W. M. Taylor in the 14th District Court ruled that protection on Class A product for major first

(Continued on page 8)

## Circuits Take Over Standard Oil Schedule

### Will Book Acts as Part Of Regular Shows

Standard Oil of New Jersey concludes its free show exploitation stunt as of today under an agreement reached with circuit representatives and M.P.P.D.A. officials by which, RKO, Warner, Loew's and Paramount theatres assume the contracts for talent entered into by Standard Oil and book the acts as added attractions on play dates and in cities corresponding to the original itinerary mapped out by the oil company.

Standard Oil's free, touring show, headed by Guy Lombardo and his orchestra, was billed by the company as "The Esso Marketers," but that designation will be dropped immediately, with the cast going into the circuits' houses at regular admissions and

(Continued on page 6)

## Quick Trial Asked On Cleveland Duals

Cleveland, Dec. 10.—An immediate trial is to be asked for the injunction suit filed by Max Lefkowich of the University against the Alhambra

(Continued on page 7)

## "Improved Position on All Fronts" Is Foreseen by Hays for 1935; Kent Finds "Misgivings" Fewer

By WILL H. HAYS

*President, M. P. P. D. A.*

From all signs the industry advances into the new year with an improved position on all fronts.

Theatre attendance has been on an upward curve. Product has held up to early expectations. The public response to better pictures, organized through many sources, has been gratifying. Business progress and good management brings near the

(Continued on page 2)

By SIDNEY R. KENT

*President, Fox Film*

The industry today is facing the future with fewer misgivings than at any time in the last four years. Having put its house in better order, both financially and artistically, the industry now is devoting its entire energy to the work of producing entertainment which always has been the primary objective.

When it strayed away from this

(Continued on page 2)

By DARRYL F. ZANUCK

*Vice-President, 20th Century*

Hollywood, Dec. 10.—In entering 1935 the industry finds itself in a position quite different from preceding years, in that it knows what it wants and where it is going.

Last year was notable in that production started a trend away from mass production toward the concentration by producers on a more limited output. In other words, they have begun

(Continued on page 2)

By W. RAY JOHNSTON

*President, Monogram*

A recent trip over the United States, visiting most of the key cities of the country and talking with hundreds of exhibitors, leads me to believe that we may expect a real step forward in the industry during 1935. Our own experience as distributors indicates that this movement is well under way, our sales for the first five months of the current season being 81 per cent

(Continued on page 2)

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Vol. 36 December 11, 1934 No. 137

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## Set Staten Island Pool

Contracts have been signed within the last few days between Harry Shiffman and Paramount officials affirming the temporary pooling deal on Staten Island. On Sept. 1, Shiffman pooled his seven theatres with the Paramount, St. George, on a 10-year arrangement, but the contracts were not signed until late last week.

## Harry C. Arthur Back

Harry C. Arthur of F. & M. returned from St. Louis yesterday after installing stage shows at the Ambassador. No changes of prices have been made with addition of presentations, the 25-35-55 cents scale being maintained as heretofore.

## Weiser in Newark Park

NEWARK, Dec. 10.—Murray Weiser is managing the Park for J. Louis Geller. He was formerly identified with several independent circuits in New York.

## "Gambling" Gets $7,900

"Gambling" at the Mayfair last week garnered $7,900 and was succeeded last night by "Hell in the Heavens."

## Schenck Returns Soon

Nicholas M. Schenck, president of Loew's and M-G-M, is due to return from the coast the end of the week.

# Hays, Kent, Johnston and Zanuck Cheery Over '35

### By WILL H. HAYS

(*Continued from page 1*)

permanent reorganization of leading factors now operating under receivership.

The steady growth of self-regulation in the industry is attested by popular reaction to pictures that meet the strictest provisions of our Production Code.

The trade relations of the industry have been improved by the machinery set up for the orderly solution of trade problems and trade disputes.

Higher standards of public acceptance have made possible the success of pictures based on themes and treatments hitherto considered outside the field of popular entertainment.

Early production plans for the new year indicate a progressively higher standard of entertainment appeal.

I have faith in the progressively higher public appreciation of the finest type of pictures.

Eternal vigilance is an essential element in this as in all other progress. The industry is judged by its mistakes as well as by its achievements. The sincerity of our purpose is reflected from the screen, and only on the screen is our answer to the constant challenge to a higher service and a greater success.

### By W. RAY JOHNSTON

(*Continued from page 1*)

ahead of last year on an equal number of pictures. The large sums of money being expended by the government in relief work of various natures has put more money into the hands of people and therefore has increased the number of people attending the theatres.

One of the big problems to be straightened out before the industry can feel secure in making too extensive plans for 1935-36 is the adjustment of the patent situation.

The Legion of Decency campaign has undoubtedly done much to improve the moral tone of pictures which, in turn, has improved the grosses at the box-office.

### By DARRYL F. ZANUCK

(*Continued from page 1*)

to realize that pictures must be "made" rather than merely "turned out."

The coming year will see this trend carried toward its logical conclusion. The mass system will bog down further and individual production will be carried nearer to perfection. At 20th Century we have completely converted our organization to this production system, and in the coming year will be in a better position than ever toward building individual productions.

When bigger pictures are made box-office returns naturally rise. In predicting more big pictures, therefore, I feel justified in foreseeing bigger grosses for the coming year.

I am confident that economic conditions for the country as a whole will improve in 1935, which will also make for better returns from films.

For those reasons the industry can. in my sincerest opinion, look forward to 1935 as a year of progress along a path that is definitely marked.

### By SIDNEY R. KENT

(*Continued from page 1*)

point of view and lost sight of the rightful demands of the public for high grade entertainment, theatre grosses suffered, which in turn affected production.

If general conditions improve we shall make steady progress forward, and 1935 should be a good year.

## Al Suchman Returns

Al Suchman, booker for Consolidated, returned to his desk yesterday after an attack of the flu which kept him in bed for 10 days. He is still weak, but much improved.

## Skouras Managers Meet

Long Island managers of the Skouras circuit yesterday held their regular weekly meeting at the home office and discussed bookings for the holidays.

## Issues Fairly Steady on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 38¾ | 39¼ | 39¼ | — ¼ | 300 |
| Consolidated Film Industries | 4½ | 4⅛ | 4⅛ | — ¼ | 400 |
| Consolidated Film Industries, pfd | 18⅝ | 18¼ | 18¼ | + ⅛ | 1,100 |
| Eastman Kodak | 112½ | 111½ | 112¼ | + ¼ | 1,100 |
| Eastman Kodak, pfd | 142½ | 142½ | 142½ | — ½ | 1,000 |
| Fox Film "A" | 13⅞ | 13½ | 13⅞ | + ¼ | 900 |
| Loew's, Inc. | 36¾ | 36¼ | 36½ | ..... | 9,800 |
| Loew's, Inc., pfd | 104½ | 104½ | 104½ | ..... | 200 |
| Paramount Publix | 3⅛ | 2⅞ | 3⅛ | ..... | 13,400 |
| Pathe Exchange | 1⅛ | 1 | 1⅛ | + ⅛ | 600 |
| Pathe Exchange "A" | 14 | 13⅞ | 14 | — ½ | 200 |
| RKO | 2⅛ | 2 | 2 | ..... | 2,700 |
| Warner Bros. | 4⅞ | 4¾ | 4¾ | ..... | 2,700 |
| Warner Bros., pfd | 23½ | 22¾ | 23 | ..... | 6,000 |

## Technicolor Up Eighth on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13¾ | 13⅜ | 13¾ | + ⅛ | 200 |

## RKO Bonds Drop 2½ Points

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9⅞ | 8⅞ | 8⅞ | — ⅛ | 20 |
| General Theatre Equipment 6s '40, ctf | 8¾ | 8¾ | 8¾ | + ¼ | 1 |
| Loew's 6s '41, ww deb rights | 104⅝ | 104½ | 104⅝ | + ⅛ | 9 |
| Paramount Broadway 5½s '51 | 43⅞ | 43¾ | 43¾ | ..... | 13 |
| Paramount F. L. 6s '47 | 62 | 62 | 62 | ..... | 5 |
| Paramount Publix 5½s '50 | 62 | 62 | 62 | + ½ | 5 |
| RKO 6s '41, pp | 34 | 34 | 34 | —2½ | 1 |
| Warner Bros. 6s '39, wd | 60⅝ | 60 | 60¼ | — ¼ | 11 |

## No Estimate Given Upon Film Pledge

No accurate number of Catholi in Greater New York who took t Legion of Decency pledge at ma Sunday could be given yesterday b the cardinal's office. It was said th it would be several days before su a statement could be given out.

At St. Patrick's Cathedral, howeve it was estimated that some 12,000 pe sons attended services Sunday ar bound themselves to the pledge.

At many churches, on the oth hand, the parishioners were give written pledges and asked to sign the during the week, returning them the church next Sunday.

Throughout the country a simil program was launched from pulpi in an effort to band together 22 000,000 Catholics in a permanent o ganization to campaign for clean film

## Seating Co. Net at $95,579, 9 Month

The American Seating Co.'s repo for the nine months ended Sept. showed a consolidated profit of $95 579 after depreciation, interest a other charges, but before Federal i come taxes. The report for the co responding period last year showed loss of $64,143.

For the quarter ending Sept. 30 t report showed a profit, based on s and nine months' reports, of $216,3 before taxes, against a net loss $39,474 in the preceding quarter a a profit of $184,604 before taxes the third quarter of 1933.

## M'Naughtons Found Dea

Circuit men yesterday were shock by news of the death of Willard MacNaughton and his wife, who we found dead at their home in Hem stead, L. I. MacNaughton was ma ager of Skouras' Hempstead theat

Four gas jets were found open wh the bodies were found by the poli indicating suicide. Mrs. MacNaug ton had been ill for some time.

## Albert Shultz Buried

STAUNTON, VA., Dec. 10.—Fune services were held yesterday for A bert Shultz, pioneer exhibitor, w died Friday. His widow, a son a a sister survive.

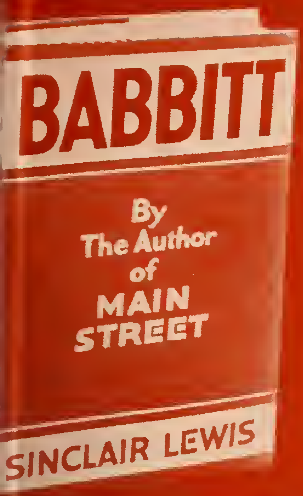
## Snaper in Allied Charg

Dave Snaper will preside today the meeting of Allied of N. J. S ney Samuelson is in New Orlea for the Allied directors' meeting.

## Sloane on Way East

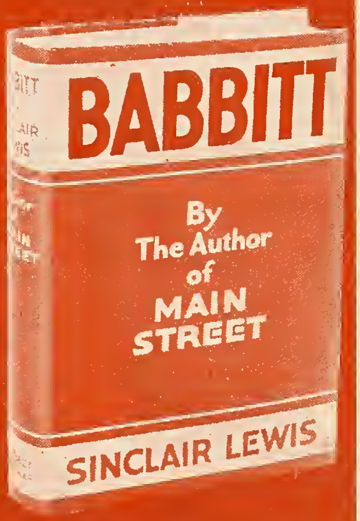
HOLLYWOOD, Dec. 10.—Paul Sloa director, is en route to New York business.

GRAND OPENING TONIGH
Jack Lyons
Chop House
102 West 50th Street
MEETING PLACE OF THE INDUSTR
where old friends meet the ne
where fragrant memories of an e
gone, come back to spend their hou


BABBITT
By The Author of MAIN STREET
SINCLAIR LEWIS

**is a masterpiece of American literature**
N. Y. POST

**here never before was really a book like**
ICAGO DAILY NEWS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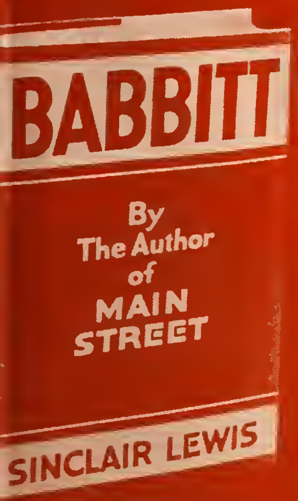
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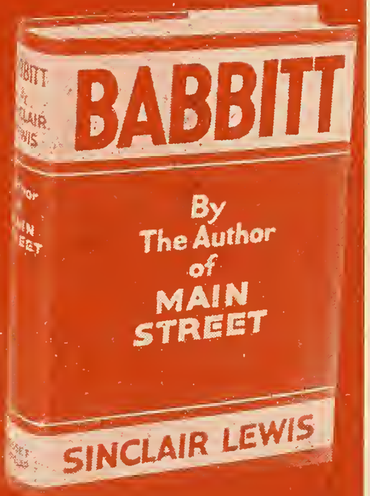
By The Author of MAIN STREET
SINCLAIR LEWIS

**should spell hit at any box-office**—VARIETY DAILY

**I wish that I could have written**
H. G. WELLS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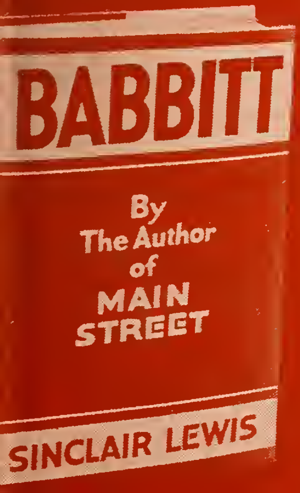
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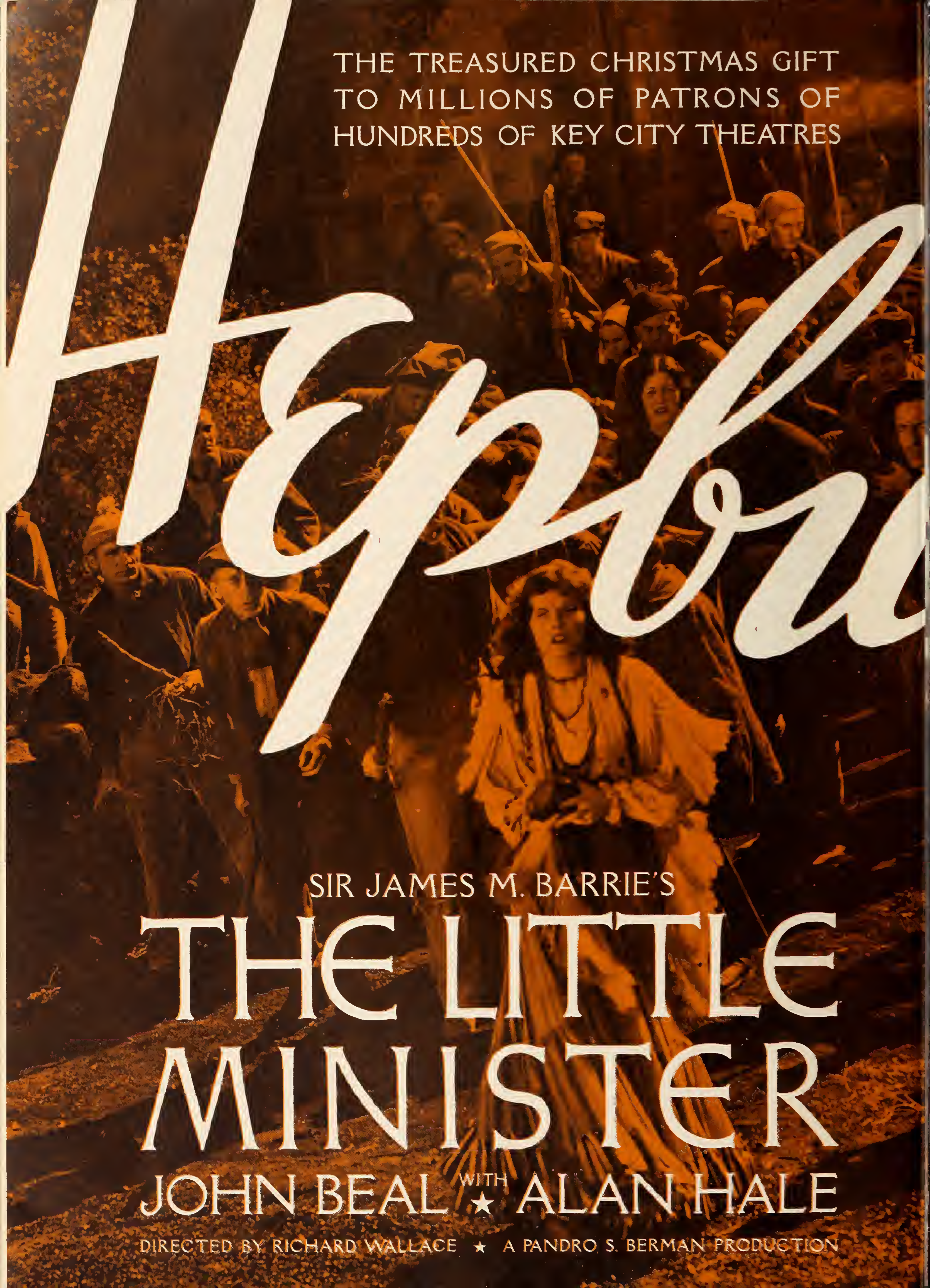
SINCLAIR LEWIS

**now comes to you from WARNER BROS . . .**

**Starring ALINE MacMAHON • GUY KIBBEE**

Directed by William Keighley. A First National Picture. Vitagraph, Inc., Distributors

THE TREASURED CHRISTMAS GIFT
TO MILLIONS OF PATRONS OF
HUNDREDS OF KEY CITY THEATRES



SIR JAMES M. BARRIE'S

# THE LITTLE MINISTER

JOHN BEAL WITH ★ ALAN HALE

DIRECTED BY RICHARD WALLACE ★ A PANDRO S. BERMAN PRODUCTION

RKO-RADIO
PICTURE

# Circuits Take Over Standard Oil Schedule

(*Continued from page 1*)

with the same billing that the usual stage attractions receive. The Standard Oil bookings taken over by the circuits run for about 12 weeks, beginning with the Schenectady engagement tonight which is being taken over by the RKO Proctor. The subsequent bookings for which dates had already been set by Standard Oil will be assumed by the following theatres:

Dec. 12, Albany, RKO Palace; Dec. 13, Syracuse, Loew's State; Dec. 14, Rochester, Loew's Palace; Dec. 15, Buffalo, Paramount's Hippodrome and Great Lakes; Dec. 17, Erie, Warners' Warner; Dec. 18 and 19, Pittsburgh, Warners' Stanley and Loew's Penn; Dec. 20, Wheeling, Capitol (Warner-Paramount); Dec. 21, Parkersburg, W. Va., Warners' Virginia, and Dec. 26, White Plains' booking, to be assumed jointly by Loew's and RKO.

The as yet undated bookings and the circuits which will assume them are: Philadelphia, two nights, Warners; Baltimore, Warners and Loew's jointly; Washington, Warners, Loew's and RKO; Richmond, Loew's; Norfolk, Loew's; Wilmington, Warners and Loew's; Trenton, RKO; Raleigh, Paramount; Charlotte, Paramount and Warners; Columbia, Paramount; Memphis, Loew's and Warners; Chattanooga, Paramount; Little Rock, Paramount; Shreveport, Paramount; New Orleans, two nights, Paramount, Loew's and RKO; Harrisburg, Pa., Loew's; Nashville, Paramount and Loew's; Newark, three nights, Loew's. RKO, Warners and Paramount.

### Playing to Capacity

The Standard Oil troupe opened Dec. 1 in New Haven and subsequently played Boston, Hartford, Concord, Providence and Springfield. With the bearer of a driver's license or automobile ownership certificate admitted free, the show played to capacity at each appearance despite the fact that local newspapers uniformly ignored the stunt. The tour was regarded by exhibitors as unfair competition, injurious to the established theatre and establishing a dangerous precedent. J. C. Donan, advertising manager of Standard Oil of N. J., and W. H. Snyder, assistant, represented the oil company in the meetings with representatives of Loew's, Warner, RKO and Paramount at the Hays office which resulted in the agreement.

Joint committees named last week by Charles L. O'Reilly, chairman of Code Authority's committee on unfair competition, will continue their work in the interests of discouraging a recurrence of the free show stunt despite the agreement with Standard Oil.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Little Minister"*

*(Radio)*

HOLLYWOOD, Dec. 10.—This is a beautiful translation of James Barrie's novel and play, artistically photographed by Henry Gerrard and depicting the lives of plain folks in a small Scotland village during the period of 1840 when religion dominated.

Good judgment was exercised in surrounding Katharine Hepburn with a capable cast such as John Beal, a newcomer; Alan Hale, Donald Crisp, Lumsden Hare, Andy Clyde, Beryl Mercer, Reginald Denny and others. Richard Wallace's direction is very effective, bringing forth splendid characterizations without losing the thread of the story forcefully telling the trials of the young minister (Beal) who comes to the small, religiously bigoted town with his loving mother (Miss Mercer) and is caught in the web of romance with Miss Hepburn, notoriously suspected because of her gypsy lineage. The conflict between love and the church is well handled until the final clinch, when, to the satisfaction of the community, it is found that Miss Hepburn has been misjudged and all is forgiven.

There is sincerity in which Beal and Miss Hepburn, as well as the balance of the cast, command the appreciation of the audience because of the delicate, tense, dramatic tempo carried throughout. There are times when much dialogue is misunderstood because of the forced Scottish accent, but this is overbalanced by forceful acting.

Strength in the cast names, with Beal matching Miss Hepburn's stride, plus the sock quality of the well-known story, make available exceptional interest-creating exploitation, popularizing the yarn's conflict between love and duty. Production Code Seal No. 480. Running time, 110 minutes. "G."

*"Limehouse Blues," last night's preview at the Rialto, was covered by wire from Hollywood on Oct. 31.*

## *Music Tax Up in Buffalo*

BUFFALO, Dec. 10.—Legislation to regulate collection of the music tax will be considered by the Buffalo zone, unit of M.P.T.O., tomorrow afternoon. A Federal commission to establish fair and reasonable rates probably will be sought, Jules H. Michael, chairman, said.

Michael charged that under the present arrangement, A.S.C.A.P. asks individual exhibitors to sign contracts agreeing to abide by rates to be established later, virtually constituting a blind contract.

## *Reade Will Reopen Astor With "Babes"*

(*Continued from page 1*)

standing being M-G-M can again lease the theatre for individual attractions when they come along. The negotiations were closed over long distance telephone, Schenck being in Hollywood.

Definite scale of admissions was not set up by late last night. Neither was the next attraction, but it is understood that some of the pictures bought for the Mayfair will be booked into the Astor.

Having already bought "Gambling" and "Hell in the Heavens" from Fox on individual contracts since cancellation of a previous deal, Reade added a third picture from this company to the list yesterday with the dating of "Helldorado" for the Mayfair. He also has bought "I Sell Anything" and "I Am a Thief" from Warners.

With the debut of the Astor, this makes 10 popular-priced film houses along the Main Stem, not including the Palace, which occasionally departs from its second run policy. The other nine houses are the Capitol, Strand, Roxy, Mayfair, Paramount, Rialto, Music Hall, Criterion and Gaiety.

Reade may give up the Astor for legitimate shows, provided a suitable leasing deal can be made.

## *May Postpone "Yale"*

HOLLYWOOD, Dec. 10.—Unless a leading woman can be found for "Hold 'Em Yale" within a week the picture will be assigned to another producer, as Charles R. Rogers has all commitments signed with actors to start "Macfadden's Flats" Jan. 7.

# California's Solons Worry For Industry

(*Continued from page 1*)

officials who sought and accepted EPIC support in the election.

Outstanding in the preliminary moves are the efforts of the EPIC forces in circulating here a petition to the legislature demanding that 25 per cent of the $24,000,000 relief bond issue, passed at the last election, be utilized in a program of "production for use," which was the main principle in Sinclair's EPIC program. If their plan succeeds, many thousands of unemployed Californians will be put to work in the present unused factories, shops and farms producing and distributing among themselves necessities of life, principally food and clothing.

Sinclair announced during the campaign that he hoped his plan could progress to the point where unemployed actors, directors, technicians and other unemployed film workers could take over idle plants, exchanges and theatres and thus produce, distribute and exhibit entertainment for themselves, arguing that few of the unemployed now have the money to buy theatre tickets.

### Fear Taxes Against Industry

But what particularly concerns the industry here is the fear that the Sinclair bloc which has to secure only 14 votes in the legislature to control the new session may start a program of taxation levied against the industry. There is no question but that the bloc will strenuously attempt to have enacted a steep state income tax. There will also be attempts made, it is believed, to tax corporations on their net profits, the tax to be paid in goods and services, which idea was also embodied in the EPIC plan. This would also affect the industry.

Sinclair in the last days before the general election suddenly started a campaign against block booking and "blind buying" and offered his services to the industry heads, but was turned down with a smack. Theatrical wiseacres here therefore believe that block booking and "blind buying" will be an issue before the coming legislature.

It is recalled that Sinclair is the author of "Upton Sinclair Presents William Fox" and has come into possession of many trade secrets and has aligned himself with certain elements in and recently out of the industry.

That Sinclair forces, even in defeat, will carry on as if the Democratic party standard bearer had been elected, is taken for granted by those close to the situation.

Hulda McGinn of this city, secretary-manager of the California Theatre Ass'n., will represent the industry at the session.

## *Flash Reviews*

*'Neath Arizona Skies*— . . . should satisfy audiences that go for western thrillers. . . .

*The Czar Wants to Sleep*— . . moderately diverting production . . one of the few Soviet pictures devised primarily for entertainment. . .

*These films will be reviewed in full in a later issue of* MOTION PICTURE DAILY.

Exceptionally Fine For
Holiday Bookings
POWERS
COMICOLOR
CARTOONS
**Real Headline Attractions**

"JACK AND THE BEANSTALK"
"ALADDIN AND WONDERFUL LAMP"
"THE QUEEN OF HEARTS"
"THE HEADLESS HORSEMAN"
"DON QUIXOTE"
"THE BRAVE TIN SOLDIER"
"THE LITTLE RED HEN"
"PUSS IN BOOTS"
"VALIANT TAILOR"
"JACK FROST"

CELEBRITY PRODUCTIONS, Inc., 723 7th Ave., New York City

# FWC Parleys End; Skouras Pact Closer

(Continued from page 1)

Spyros plans to leave the end of the month.

Furthering the plan to reorganize its subsidiaries, National Theatres has formed new corporations for Fox Rocky Mountain and Fox Midwest. They will be taken out of bankruptcy after the first of the year. Associated Amusements, Inc., has been formed in Dover, to replace Fox Rocky Mountain, and it is likely Rick Ricketson will be named president.

Fox Midcontinent is the new corporation formed at Dover for Fox Midwest. It is probable Elmer C. Rhoden will be named president. Frank C. Newman is head of Evergreen States Amusement Co., which some time ago took over the Pacific Northwest houses.

## *Cincy Players Quit Rubinoff's Concert*

CINCINNATI, Dec. 10.—Approximately 20 musicians of the Cincinnati Symphony Orchestra walked out on Rubinoff at a concert in Music Hall Saturday night in which the radio violinist was guest conductor. They participated in the first part of the concert directed by Eugene Goosens, regular conductor, but refused to return to their posts for the second part directed by Rubinoff.

Cause of the walkout is said to have been the result of dissension in the Musicians' Ass'n. over the policy of the special concert, musical snobbery on the part of certain musicians who resented playing under Rubinoff's direction, and resentment of others over the "ballyhooing" of the concert.

## *Quick Trial Asked On Cleveland Duals*

(Continued from page 1)

Theatre Co. seeking a permanent injunction against duals in the Alhambra. Depositions have been taken.

The point at issue is whether the new owners of the house are bound by the agreement signed by their predecessors.

## *Mrs. Fox Is Witness*

Mrs. William Fox testified yesterday against Maurice Monnier, being tried in Brooklyn for the second time for an alleged attempt at extortion. The jury could not agree at the first trial.

## *Rothafel in Wilmington*

WILMINGTON, Dec. 10.—S. L. Rothafel will address members of the Wilmington Advertising Club at a meeting here Thursday. Roxy's address will be heard over WDEL.

## *1st Div. Gets Mat Film*

First Division has acquired distribution rights to films of the championship wrestling match held at Madison Square Garden last night between Jim Londos and Dick Shikat.

# Operators' Basic Scale to Be Fixed

(Continued from page 1)

tee, a basic wage scale for operators in this territory will be definitely set.

It is estimated that $90,000 a week is spent for booth operation of 516 independent and circuit houses now open in this city. Approximately 2,500 men are employed in the theatres.

## *Delaware-Maryland Zoning Up for Talk*

HARRINGTON, DEL., Dec. 10.—The zoning situation will be discussed at a meeting of the I.M.P.O.A. of Delaware and the Eastern Shore of Maryland here next Thursday. A. Joseph DeFiore, manager of the Park, Wilmington, and president of the organization, will preside.

Exhibitors in lower Delaware and sections of the Eastern Shore of Maryland believe the 10-day clearance held by Wilmington and Washington is unjust. They base their claim on the fact that their sections are not in competition with these two cities. Legislative action at Dover, Del., and Annapolis, Md., also will be discussed.

## *Conspiracy Charge Going Up to Campi*

Conspiracy complaint of Frank Somarelli of the Royal, Port Jervis, N. Y., against Vitagraph, M-G-M, Paramount, United Artists and Fox, scheduled for hearing today before the New York grievance board, will be certified to Campi for action.

Conspiracy cases are not within the province of local boards and are either dismissed or referred to Code Authority.

Two overbuying cases, however, will be heard. They are: Community, Queens Village, against Queens, Queens Village, and the Roosevelt, Beacon, N. Y., against the Beacon; same city.

## *Four Appeals Heard By Campi Committee*

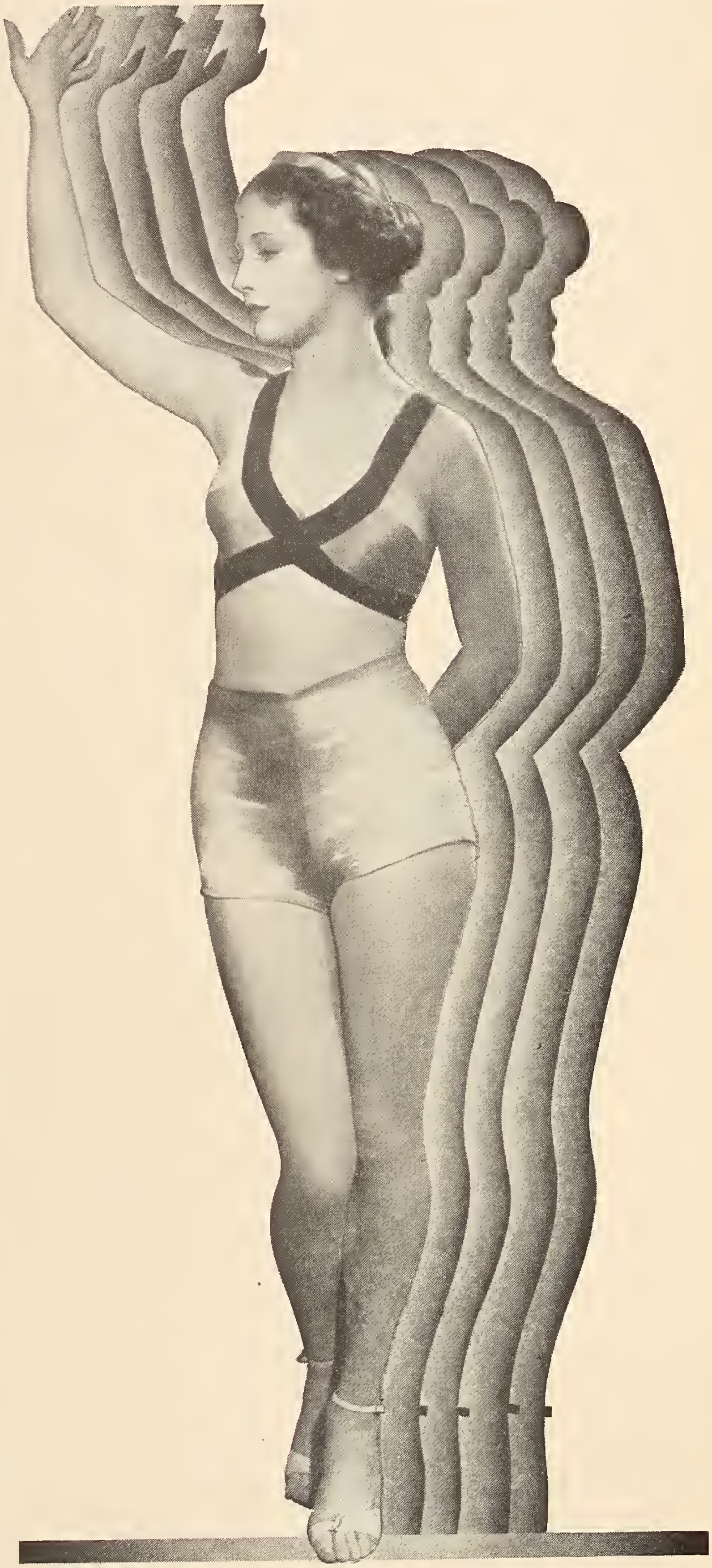
Four appeals were heard yesterday by a Campi committee consisting of J. J. Unger of Paramount and Henry Sussman, independent exhibitor. They were:

Didsbury Theatre, Walden, N. Y., against Broadway, Newburgh, N. Y., on clearance and zoning; Gerald Hardy, Hardy's Fresno, Fresno, Cal., against Fox West Coast's State Kinema and Wilson, same city, on overbuying; New Frolic, Jacksonville, and Universal Exchange, against Ritz, Jacksonville, on reduced admissions; Allied Theatres of Oregon, Robert White, against John Hamrick and Oriental, Portland, on giveaways.

## *Samuelson Attacks Code in New Orleans*

NEW ORLEANS, Dec. 10.—Sidney Samuelson opened the Allied directors' session here with a new attack on the code. He predicted affiliated theatres would make an attempt to force 25-cent admissions on independents.

Independents can make money on 10 and 20-cent admissions, he said.



NOW LOOK AT THAT FACE! HER NAME IS MARDA DEERING, AND SHE'S ONLY ONE OF THE HEAVENLY GALS IN "NIGHT LIFE OF THE GODS" . . .

*Lowell Sherman's Universal Lusty Laughing Spectacle!*

# ◂ Purely Personal ▸

AT the Tavern around lunch time yesterday:

Arthur Lee, Phil Meyer and George Weeks, a threesome; Dick Rowland, a solo turned into a duet by addition of Ben Blumenthal; James A. FitzPatrick, on his own, but later stopping to converse with Jack Cohn and Lou Golder.

Scattered: A. J. Van Beuren, Charlie Paine, Harry Thomas.

Jack Lyons' chop house will go into its grand opening tonight with many notables, including Ex-Governor Smith, among those scheduled to attend.

Arthur W. Kelly, vice-president in charge of foreign distribution for United Artists, arrives in New York tomorrow after an eight-month world tour.

Cresson W. Smith, Radio midwestern sales manager, left for Chicago yesterday to confer with Walter Pranson, midwest business manager.

Robert Hurel, French producer, arrives today on the *Paris*, Charles Christie, vice-president of Mitchell Camera Corp., is also on the boat.

## Booking Changes Are Asked at Car. Meet

Charlotte, Dec. 10.—A resolution calling for an amendment of the standard exhibition contract to increase the cancellation privilege to 20 per cent and urging an "immediate and thoroughgoing investigation" of A. S. C. A. P. music taxes was adopted here today at the closing session of the convention of the M. P. T. O. of North and South Carolina. The association also went on record against tying in of shorts and features and free radio shows and ordered steps taken to clarify the cancellation clause under the code.

Ed Kuykendall, M. P. T. O. A. president, urged a fight to the finish on the present block booking system and said the drive for clean films had helped attendance. Saying the industry was behind any "sincere" effort to improve pictures, Kuykendall made a plea for tolerance toward the screen. Kuykendall announced the next meeting of the organization would be held the latter part of February in New Orleans.

Edward Levy, general counsel of the M. P. T. O. A., said what interests exhibitors most at present are giveaways, compulsory buying of shorts with features, premature advertising and non-theatrical competition.

M. A. Schlesinger, South African exhibitor, described methods adopted in South Africa to protect the theatre man's business. Terry Ramsaye, editor of *Motion Picture Herald*, spoke on "Hearing from the Customers."

Charles W. Picquet was re-elected president; H. R. Berry, first vice-president, and V. P. Stevenson, second vice-president. The following were named directors: H. F. Kincey, W. H. Hendrix, H. E. Buchanan, J. H. Miller, W. T. Culpepper, J. M. Gregg, M. E. Schnibben, Mrs. Kenneth Richardson and Albert Sotille.

# Texans Lose Protection Suit by Dallas Decision

(*Continued from page* 1)

run houses did not prevent independents from getting the ordinary run of product. Protection is necessary to maintain fair prices for higher class pictures, he decided, and thus secured a continuation of product for all theatres and for the public.

The judge said he could find no actual proof that the plaintiff would sustain injury as a result of the protection agreement. He also decided that contracts in question were interstate commerce and, therefore, not subject to Texas law; also that they were licenses for copyrighted film with the exemptions which the law provides to owners of copyrights.

## Split "Ridiculous," Laemmles Declare

Carl Laemmle, Jr., yesterday described as "perfectly ridiculous" reports published in Ed Sullivan's column in the *New York Daily News* that he had split with his father and was considering an associate producers' post at M-G-M.

Hollywood, Dec. 10.—Carl Laemmle, Sr., today branded as "absolutely ridiculous" the report of a rift between him and his son.

## Carlisle Elected To Warners Board

Wilmington, Dec. 10.—Samuel Carlisle, comptroller of Warner Brothers Pictures, Inc., was elected a new member of the board of directors at the annual meeting here today. He succeeds former Judge John P. Laffey. Four members, Sam E. Morris, Morris Wolf, Stanleigh P. Friedman and Charles S. Guggenheimer, were reelected. The new directors will serve two-year terms.

Regret because of the inability of Laffey to continue on the board was expressed by Abel Cary Thomas, secretary and general counsel, and Ivan Culbertson, Wilmington attorney, who presided in the absence of former Federal Judge Hugh M. Morris. Laffey had asked that he be relieved because of ill health.

Abel Klaw and John E. Krauss, Wilmington inspectors of election, announced 2,382,909 shares had been voted for the new directors.

Thomas said that a special meeting will be called soon to merge the Stanley Co. of America with Warners. In response to questions Thomas stated that there will be no reorganization of the company affecting its common stock.

A round table discussion of the company's affairs took place during the counting of proxies. Thomas said the company hopes to put on the market a miniature sound projector for home and school use.

Speaking of the church campaign for clean pictures, Thomas said the company had encountered difficulties in the archdiocese of Cardinal Dougherty. Other cardinals, he said, had taken a helpful attitude, but Cardinal Dougherty had refused to assume the burden of censorship of any pictures.

## Roosevelt Calls for Aid in Crime Drive

Washington, Dec. 10.—Calling upon all the forces of the nation to cooperate in a campaign against crime, which is taking a huge toll of lives and property annually, President Franklin D. Roosevelt tonight opened the Attorney General's Conference on Crime.

Included among the representatives of the bar, law enforcement agencies educational and religious organizations and industries which are in a position to aid in the campaign are Carl E. Milliken, secretary, and Gabriel L. Hess, counsel, of the M.P.P.D.A.

Milliken, tomorrow, will address the conference, placing before it the suggestions of his organization as to how the industry can cooperate, not only in the prevention of crime and apprehension of criminals but also in educational efforts to improve the character of the coming generation.

## Temple Prints by Air

A tieup with American Airlines for the use of special planes in distributing "Bright Eyes" went into effect yesterday when prints of the Fox picture, which stars Shirley Temple, were dispatched by air to 16 key centers.

## Reliance Signs 3 Additional Writers

Reliance has signed three new writers. Two of them are Lillian Hellman, author of the play, "Children's Hour," now current on Broadway, and David Freedman, former Ziegfeld publicity man and collaborator with Eddie Cantor on several radio scripts and articles.

Miss Hellman is working with Sam Wood on "The Melody Lingers On" and leaves with the director for the coast tomorrow. Freedman is doing an original. The third writer will not be announced until contracts have been signed. Negotiations are on with three other writers.

Edward Small, who has been in bed with the flu, was able to walk around yesterday. He plans to leave for Hollywood Thursday.

## Bettencourt Named Frisco Para. Head

J. M. Bettencourt becomes sales manager of the Paramount exchange. San Francisco, with the transfer of George Smith from Cincinnati to managership of the coast branch. J. J. Oulahan, Washington salesman, succeeds Smith in Cincinnati.

Vincent Daugherty, accountant in the Washington branch, is now a salesman at that office while Fred Schrader of the home office takes over Daugherty's former duties at the capital office.

TIME MARCHES ON!
32,000,000 LISTENERS
TIME
The Weekly Newsmagazine
Fortune

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 138 NEW YORK, WEDNESDAY, DECEMBER 12, 1934 TEN CENTS

# WAY PAVED TO ABANDON CODE VIA REVISED NRA

### *Retention Would Be Optional Under the Proposed Reorganization Plan for The Recovery Administration*

By CLARENCE LINZ

WASHINGTON, Dec. 11.—Abandonment of the film code was today seen made possible under legislation which will be submitted to Congress during the coming session for reorganization of the National Recovery Administration.

Now in the final stages of drafting, the measure is understood to provide only for the retention of Section 7-A, guaranteeing the right of labor to bargain collectively, and the child labor provision with a further stipulation that any codified industry desiring to retain its code may do so and have it enforced by the government as now.

Under such a measure, it is held, industries which are dissatisfied with their codes could abandon them, probably by majority vote, while those which desire to have the agreements continued would have the government support in their administration. Few industries, however, it has been predicted, would vote to continue the pacts.

While legislation along the lines

(Continued on page 7)

## *Deal All Set*

**The agreement either was signed yesterday, or will be today, between the Skourases and National Theatres providing for the former to take over management of Fox West Coast after reorganization, it is learned on excellent authority.**

**The arrangement is being entered upon on behalf of FWC by Chas National Bank and Fox Film which jointly own the powerful western circuit.**

**Charles Skouras leaves for the coast Saturday.**

## Loew, M-G-M Pay Five Men $1,464,009

Five officials of Loew's, Inc., and M-G-M received $1,464,009 in salaries nd shares of profits during the past 12 months, it was revealed yesterday t the annual meeting of Loew's, Inc., tockholders.

Salary and bonus payments to Nicholas M. Schenck totaled $219,607; David Bernstein, vice-president and reasurer, received $148,664. J. Robert Rubin, as vice-president of M-G-M, eceived $67,000. Irving Thalberg, Rubin and Louis B. Mayer received otal salaries of $287,000, and, in addi- ion, the Mayer Co., comprised of hese individuals, received $741,738, as heir share of M-G-M profits under he terms of their contracts, made at he time of the purchase of M-G-M y Loew's.

Rubin presided at yesterday's meet- ng. A regular quarterly dividend of 5 cents per share, payable Dec. 31 o stockholders of record Dec. 21, was oted, and it was also voted to pay an xtra dividend of 75 cents.

C. C. Moskowitz was elected a di- ector.

## *Richardson Is Made 1st Div. Executive*

W. M. Richardson, for many years ssociated with Universal, has been amed district manager for First Di- ision in the south, his territory cover- ng New Orleans, where he will have eadquarters, Charlotte and Atlanta. Richardson will select his own man- gers for the three branches.

Recently, First Division bought ack its franchise from Mike Howard or this territory. Last week, Milton

(Continued on page 7)

## *A. T. & T. Probe Is Delayed for Funds*

WASHINGTON, Dec. 11.—Investiga- ion of the A. T. & T., originally lated to start at the beginning of the ear, cannot get under way before February 1, and then only if Congress

(Continued on page 6)

## Campi Hearing On Conspiracy Case Delayed

Conspiracy charges by George Gehring of the Rosewood, Chicago, against all major distributors will be heard by a Campi code committee on Dec. 18, it was decided yesterday.

Gehring, in his complaint against Paramount, M-G-M, Fox, U. A., Radio, Columbia, Universal and Warners, charges that the distributors in conjunction with the Essaness circuit are trying to put him out of business. The complainant adds that the distributors are restricting duals and that the Rosewood will be forced to close if he cannot double feature.

The complaint was scheduled to be heard yesterday before a committee comprising Edward Golden, Roy L. Haines and Nathan Vingrad. On recommendation of Gehring, the session was postponed, but not until a little unexpected excitement between Golden and attorneys for Warners, Fox, M-G-M and U. A.

I. Levinson, counsel for Warners, agreed to let Golden sit as chairman

(Continued on page 7)

## *Delay Hearing Upon U. A. Buying Appeal*

United Artists refuses to abide by a decision of the Chicago grievance board on 10 per cent cancellations and has appealed a decision of the local board which ordered the company to cancel "Catherine, the Great" at the Egyptian, De Kalb, Ill.

The local board, after being ordered to rehear the case by Campi, found

(Continued on page 7)

## *Indies at N. O. May Join an Allied Unit*

NEW ORLEANS, Dec. 11.—Whether Sidney Samuelson will be able to start a new Allied unit here probably will be decided after he addresses a meeting of exhibitors tomorrow. He will speak upon invitation.

The non-Allied men are here in connection with a meeting of Allied

(Continued on page 6)

## Outline Here Fight For Block Booking

Lines of defense in what is anticipated as a fight for retention of block booking are understood to have been aired at a meeting of national sales managers at the Motion Picture Club on Monday, it was learned yesterday.

The majors, through the Hays organization, are reported to have learned from Washington that, in what now is assuming the proportions of a flood of adverse industry legislation, one of the measures planned for consideration of the new Congress is a bill designed to eliminate block booking. The meeting on Monday was for the purpose of discussing the general situation and to make plans tentatively to oppose the expected legislation.

Other conferences may be called later.

## *Agreement Reached On Laboratory Code*

WASHINGTON, Dec. 11.—Agreement on the provisions of the laboratory code was reached today after conferences between Deputy Administrator William P. Farnsworth of the NRA and laboratory representatives. Hearings on the code were held several months ago.

The main feature of the changes made in the agreement, it was said, are the provisions of a maximum working week of 38 hours for night forces, which are to receive the same pay as the 40-hour day workers. This gives the night crews an hourly rate five per cent higher than the day workers.

The code is now being prepared for approval.

## *Exchanges Shy Off Protection Dispute*

Local exchanges are keeping clear of the protection dispute between RKO, Skouras and A. H. Schwartz. Fred Schwartz, son of A. H., has been

(Continued on page 7)

MOTION PICTURE
DAILY

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MAURICE KANN
*Editor*
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*Advertising Manager*

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## Para. Fees Halved By Judge Goddard

Federal Judge Henry W. Goddard has allowed the law firm of Root, Clark, Buckner and Valentine $175,000 as ad interim fees for services as counsel to the trustees in bankruptcy for Paramount Publix from April, 1933, to June 16, 1934. On this latter date a reorganization petition in bankruptcy was filed.

The law firm had requested $350,000 and the allowance represents a reduction of 50 per cent. The trustees, Charles D. Hilles, Eugene W. Leake and Charles Richardson, were allowed $32,500 each after requesting $100,000.

## MacNaughtons Buried

Funeral services were held yesterday for Willard C. MacNaughton and his wife, who committed suicide over the week-end. George Skouras closed the Hempstead and Rivoli in Hempstead from 2 to 6 P.M. while the court closed at 2 o'clock for the day in deference to the late manager of the Hempstead.

## Morris, Pracht Depart

L. J. Morris, owner, and W. L. Pracht, manager of the Arcada, St. Charles, Ill., left for home yesterday after attending a Campi appeal session involving the theatre. Laurence Rich of Cleveland, representing the State, Sandusky, arrived yesterday to attend a committee hearing today.

# Insiders' Outlook

THE Potomac boiled over its banks yesterday. From Washington and over the wires came word of the legislative metamorphosis through which the National Recovery Administration may be expected to pass, New Deal style 1934. Long expected and tipped off variously by Donald Richberg and others high in the councils of the President, word that changes in NIRA were impending has been anticipated and, like something akin to the movements in the stock market, discounted by this time. . . .

▼

But the nature of the contemplated changes is another and extremely important story. The legislation, now in the formulative stage, will make the matter of codes something for each industry to determine for itself. Provided a given business wants to proceed under code standards, it may. Provided it does not, there is proposed nothing compulsory to insist upon its continuance. The right of labor to bargain collectively, outlined in Section 7A, will run on, sans change. The general provisions hitting at child labor likewise will stay. Beyond that, the advance tip has it, there is to be nothing. . . .

▼

"Few industries, it has been predicted, would vote to continue the pacts," reads on the Washington dispatch, detailed on the reverse side of this sheet. Speaking for an entire industry is covering considerable ground and so becomes a dangerous procedure. This column would venture to say, however, that, insofar as the vested interests of this industry are concerned, any vote either way on the code will find the majority opinion opposed. This opinion is ventured on the strength of that which important executives have voiced many times. Privately, mind you, but none the less emphatically. . . .

▼

"The President Vanishes" failed to get off to a better start at the Paramount, the claim advanced for it is, because indecision as to booking date allowed only one day for daily newspaper advertising. Not that any punches were pulled as to space, cost, etc. Space was plentiful, including preferred positions like page 2 of the *Times* and big-splash halves in the afternoon papers to a total cost of $24,000, or very close to it. Impending holidays and the gradually increasing intensity in Christmas shopping have left an early mark on general grosses along Broadway anyway. That means, the circuits are complaining again. . . .

▼

Cautious Nick Schenck is credited with never, not even once, having publicly discussed any Metro attraction prior to release. In California's glorious sunshine the other day, however, the studio chieftains showed him a rough assemblage job of "David Copperfield." Apparently what he saw, persuaded Schenck to make his ironclad rule less ironclad. He went into a rave and, while that may sound like the usual thing, it goes beyond in this case because Schenck's reputation with his men is that he never kids them or himself on anything Metro turns out. From Howard Dietz's cubicle comes word the campaign for "Copperfield" will be the largest in Leo's productive history. To wit: Space in thirty-nine national magazines, circulation 40,000,000; billboards, newspapers and 246—count 'em—tieups. . . .

▼

A. E. Reoch, engineer by training and subsequently a cost slasher of formidable proportions at RCA Victor, looms more significantly in RKO affairs these wintry days. His direct duties concern theatre real estate, only he's more in that he enjoys David Sarnoff's complete confidence. While on Radio and correlated matters, the story of J. R. McDonough's current trip east—he arrives here tomorrow—insists that it has to do with the B pictures turned out on the RKO lot. Sarnoff no like and is supposed to be priming questions for McDonough to answer. Most of them are one-word queries: Why? . . .

▼

Coast reports, later scotched by Sol Rosenblatt, that he was about to part company with the NRA and had been offered a post as executive assistant to Harry Warner, are not new reports. They were milling around the hectic lobby of the Mayflower in Washington during code formulation sessions months back. . . . Herb Yates is apt to be an extremely important factor in Universal again. Very apt and very important. . . .

KANN

## Loew's Drops 2⅛ on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 39½ | 38 | 38 | —1¼ | 500 |
| Consolidated Film Industries | 4⅛ | 4⅛ | 4⅛ | ..... | 100 |
| Consolidated Film Industries, pfd | 18¼ | 17¾ | 17¾ | — ½ | 1,000 |
| Eastman Kodak | 112¼ | 111½ | 111½ | — ¾ | 1,000 |
| Fox Film "A" | 14 | 13⅛ | 13¼ | — ⅝ | 2,000 |
| Loew's, Inc. | 36⅝ | 34⅛ | 34⅜ | —2⅛ | 24,500 |
| Loew's, Inc., pfd | 104¾ | 104¾ | 104¾ | + ¼ | 100 |
| Paramount Publix | 3⅛ | 2⅞ | 2⅞ | — ¼ | 4,600 |
| Pathe Exchange | 1⅛ | 1 | 1 | — ⅛ | 1,000 |
| Pathe Exchange "A" | 13¾ | 13 | 13 | —1 | 1,100 |
| RKO | 2⅛ | 1¾ | 1¾ | — ¼ | 6,700 |
| Warner Bros. | 4⅞ | 4½ | 4½ | — ¼ | 2,600 |
| Warner Bros., pfd | 23 | 21 | 21 | —2 | 26,000 |

## Technicolor Off ⅝ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13½ | 13⅛ | 13⅛ | — ⅝ | 600 |

## Paramount Publix Bonds Off 1½

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 8⅝ | 8⅛ | 8½ | — ⅜ | 4 |
| General Theatre Equipment 6s '40, ctf | 8½ | 8⅜ | 8⅜ | — ⅜ | 9 |
| Loew's 6s '41, ww deb rights | 104¾ | 104⅝ | 104⅝ | ..... | 8 |
| Paramount Broadway 5½s '51 | 43¾ | 43¾ | 43¾ | ..... | 4 |
| Paramount F. L. 6s '47 | 62 | 61⅛ | 61½ | — ½ | 6 |
| Paramount Publix 5½s '50 | 62½ | 60½ | 60½ | —1½ | 29 |
| Warner Bros. 6s '39, wd | 60⅛ | 59½ | 59½ | — ¾ | 8 |

## Lightman Acquires Orpheum at Memphis

MEMPHIS, Dec. 11.—M. A. Lightman is taking over the Orpheum here, effective immediately, on a tentative partnership arrangement with the Goldberg-Courshon-Solomon interests of Chicago, but is expected to take over exclusive control shortly.

The deal created a furore here and is regarded by many local film men as presaging a new alignment along Main St.

M. A. Lightman currently is in New York.

## Gaumont's Eastern Staff to Meet Here

Arthur A. Lee, vice-president of Gaumont British, and George W Weeks, general sales manager, will act as hosts to the members of the company's out of town sales force here Sunday at a screening of "The Iron Duke." The territories that will be represented will include Boston, New Haven, Philadelphia, Washington Cleveland, Buffalo and Albany. The picture is set for the Music Hall in January.

## Cochrane to Return Soon

HOLLYWOOD, Dec. 11.—R. H. Cochrane of Universal and Williard S McKay, company counsel, will leave for New York tomorrow after being here only three days.

## Loew Will Sail Dec. 18

PARIS, Dec. 11.—Arthur M. Loew sails for New York Dec. 18 and so will eliminate London from his present trip.

# all MIGHTY!

**WALLACE BEERY** *in*

"The **MIGHTY BARNUM** should do one of the great grosses of all time!"
— *HOLLYWOOD REPORTER*

"The **MIGHTY BARNUM** is a boxoffice triumph! Zanuck hits the bullseye again!"
— *SHOWMEN'S ROUND TABLE*

"The **MIGHTY BARNUM** is an ace hit! Should be immense!"
— *JAY EMANUEL PUBLICATIONS*

"The **MIGHTY BARNUM** is a showmen's paradise! Unlike anything heretofore shown on the screen!"
— *MOTION PICTURE HERALD*

"The **MIGHTY BARNUM** is a hit! 20th Century inaugurates its new season with a flourish, as it did last year!"
— *LOS ANGELES TIMES*

"The **MIGHTY BARNUM** is the greatest show on earth! The grandest entertainment in ages!"
— *NEW MOVIE MAGAZINE*

**IT'S DARRYL F. ZANUCK'S**
**MIGHTY PRODUCTION**
*presented by* JOSEPH M. SCHENCK
with
**ADOLPHE MENJOU**
Virginia Bruce • Rochelle Hudson • Janet Beecher

**20TH**
**CENTURY**
**PICTURE**

*Released thru*
**UNITED ARTISTS**

# THE BELOVED MUSICAL HIT OF BROADWAY IMMORTALIZED ON THE SCREEN BY WARNER BROS.!

Only the makers of "42nd Street" and "Gold Diggers" would attempt it! Only the producers of "Dames" and "Flirtation Walk" could accomplish it! This triumphant picturization of the stage sensation which Broadway acclaimed for 63 capacity weeks!

The show that made "Here Am I" —"Why Was I Born"— and "Don't Ever Leave Me" famous!

Hear these and 9 other great hits including . . . "Lonely Feet" and "We Were So Young"

Travel the romantic road to yesterday in this glorious love story with all the comedy and color of the glamorous, amorous Nineties!

MERVYN LEROY'S first musical production since "Gold Diggers",

**DONALD WOODS · HUGH HERBERT · NED SPARKS JOSEPH CAWTHORN**

. . . hundreds of others . . .

# IRENE DUNNE

in

# "SWEET ADELINE"

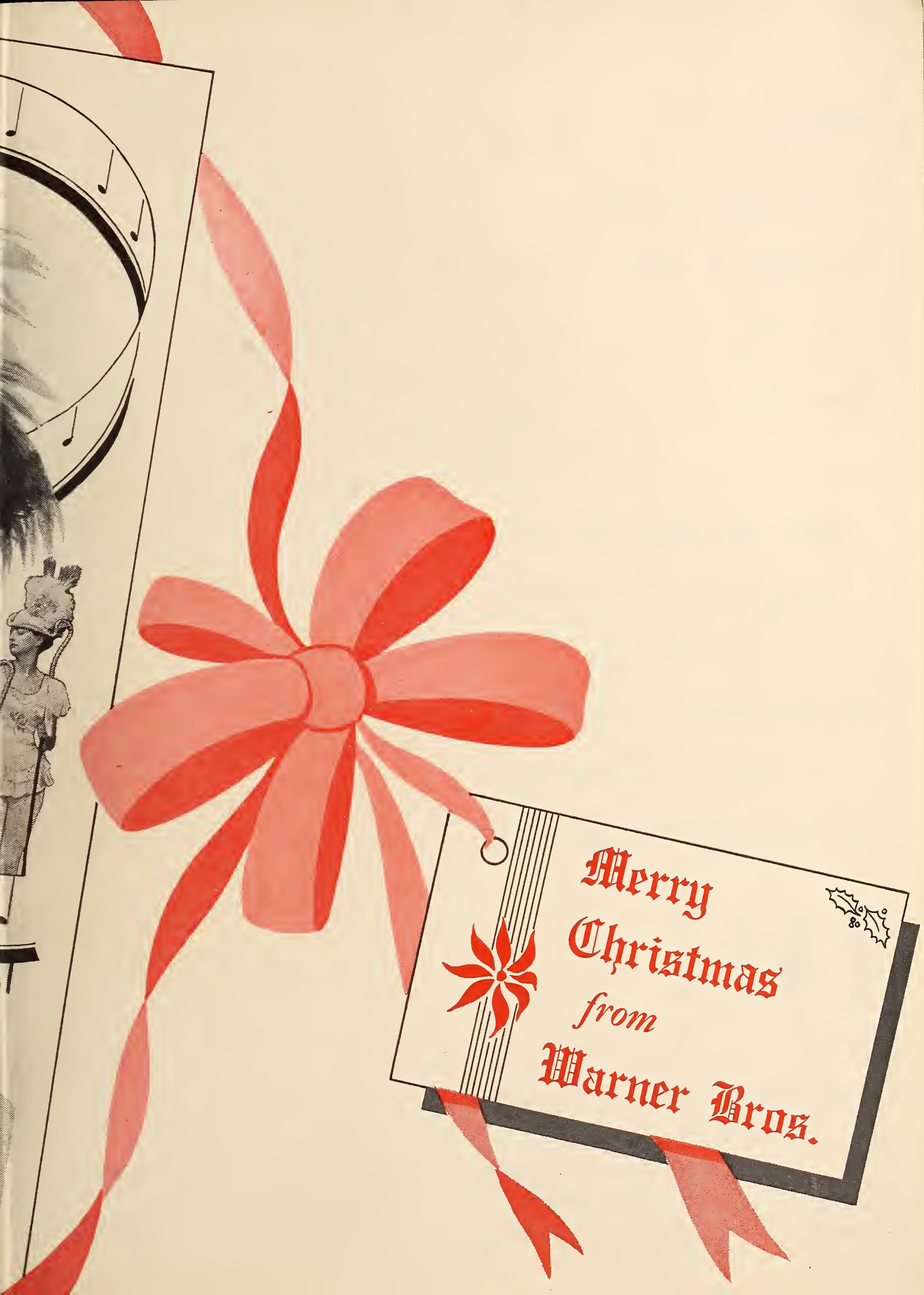
By Jerome Kern and Oscar Hammerstein II

GIRLS GALORE in gorgeous dance numbers staged by Bobby Connolly

**And Vitaphone's Great Xmas Shorts—**

**"SHOW KIDS"**— 2-Reel Technicolor B'way Brevity with All-Juvenile Dancing Cast.

**"BEAUTIFUL DAMES"**— A Merrie elodie in Full Color with a Perfect Xmas Story.


Merry
Christmas
from
Warner Bros.

What Are You Doing with Your Life?

Are You Getting Ahead?
Have You Learned to Speak French Yet?

Well, the Hell with that

TO-NIGHT
IS YOUR
TURNING POINT

IT'S GALA NIGHT OF
THE MOTION PICTURE CLUB

FREE
SUPPER
MUSIC
DANCING
CONVERSATION

To Miss It Is To Miss It—But DON'T

YOU AND YOUR FRIENDS
ARE OUR GUESTS

HARRY BRANDT
CHAIRMAN

## *Indies at N.O. May Join an Allied Unit*

(*Continued from page* 1)

and are said to be sympathetic with its aims. They total about 100.

Speaking at the directors' meeting, Abram F. Myers, Allied counsel, urged a firm stand on the Tri-Ergon patent situation. He added all units were united against monopoly, block booking and code administration, inviting suggestions for a new pact. He said A. S. C. A. P. would be fought and Allied's basic laws modernized. Myers suggested formation of a national independent booking agency supplying Allied with depots in each state to meet the competition of big circuits. No state convention may be held this year, Myers revealed.

Backing clean films, the directors blamed block booking for objectionable product.

These committees were named: Nathan Yamins, Ray Branch, Harry Cole, code; Arthur Price, Walter B. Littlefield, Aaron Saperstein, constitution; Ike Katz, H. A. Blue, H. M. Richey, convention; Henry Lazarus, Littlefield, Price, legislative.

## *A. T. & T. Probe Is Delayed for Funds*

(*Continued from page* 1)

provides funds, it was learned today at the Federal Communications Commission.

Officials of the commission said that an appropriation of $75,000 will be necessary if any complete and comprehensive investigation is to be undertaken. A small force is already in the field assembling data for use of the commission, but no hearings can be scheduled until the question of financing the probe has been settled.

## *A. T. & T. Net Down*

Net operating income for A. T. & T. showed a drop in October as compared with last year, according to a report to the Federal Communications Commission. The net this year was $1,141,025. Last year it was $1,466,587.

Gross for the 10 months ending Oct. 31 was $74,659,423. Last year it was $71,977,623.

## *Van Runkel Rejoins "U"*

HOLLYWOOD, Dec. 11.—Sam Van Runkel, former producer of shorts for Universal, has signed a deal with Carl Laemmle to produce 24 shorts for the current program, starting Jan. 1. Twelve will feature Henry Armetta and the balance will have Sterling Halloway.

## *Sheehan, Yorke Coming*

HOLLYWOOD, Dec. 11. — Winfield Sheehan is on his way to New York to testify in a Supreme Court action against Chase National. He would not say which suit. Gabe Yorke, studio publicity executive, is with him.

## *Stahl Contract Renewed*

HOLLYWOOD, Dec. 11.—Universal has renewed its contract with John M. Stahl and he will begin directing his next picture Feb. 1. In the meantime, Stahl will leave for New York Friday to search for a suitable story.

## *Col. Signs Sullivan*

HOLLYWOOD, Dec. 11.—C. Gardner Sullivan, writer, has been signed by Columbia as an associate producer.

# Industry Aid In Crime War Is Proffered

WASHINGTON, Dec. 11.—A five-point program for use of films in a campaign against criminal lawlessness was today submitted to the Attorney General's Conference on Crime by Carl E. Milliken, secretary of the M. P. P. D. A., on behalf of the organized film industry.

Suggesting the establishment of a National Crime Research Institute, "to integrate into authoritative form data now available, encourage the prosecution of further studies and, as studies are made, present to the public the information thus provided concerning the causes and deterrents of crime," Milliken offered the fullest cooperation of the film organization in the following five points:

"1. The use of every available source of scientific information to the end that the content of motion picture entertainment and particularly the method of presenting dramatic material on the screen shall not contribute to the making of crime and criminals or to the undermining of character.

"2. The continuation of definite and specific efforts to present within the proper scope of artistic creation, the best and most scientific methods of crime suppression by police and other law enforcement agencies.

"3. Cooperation in any national program that may be undertaken to arouse public opinion to the needs of law enforcement and crime prevention.

"4. Cooperation with law enforcement authorities in the detection of crime and the apprehension of criminals through the use of motion picture technique.

"5. Character education; it has already begun and is prepared to carry on energetically, a program by which may be presented on the screen specific educational pictures intended to develop character and deepen in the minds of the public a sense of personal responsibility, with the expectation that the same type of pictures specially pointed will serve also the cause of crime prevention."

## *Half of M-G-M List Ready, States Feist*

Half of M-G-M's product for this season has been completed, Felix F. Feist, general sales manager, stated yesterday following his return from a visit at the studio. Feist, who vacationed in Hawaii, visited the studios for a few days and then left for Kansas City, Chicago and New York.

## *Form Radio City Corp.*

DOVER, Dec. 11.—Radio City Amusement Corp., has been incorporated here to operate theatres and other places of amusement listing a capital of $250,000. The incorporators are M. M. Lucey, H. I. Brown and L. S. Dorsey of Wilmington.

## *Even Dishes Fall Off*

Although Allied of N. J. held a routine meeting yesterday, a survey of the membership on business last week revealed that intakes were so bad dishes fell off about 30 per cent.

# Campi Hearing On Conspiracy Case Delayed

(*Continued from page* 1)

of the committee at the beginning of the hearing, but after the complaint was read, it was found that attorneys for Gehring and several distributors' representatives were absent, a mix-up having taken place in the morning and a postponement having been announced to Bertram Mayer, attorney for Gehring, and other distributors.

Decision of the local grievance board in the case was dismissal by three to one, Ben Judell of Majestic being the dissenting voter.

Because of its importance, especially in view of the court hearing last week in Philadelphia on the dual feature situation where a similar case existed, charging conspiracy by major distributors to restrict pictures to single billing, it was felt that all parties should be present.

Golden, believing that a move was being made to put the case over because he was sitting as chairman, became enraged at the developments and noted on the record that when the case is heard next Tuesday that he will sit on the committee. Levinson took exception to Golden's attitude and also went on record protesting the Monogram executive's position, stating he didn't believe Golden would be unbiased. The Warner attorney also noted for the record that he didn't object to Golden at the start of the proceedings.

At this juncture Tyree Dillard, Jr., Campi's legal head, interrupted, asserting the situation didn't involve personalities, that the case should be postponed in order to give everyone a fair chance and that it could still be heard. Levinson still insisted that Golden's remarks disqualified him from sitting on the case.

## *Delay Hearing Upon U.A. Buying Appeal*

(*Continued from page* 1)

that the exhibitor bought the 21 pictures offered at an average of $250 a picture, the deal for all films being closed at one time, and that the complainant has complied with the code in all respects.

Because Edward Raftery, attorney representing U.A., was in Manchester, N. H., and could not attend the session, the Campi committee set to hear the appeal by U.A. yesterday postponed it until Raftery could attend. Raftery has been working on this case for some time. Paul O'Brien, another attorney for the distributor, submitted a brief in which the company states that the Egyptian did not buy all the pictures and hence was not entitled to the cancellation.

### *Thirty Appeals Pending*

Campi has about 30 appeals to be disposed of before it can clear up its calendar. Cases are being heard every day, including Thursday when Campi meets, in an effort to clear up the slate by the first of the year. A report on the number of cases, board by board, is being tabulated by John C. Flinn and disposition noted in each instance.

### *Right on Broadway*

**The Main Stem may be the happy hunting street for George M. Cohan as a legitimate stage personality, but as a film star numerous patrons at the Mayfair where "Gambling" was current kept asking the cashier:**

**"Who is this man George M. Cohan?**

**"Is he a new Hollywood star?"**

## *Carolina MPTO for Cancellation Pact*

Charlotte, Dec. 11.—Efforts to end disagreements over cancellation privileges will be made by a committee appointed at yesterday's session of the M.P.T.O. of North and South Carolina.

Exhibitors now find it difficult to take advantage of cancellation privileges, due to producers' rulings and resulting disagreements. The group named to attempt to straighten out the problem includes the organization's officers.

Raising the cancellation privilege to 20 per cent will eliminate the demand for the end of block booking, it was indicated.

The association went on record as opposed to the program of Mrs. Robins Gilman, head of the national organization of Parent-Teacher Ass'n. for showing commercial films in schools and for non-cooperation with exhibitors.

## *Richardson Is Made 1st Div. Executive*

(*Continued from page* 1)

Cohen was placed in charge of the Detroit exchange.

Business is picking up generally in the south, midwest and even in the northern part of New York state, Charles Rosenzweig, general sales manager of First Division, states upon his return from a tour of all company exchanges. Theatres are not doing big business, he holds, but the grosses are much better than last year.

## *First Division to Use Sennett Studio*

Hollywood, Dec. 11.—John Curtis, vice-president of First Division, has leased the Sennett Studios for his production program. Production will start Jan. 15 on the first of a series of four Hoot Gibson pictures, with four dramas to follow.

### *S. & C. Operating 44*

Springer & Cocalis operate 44 theatres in the local area, Sam Cocalis revealed yesterday at the New York grievance board. Cocalis testified on his own behalf in the complaint by the Roosevelt, Beacon, against the Beacon, same city, charging overbuying. Cocalis stated that of the $245.000 the house cost, he has $110,000 in cash invested.

### *Holding "Painted Veil"*

"The Painted Veil" will be held a second week at the Capitol.

### *"Walk" Grosses $35,389*

First week's take at the Strand for "Flirtation Walk" was $35,389.

## *Exchanges Shy Off Protection Dispute*

(*Continued from page* 1)

asking local branch heads to intervene, but managers are referring the situation back to RKO.

RKO's Far Rockaway house has protection on all Nassau county and recently waived its clearance on Skouras' Hempstead house because of an earlier product agreement. Schwartz now asks that RKO lift the protection over his Rockville Center unit. This the exchanges refuse to do, claiming that RKO can do what it wants to do with protection it has bought.

### *Charity Party Tonight*

The Motion Picture Club is holding its first "Monte Carlo Night" tonight as part of its campaign to raise the club's quota for the Federation of Jewish Charities.

Games of chance, but all for sweet charity, will be in abundance. Dancing is scheduled to start at 8 o'clock and continue indefinitely. A special supper will be served at midnight.

### *Little Theatre Through*

The Little Theatre, East 50th St., is to be converted into a restaurant. The theatre closed recently. It was opened Christmas Eve, 1929.

### *To Remake "Felix" Films*

Jack Kopfstein plans to remake 10 "Felix, the Cat" cartoons in Kromocolor within the next few weeks.

# Way Paved to Abandon Code Via New NRA

(*Continued from page* 1)

said to be followed in the new measure would be gratifying to industry at large, labor is bitterly opposed to any lessening of the advantages it has secured under the codes. However, arguments before the Supreme Court yesterday in the first case to come before it involving a recovery code indicate that that tribunal will be highly critical of administration of the Recovery Act and may hold unconstitutional executive orders which have had the effect of creating offenses, which it is contended is done by Presidential approval of codes.

### *Rosenblatt Here Today*

Compliance Director Sol. A. Rosenblatt arrives today from Washington to set the basic wage scale for operators in New York.

### *D. O. Selznick Better*

Hollywood, Dec. 11.—David O. Selznick, who has been ill with the grip for several days, has recovered enough to return to his office.

WHAT WINCHELL WRITES
MILLIONS BELIEVE
Walter Winchell
On Broadway
(Trade Mark Registered) Copyright, 1934, Daily Mirror, Inc.
Recommended to diversion seekers: . . . . . . The intelligent and grandest of the radio programs "The March of Time"
—The only noticeable improvement in radio since Marconi invented it.

# The old man with the whiskers is going to put his arms around you

This year let Frank Capra be your Santa Claus . . . and the cycle-making miracle man of the screen will fill your stocking with the greatest box-office takings you have ever experienced. "Broadway Bill," Capra's latest, drew unanimous raves from the New York critics, made Radio City Music Hall ring with excited cheers and won a holdover at the world's finest theatre. To smart showmen this means two things . . . book "Broadway Bill" December 27th, and set aside extended playing time for it! In the words of Variety Daily, "Capra has done it again" . . . and that means a "Merry Xmas" for you!

●

WARNER **BAXTER** IN

MYRNA **LOY**

# Broadway Bill

A FRANK CAPRA Production

*by Robert Riskin — Based on the story by Mark Hellinger*

with WALTER CONNOLLY — HELEN VINSON

A COLUMBIA PICTURE

RELEASED NATIONALLY—DECEMBER 27TH

The Leading
Daily
Newspaper
of the
Motion
Picture
Industry

# MOTION PICTURE DAILY

Alert,
Intelligent
and
Faithful
Service to
the Industry
in All
Branches

'OL. 36. NO. 139 NEW YORK, THURSDAY, DECEMBER 13, 1934 TEN CENTS

## Wanger Also Up for Para. Studio Post

### 's Being Considered by Reorganization Group

Walter Wanger is being considered eriously as the new head of Paraount production along with B. P. chulberg, MOTION PICTURE DAILY earned authoritatively yesterday.

Now producing six pictures indeendently for Paramount distribution ith finances supplied by Erpi, Waner met a number of important Paraount reorganizational factors at inch on Monday at which, it is nderstood, preliminary discussions ealing with the production post were ouched upon.

The factors in Paramount and, by nat is meant important men active the reorganization plan as well as nembers of the directorate which

(Continued on page 4)

## 'ox Met. Plan Put Over for 30 Days

An extension of 30 days on the time riginally allotted for the filing of a eorganization plan was granted by udge Julian W. Mack in the U. S. istrict Court yesterday to the bondolders' committee of Fox Met.

Yesterday had been previously set s the final day for the filing of a

(Continued on page 6)

## .oew's Demand May Delay N. H. Action

Insistence by Loew's that the College, New Haven, shall have protecion over the entire city may hold up doption of that clearance and zoning chedule when it comes before Campi oday.

A Loew executive yesterday stated hat the circuit had a right to buy

(Continued on page 6)

## *Gains in Far East Reported by Kelly*

Optimistic over conditions in Ausralia, Java, Singapore, the Federted Malay States, Siam, French ndo-China, Philippines, China and apan, Arthur W. Kelly, foreign head f U. A., yesterday stated upon his eturn that, in addition to looking ver the territories, he had signed a ranchise with General Theatres for

(Continued on page 6)

# Voluntary Codes Seen As Administration Aim

## 1st Div. and Wardour Deal Is Confirmed

By BRUCE ALLAN

LONDON, Nov. 30.—Statements in the MOTION PICTURE DAILY that First Division and Wardour Films, the sale end of B. I. P., were discussing a reciprocal release agreement were confirmed in London by Arthur Dent of Wardour's, who said, however, that they were still some distance from arriving at a definite agreement.

* * *

Following on her success in "Mary Read," the second London Films stage production at His Majesty's Theatre, Flora Robson has been cast as Queen Elizabeth in the forthcoming London film. Opposite her will be Robert Donat, who made a hit in "The Count of Monte Cristo" in Hollywood, after earlier London Films appearances.

Miss Robson, who is also to star

(Continued on poge 4)

## "Bunk, Fake," Is Comment on Ending Code

"It's the bunk."

"It's a fake."

"It's just a lot of hooey."

This was the comment which yesterday emanated from Campi headquarters and Compliance Director Sol A. Rosenblatt in comment on MOTION PICTURE DAILY'S exclusive story from Washington that there was a possibility of the code being abandoned under legislation for reorganization of the NRA to be submitted to Congress during the coming session.

Rosenblatt, who spent the whole day trying to adjust the local labor situation at a meeting of circuit and independent theatre men and union officials, was seen just before he prepared to get down to the afternoon talks. His first remark was:

"It's a lot of hooey and you can

(Continued on poge 5)

## *Good Music, Clean Comedy, Better Times Seen On Way*

By WINFIELD SHEEHAN

***Production Chief, Fox***

HOLLYWOOD, Dec. 12.—Chief characteristics of talking picture entertainment in 1935 will be good music, clean comedy, and drama of modern life, all built on strong, simple stories of present-day times.

The group of new artists, introduced in moving pictures last year, will continue to establish themselves more strongly in the public favor in productions in the coming year. These new players, recruited

(Continued on page 4)

By JACK COHN

***Vice-President, Columbia***

I am firmly of the opinion that 1935 will prove a profitable year for the industry because of the amazing strides that have been made throughout the world toward a return of normal conditions. No other conclusion is possible as relates to this country if one contrasts conditions today with those that obtained eighteen months ago. I, for one, believe that conditions are growing better daily.

The results of continued improve-

(Continued on page 4)

### *Revision Being Rushed; Supreme Court Ruling To Be a Factor*

By CLARENCE LINZ

WASHINGTON, Dec. 12.—Laying aside everything not of the most pressing importance, the National Recovery Board is devoting its attention to consideration of suggestions to be submitted to the President before the end of the month relating to the revision of the Industrial Recovery Act.

It is generally considered that the new legislation will make acceptance of codes by industry voluntary, but it is indicated that efforts will be made to hold codified industries in line by so phrasing the wage and hour provisions of the new act as to make it to the interest of employers to accept codes.

The board's recommendations will be of a general nature. Actual decision as to the changes to be made in the law will be reached by President Roosevelt after consideration of suggestions from business interests,

(Continued on poge 5)

## New Code Setup Is Outlined by Allied

NEW ORLEANS, Dec. 12.—Suggestions for a new Campi and revised board setup were contained in a resolution adopted today at the meeting of Allied directors here. The resolution came on the heels of assurances given yesterday by Abram F. Myers that the present code would be scrapped, the Allied general counsel being so sure of his predictions that he asked

(Continued on poge 5)

## Rosenblatt Drops Dispute on Coast

Having made one attempt to settle the actors-producers dispute in Hollywood, Compliance Director Sol A. Rosenblatt will not go to the coast

(Continued on page 5)

## *Temporary Relief in Operator Pay Made*

Temporary relief to independent exhibitors was granted yesterday by Local 306 at a meeting of exhibitors and union officials at Code Authority

(Continued on poge 7)

MOTION PICTURE
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## New Capital Setup For RCA Ready Soon

A recapitalization plan for RCA may be offered for consideration at a meeting of the board of directors next week, it was learned yesterday. The proposal provides for replacement of preferred B stock by a new $2.50 convertible preferred, which would be exchanged on a share-for-share basis, each preferred holder also receiving two shares of new common. Common stockholders would receive one share of the new for each two of the old.

It is understood that should the plan be adopted it would make possible elimination of the junior preferred issue, which, it is felt, would simplify the corporation's capital structure.

## Thomas at Detroit Start

DETROIT, Dec. 12.—Harry H. Thomas, president of First Division, will arrive here tomorrow to complete arrangements for the opening of his new exchange on next Monday. Milton E. Cohen, for six years salesman for Columbia, is manager. Clive Waxman, former booker for United Artists, will be booker, and Fred Nugent, several years ago with M-G-M, will be state salesman.

## Jack Fier in Town

Jack Fier of Mascot is in New York from Hollywood and expects to leave by the end of the week.

## Four Mass. Houses, One R. I. Damaged

BOSTON, Dec. 12.—Damage was suffered by four theatres early today when time bombs went off almost simultaneously in the Tremont and Majestic here, the Capitol, Lynn, and the Capitol, Pawtucket, R. I. The Boston houses are operated by Fred Leiberman; the others, by Loew's. The only casualties were at the Majestic, where two scrubwomen were slightly bruised. Labor trouble was given as possible cause of the bombings.

The Tremont and Majestic held their regular shows today. The damage to each was confined mostly to the exterior. The latter was reopened less than a week ago as a picture house. The other two houses also gave shows tonight.

A fourth Massachusetts theatre, the Olympia, Somerville, also operated by Loew's, suffered $6,000 loss in a fire at noon today. An investigation by state and local authorities traced the cause of the blaze to a short circuit, definitely eliminating the fear that the house might have been another target of bombers.

## Skouras Deal So Far Without Signatures

The joint operating contract between Spyros and Charles Skouras and National Theatres was not signed at a late hour last night. Although Charles planned to leave for the coast on Saturday he may now be delayed. Yesterday the brothers discussed a product deal with Al Lichtman of United Artists for Fox West Coast.

## Majors Win Tax Ruling

OLYMPIA, Wash., Dec. 12.—Paramount and five other majors won a court victory here today when Superior Court Judge Wilson ruled that taxes applied to gross revenues were a burden upon interstate commerce in violation of the Federal Constitution. Taxes totaling $3,000 were involved.

## Ampa Meeting Closed

Completion of arrangements for the Christmas party to be held at the Astor Dec. 20 will be the principal business to come before a closed meeting of the Ampa at the Motion Picture Club today.

## New Producing Plan Denied by Griffith

PORTAGE, Wis., Dec. 12.—T. H. Cochrane of this city and Harry E. Aitken, former Milwaukeean, partners with John Freuler in the former Mutual Film Co., say they are planning to return to producing with a new version in sound of "The Birth of a Nation" under the direction of D. W. Griffith.

After the dissolution of the Mutual company, Aitken stayed in pictures and started the Triangle Co., but he has not been active in recent years.

When asked by MOTION PICTURE DAILY to comment on the new company yesterday, D. W. Griffith said that this was the first he had heard of such a project and that he was in no way connected with it.

## Ezell Will Succeed Richardson with "U"

John Ezell, Universal manager in Atlanta, succeeds W. M. ("Snake") Richardson as district manager in charge of that city, New Orleans, Charlotte and Memphis.

C. T. Jordan, for eight years a salesman for "U" in Atlanta, succeeds Ezell as manager of that exchange, both promotions becoming effective Dec. 17.

Richardson, as noted, has joined First Division as southeastern district manager after almost 20 years with Universal.

## I. T. O. A. Meets Today

Because Harry Brandt, president, was tied up at labor conferences with circuit heads and officials of the I. A. T. S. E., the I. T. O. A. regular meeting, scheduled for yesterday, was put over until today.

## "Copperfield" Set Back

"Forsaking All Others" will go into the Capitol Christmas week in place of "David Copperfield," which, it was learned yesterday, will not be ready for release at that time.

## Now "Okay Argentina"

HOLLYWOOD, Dec. 12.—Fox has changed the title of "Adios Argentina," to "Okay Argentina." Lou Brock will produce.

## Trading Light on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 38¼ | 37¾ | 37¾ | — ¼ | 200 |
| Consolidated Film Industries | 4⅛ | 4 | 4⅛ | ..... | 400 |
| Consolidated Film Industries, pfd | 17⅞ | 17⅜ | 17⅞ | + ⅛ | 800 |
| Eastman Kodak | 112 | 111¼ | 111⅜ | — ⅛ | 400 |
| Fox Film "A" | 13¼ | 13⅛ | 13⅛ | — ⅛ | 400 |
| Loew's, Inc. | 34⅞ | 34⅛ | 34⅜ | ..... | 135 |
| Paramount Publix | 3⅛ | 3 | 3¼ | + ⅜ | 5,700 |
| Pathe Exchange | 1⅛ | 1 | 1 | ..... | 1,000 |
| RKO | 1⅞ | 1⅝ | 1⅝ | — ⅛ | 7,500 |
| Warner Bros. | 4⅝ | 4½ | 4½ | ..... | 3,800 |

## Trans Lux Up Eighth on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13⅝ | 13⅛ | 13⅛ | ..... | 400 |
| Trans Lux | 2⅛ | 2 | 2⅛ | + ⅛ | 300 |

## Paramount F. L. Bonds Jump Two

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 8¼ | 8½ | 8½ | ..... | 2 |
| General Theatre Equipment 6s '40, ctf | 8⅛ | 8⅛ | 8⅛ | — ¼ | 1 |
| Loew's 6s '41, ww deb rights | 104¾ | 104½ | 104¾ | + ⅛ | 14 |
| Paramount Broadway 5½s '51 | 44 | 44 | 44 | + ¼ | 1 |
| Paramount F. L. 6s '47 | 63½ | 61¾ | 63½ | +2 | 55 |
| Paramount Publix 5½s '50 | 63½ | 60½ | 63¼ | +2¼ | 51 |
| Warner Bros. 6s '39, wd | 59⅝ | 59 | 59 | — ½ | 4 |

## ◂ Purely Personal ▸

MIKE CONROY, eastern division manager, and BERT SANFORD, northeastern divisional manager of Erpi, left last night on a business tour of New England.

JACK H. SKIRBALL, Educational sales manager, left by plane for Chicago yesterday to visit the Fox exchange and call on his company's accounts there.

LEON GARGANOFF, producer of "The Battle," will go to the coast to look over production and talent for his next two pictures before returning to France.

IAN HUNTER, English actor signed by Warners, arrived in town yesterday on the *Paris* and will leave immediately for a role in "A Midsummer Night's Dream."

WILLIAM J. CLARK and SOL EDWARDS, Educational sales executives, are on tours of Fox exchanges. The former will cover the middle west and south; the latter, the east.

W. B. RAYTON of Bausch & Lomb will deliver a paper on optical lenses before the S. M. P. E. at its meeting in the Hotel Pennsylvania next Wednesday night.

HARRY C. COHEN, RKO western division manager, received a wrist watch from his branch managers on his birthday this week.

FELIX FEIST, Honolulu and Hollywood behind him, rates his condition chiefly mental, at about 92 per cent There he proposes keeping it.

B. P. SCHULBERG, who arrived from the coast Sunday, expects to spend many of the winter weeks in New York.

ZOE ATKINS arrived in town yesterday from Universal City to conduct rehearsals for her forthcoming play "The Old Maid."

ADOLPHE MENJOU and VERREE TEASDALE are here on a belated honeymoon. They plan to be in town about 10 days.

FRANK JACQUET, who has been on the stage for 30 years and has also been doing radio sketches, has his first screen role in "War Is a Racket."

GRAD SEARS and MRS. S. will fly to the coast shortly and then take a boat to Hawaii. Naturally, a vacation.

MILDRED GINSBERG is in town from Hollywood. Husband HENRY may come on later.

DOUGLAS FAIRBANKS, SR., arrived in town yesterday from the coast by plane on business.

PAUL MUNI, accompanied by MRS MUNI, leaves the coast by boat for here Saturday, arriving Jan. 1.

JOHN COSENTINO, special representative for Amity Pictures, began a midwestern trip yesterday.

TOM SHANLEY has joined George M. Dallas & Co., certified public accountants.

PAUL SLOANE hit town from Hollywood yesterday.

BORIS PETROFF heads west the end of the week.

JULIUS KLEIN is back from Washington.

AL LICHTMAN has delayed his trip to the coast a few days.

# • THE PICTURE OF THE WEEK •

Admittedly preeminent in the production of mysteries, Warner Bros. now take to the air for the fastest action effects they have ever delivered in this type of show. We're inclined to agree with their advertising which recommends that you "keep your eyes on the skies for the greatest thrill on earth" —

## "MURDER IN THE CLOUDS"

starring Lyle Talbot, Ann Dvorak, Gordon Westcott in an expert cast of 14, skillfully directed by D. Ross Lederman. A First National Picture. Released Dec. 15th.

# 1st Div. and Wardour Deal Is Confirmed

(*Continued from page 1*)

in the film version of "Mary Read," played the Empress Elizabeth in "Catherine the Great."

* * *

Fred Bernhard's British circuit, Union Cinemas, Ltd., is to raise $1,250,000 extra capital by the issue of 50,000 ordinary shares of $5 and 200,000 $5 seven per cent preference shares.

* * *

Theatres in the West End of London remained open until 3 A.M. on the occasion of the wedding of the Duke of Kent and Princess Marina of Greece.

Special editions of news reels showing the wedding festivities were shown at all of them, and aeroplane delivery services were organized by the newsreel companies in order that leading provincial theatres should also be able to show the films the same evening.

G. B. not only provided the wedding film as an extra to all subscribers, but offered a free copy to all exhibitors contracting for Gaumont British News in the future.

## *Frisco Police Probe Production Project*

SAN FRANCISCO, Dec. 12.—San Francisco police, the Better Business Bureau and the State Labor Commissioner's office have investigated the plans of S. A. Hedding and Walter Irving to reopen the old Graf studios in San Mateo, it is revealed by Arthur Johnson, attorney for the labor commission. The two men had opened offices in a downtown hotel and announced plans for the launching of a $1,500,000 film production program a few weeks ago. Johnson says the men have disappeared.

The Better Business Bureau, the police and the labor commissioner's office were drawn into the case when Bert Russell filed a complaint with the labor commission alleging that he had been offered his pick of jobs if he would invest $1,000 in the venture.

## *Blank Payment Ordered*

DES MOINES, Dec. 12.—Payment of a dividend of 15 per cent to creditors has been ordered by the referee in bankruptcy for A. H. Blank Theatres Corp. The final report of the trustee for the corporation has just been approved, showing $311,150.24 left for distribution to creditors and court costs after payment of preferred claims.

## *Small Party Off Saturday*

Edward Small, Sam Wood, Lillian Hellman and Louis Weitzenkorn leave for the coast Saturday. Miss Hellman and Weitzenkorn are writers recently signed while Wood will direct two for the company. David Freedman, who will write an original, will remain here.

# *Good Music, Clean Comedy, Better Times Seen On Way*

By WINFIELD SHEEHAN

(*Continued from page 1*)

from all nationalities, offer novel, distinct types and compelling, interesting personalities to the film world.

The campaign to eliminate certain questionable elements from motion pictures will result in 1935 in a marked improvement in the quality of screenplays through the efforts of producers to maintain a high moral tone and increasingly fine quality dialogue in their pictures.

I believe new theatre attendance records will be obtained during 1935 as a result of improvement in quality and moral character of moving picture entertainment.

By JACK COHN

(*Continued from page 1*)

ment, whether great or small, rapid or slow-growing, must inevitably be felt at theatre box-offices and re-echo throughout the entire industry.

As nearly as can be determined at this time, I believe American production for the year will fall into three definite channels:

First, the better class of musicals.

Second, a type of picture that may be best described as down-to-earth drama, dealing with the affairs of people to be encountered, or observed in every-day life. This does not imply that either the story, or the locale in which it is enacted should be of a sordid character. Quite the reverse, there will be a definite and quite proper effort to avoid the sordid.

Under the third heading should be included a form of out-door story with most of the action in the open, a light romance for background and no great social problem touched upon.

More than ever before I think the American people are looking to the screen to provide entertainment. A story unfolded in a sordid or depressing atmosphere or having an unhappy ending is no longer hailed as entertainment—present hour psychology is against it.

### Calls It Sound Policy

As a matter of fact, the principle involved has always been a sound one for guidance in the field of production, but unhappily the industry has all too frequently seen fit to disregard it, possibly due to the influence of the legitimate theatre catering to limited handpicked audiences.

Antithetically, the costume picture never will become permanently popular in the United States, and there is no reason to believe that this old established condition has, or will be changed. This because the type of person seen in costume plays or stories is too foreign, too remote from our own experience. Occasionally the industry has been misled by the popularity of some single costume picture, but attempts to accept such individual popularity as indicative of a changing trend and to follow up the production with others has proved disastrous.

For reasons somewhat similar grand opera, too, may be dismissed as affording no great promise of motion picture material. Primarily, the majority of opera legends are sordid. A great many of the operas of the standard repertoire with which the world is most familiar end unhappily, and most of them constitute an invitation if not a challenge for the censor to step in and get busy. There is not the slightest reason to anticipate that a public demand exists in this country for this type of entertainment on the screen. Nevertheless, I gravely fear that the industry will plunge into opera production. If it follows, the result will be disastrous, in my opinion.

## *Sheehan's Trip Here To Testify in Suit*

Winfield Sheehan's current trip east is occasioned by his impending entrance into the witness box in a suit filed by James N. Cleary, Fanny Lurie and Gustave Oppenheimer against Fox Film and Chase National Bank. The trial is now under way before Judge Roseman in the N. Y. Supreme Court and involves financing deals several years old and embracing Fox Film. Most of the defendants are, or were, identified with Chase National Bank, counsel for which is defending the action.

## *Fox to Make "Ramona"*

HOLLYWOOD, Dec. 12.—A talking version of Helen Hunt Jackson's "Ramona" has been set at Fox for production early in the spring. John Stone will produce. This will be the third time the picture has been filmed. Mary Pickford made it in 1916 and United Artists produced it as a silent in 1927 with Dolores Del Rio and Warner Baxter.

## *Silverberg Hurt in Fire*

DETROIT, Dec. 12.—Harris Silverberg, local representative of National Screen Service, suffered a broken leg and other serious injuries when fire destroyed the Kerns Hotel, Lansing, with a heavy death toll. Silverberg leaped from a third-story window.

## *To Set Film Board Slate*

Final nominations and elections of the New York Film Board of Trade will be held next Wednesday evening at the organization's headquarters in the Paramount Bldg. All branch managers will attend.

## *Ann Harding to Rest*

HOLLYWOOD, Dec. 12.—Ann Harding will not make another picture for Radio for another six months, having decided to rest up and recuperate from a run down physical condition. No definite vehicle has been lined up.

## *Putnam on the Coast*

HOLLYWOOD, Dec. 12.—George Palmer Putnam, New York story head for Paramount, has arrived here for conferences with studio executives. Putnam will be here for about 10 days.

## *Christmas Party Set*

The 11th annual Board of Child Welfare Christmas Party will be held at the Capitol Friday morning, Dec. 28, under the auspices of the Board of Child Welfare. Louis K. Sidney, production head of the theatre, is supervising the stage show.

# Wanger Also Up for Para. Studio Post

(*Continued from page 1*)

would become operative if and when the rehabilitation plan is approved in Federal court here, are described as of an "open mind" on the question.

There is a possibility that other candidates may enter the lists, but, as the situation now stands, the choice will be made between Wanger, one-time general manager of Paramount production, and Schulberg, who also has held that identical post and title.

### Wanger Non-Committal

HOLLYWOOD, Dec. 12.—Commenting on reports that he was being considered as a possible production head for Paramount, Walter Wanger said today that at present he is interested only in making six pictures for Paramount and also interested in seeing Paramount's reorganization successfully carried out to the best interests of his setup and all others concerned.

No overtures have been made tc him to head production, he said, anc until such are made he can't say wha his decision would be. His second pic ture, "Private Worlds," starrin Charles Boyer, starts within tw weeks.

## *Royal, Kansas City, Is Dropped by Para*

KANSAS CITY, Dec. 12. — Afte continuous possession of the Royal fo eight years, Paramount has failed t renew the lease and has turned th theatre back to the owner.

Once Kansas City's ace first rur the Royal has been opened and close several times in the last few years Dropping the Royal has reduce Paramount's one-time string of theatres in this territory to one, th Newman, Kansas City first run.

## *Omaha Men Worry Over a Censor Bil*

OMAHA, Dec. 12.—First of th feared censorship bills has been cor cocted by an Omaha state represer tative for the coming legislative ses sion at Lincoln, film men have bee told. Circuit managers and exhib tor groups are scheduled to meet her within two weeks to conclude a pro gram for combatting legislative move toward censorship measures ar sales taxes.

## *Warner Men Departin*

D. E. Griffith, managing directo for First National in Great Britai departs for London tomorrow aboa the *Paris*. Ralph Clark, manager f Warners in Australia and New Ze land, accompanied by his wife and so leaves for the coast today. He w sail for home after a week there.

## *New Coast Agency*

HOLLYWOOD, Dec. 12.—Mary Bart formerly in charge of fan magazi contacts at Columbia, has resigned launch an agent's office with her hu band, X. Martin Smith, who was fo merly in the public relations field.

# See Voluntary Codes Aim of Government

(*Continued from page* 1)

deliberation with Donald Richberg, executive director of the National Emergency Council, and other advisers, and study of the opinion of the U. S. Supreme Court in the first cases involving the NRA to come before it.

The opinion of the court will not be rendered until some time in January, it is anticipated, so that while the President may be expected to refer to the situation in his message to Congress next month the actual legislation will not be submitted until later.

Several tentative drafts of the measure have already been prepared by economists, one or more of which will be the basis of the new act. In general, these drafts provide for the retention of the present labor provisions of Section 7A, possibly clarified for purposes of easier administration, and the child labor prohibition, but vary in their treatment of trade practice provisions.

A belated realization that the U. S. Supreme Court is likely to frown upon the use of compulsion to secure adoption of agreements designed to be voluntary has led high officials of the Administration to a decision to have the codes of fair competition purely cooperative and to abandon "mailed fist" tactics such as are now said to be followed with respect to the tobacco industry, which has been told to get under a code without further delay.

### Say Some Want Codes Kept

That there are a number of industries which would be glad to have the codes abandoned is admitted, but it is declared others are equally anxious that they be continued, although in practically every latter instance it is admitted that changes could be made with direct benefit.

Further, it is said, officials fear that the freedom to abandon a code without formality would lead to an epidemic of unrestrained competition, which would nullify whatever gains have been made in the past year.

Nevertheless, there is a distinct feeling that where a great majority of an industry dislikes its code it should be relieved. Just how this would be accomplished has not been worked out, but it would probably be by vote, on the basis of number of establishments, production, capital investment, or such other method as would insure fair representation.

In the case of the film code, one branch of the industry could in this way drop its agreement while another branch could continue, because of the fact that each branch of the industry has, in effect, a separate code, although all are in one document. Whether this possibility would eventuate, however, is largely dependent upon the form the new act will take.

Organized labor will bitterly oppose any easing of the Industrial Recovery Act, it was declared today by William Green, president of the A. F. of L.

The legislative program of the organization, it was asserted, will include demands for enactment of a 30-hour week law; passage of an industrial disputes act outlawing company unions and continuing the National Labor Relations Board; old age pension and unemployment insurance legislation and extension of the Recovery Act.

In connection with the code law labor will propose retention of Section 7A providing for collective bargaining, abolition of child labor, elimination of unfair trade practices and equal representation of labor with industry upon code authorities and in the administration of the act.

"Labor will oppose any relinquishment of governmental supervision and control over the development, application and administration of industrial codes of fair practice," it was declared.

# New Code Setup Is Outlined by Allied

(*Continued from page* 1)

his hearers to submit ideas for a substitute pact.

The resolution outlined a Code Authority on which buyers and sellers would be equally represented, with the former all independents with no affiliations and the latter all affiliated exhibitors, three government representatives to be included in the membership. Under the plan Code Authority would investigate unfair charges and make a report on necessary changes within 90 days.

Grievance boards of five—two sellers, two buyers and a government representative—are called for in the resolution, while the clearance and zoning boards would consist of seven—three sellers, three buyers and one government man.

Sidney Samuelson told the directors the annual feature product had been cut down in 12 years from 800 to 350 with a resulting contraction of distributing companies from 25 to eight. He commended the Legion of Decency campaign.

Henry Lazarus delivered an attack on the treatment of New Orleans independents by code boards here and said that John C. Flinn, Code Authority secretary, should remove the members.

There was proposed a new constitution calling for a president, a board of directors and all other officers as at present, with all directors to be elected. The proposal also provides for the appointment of an executive committee of three to seven members which would be invested with broad powers.

Under the revised constitution the president would appoint the vice-president and a single meeting a year would be held, with the next one in Washington in January. The new document must be ratified by each unit.

It was revealed at the session a seal would be designed to be placed on the houses of all Allied members in good standing as a means of letting patrons know they are attending independent theatres.

Fifteen out-of-town exhibitors answered the call today for the organization of a new booking combine, an announcement on which will be made later.

## *Rosenblatt Is Praised*

In a resolution sent to both President Roosevelt and Compliance Director Sol A. Rosenblatt, Campi expresses gratification and appreciation of the former division administrator.

# Rosenblatt Drops Dispute on Coast

(*Continued from page* 1)

again on the matter, he stated yesterday, prior to his departure to Washington after conferring with local circuit and independent leaders and labor officials.

"I have never read so many wild stories coming from Hollywood as I did about my trip there," he said. "All sorts of stories have been printed in the coast papers and practically all of them are wet."

Rosenblatt plans to be in New York again next week for additional conferences on the local labor situation.

Commenting on John C. Flinn's increase in salary last week, Rosenblatt stated that "it is a meritorious and will deserved increase. I think he deserves it."

Asked about reports which had him slated for a raise, Rosenblatt stated he hadn't heard of a hike in his pay and that salary meant nothing to him while he was working for the NRA.

## *Mier on Own in Mexico*

MEXICO CITY, Dec. 12.—Felipe Mier, former Warner manager here, has entered the distribution field on his own releasing Mexican-made pictures throughout Mexico. His initial releases will be the productions made by Jose Bohr, Argentine actor, not unknown to Hollywood, who has turned producer in Mexico City.

# "Bunk, Fake," Is Comment on Ending Code

(*Continued from page* 1)

quote me as saying that and nothing else."

Apparently upset over the story, he then stated that he should have been queried on the story before it was printed. After his nerves had settled to the point where he could give serious thought to the request for a statement, the compliance director added:

"While I do not attempt to predict what Congress will do, it will provide for a permanent form of NRA. Certainly a safe conclusion to make is that workable codes will not be disturbed and particularly those relating to industries in or affecting interstate commerce, such as the motion picture industry."

Executive Secretary John C. Flinn was considerably annoyed over the yarn and refused to give it much credence. He declared it a "lot of bunk" and "a fake."

## *Ann Sothern Re-Signed*

HOLLYWOOD, Dec. 12. — Columbia has written a new long term contract for Ann Sothern calling for a tilt in salary.

ONLY 3000 THEATRES WILL HAVE THIS CONTRACT
Exclusive Franchise
for showing
THE MARCH of TIME

## Loew's Demand May Delay N. H. Action

(*Continued from page* 1)

protection and for the past few months has been playing pictures at the College under the protection objected to by independents. According to the schedule, it was declared, Loew's cannot even play day-and-date.

The College, a second run house, is one of the group acquired by Loew's from Poli last year. The local clearance board voted against Loew's at the time the schedule was promulgated and the circuit now is taking its fight to Campi. Certain members of Code Authority are prepared to vote Loew's down. This is the only serious kink in the whole schedule.

As far as the Kansas City schedule is concerned, a solution to the price war may be evolved today when Campi recommends a seven-day penalty for each reduction of five cents. This plan, it is believed, will enable theatres pegging prices to benefit on release dates. Otherwise the plan is well in hand as far as Campi is concerned.

Other issues to be discussed today involve the releasing problem in Chicago where distributors refuse to book to independent theatres in the neighborhoods 14 days after first run downtown houses: the Leonia, Leonia, clearance complaint against Skouras, Loew's, et al, which has been kicked back and forth between the New York board, Campi and a special clearance committee appointed by Code Authority.

## *"American" Stories Draw Best—Berman*

Chicago, Dec. 12.—Pandro Berman, Radio producer, on his way east with J. R. McDonough to look over some New York stage properties, said during a stopover here that the American public wants stories "fundamentally American," such as "Little Women." He expressed the belief that "fireside" type of stories will continue popular.

Berman added that the American public also wants actors of distinctly American type and that New York audiences are no accurate criterion as to what sort of players the country as a whole is interested in. To bear out his contention he cited Will Rogers.

Musicals continue in great demand but the public is becoming more particular, Berman said, who added that films of this kind have to be good and must possess more than music to click. He asserted this is borne in mind by Radio when it produces a musical.

## *Barrie Tale for Hepburn*

Hollywood, Dec. 12.—Sir James M. Barrie's "Quality Street" has been chosen by Radio as Katharine Hepburn's next vehicle.

## *Einfeld to the Coast*

S. Charles Einfeld, advertising and publicity director for Warners, leaves for Hollywood Friday. He will be gone a couple of weeks.

## *"U" Signs Jane Dixon*

Hollywood, Dec. 12.—Jane Dixon, stage player, has been placed under long-term contract by Universal.

## *Looking 'Em Over*

### *"The Iron Duke"*

(*Gaumont British*)

London, Nov. 30.—The first Gaumont British-Arliss vehicle registers another step up for British production. It is a series of fine spectacles linked by a story which ingeniously exploits the human side of a world figure whose humanity has heretofore had to be taken on trust.

True, there is very little "iron" in Arliss's duke and students of history are unlikely to be thrilled by the spectacle of Arliss as Wellington playing bears with the children, while the battle waits. There is, however, compensation for this and other sops to the sentimental in the finely realistic scenes of the Battle of Waterloo, of the Brussels ball on the eve of the battle, of the many conferences of diplomats and crowned heads and of Wellington's historic speech in the House of Lords in which he warned his countrymen that they would "plunge a knife into the heart of Europe" in insisting on heavy indemnities from France.

This scene, on which the picture most effectively fades out, is as good as anything which has come from a British studio; Arliss, as in every scene in which speech rather than action is demanded, is magnificent, and the director, Victor Saville, also reaches his peak.

Saville scores heavily in the other scenes mentioned. That famous ball of the Duchess of Richmond, from which the officers stole one by one to rejoin their regiments; the scene at the Paris Opera after the peace, with one national anthem after another bringing the audience to its feet as the kings arrive; Wellington's pleas for a magnanimous peace in Tuileries gatherings where everyone else is out for spoils—in these and other historical scenes there is both pageantry and conviction. The battle scenes—without Napoleon—are notable for the reproduction of the charges of the Scots Greys, with Highlanders hanging to their stirrup leathers.

There is a two-fold story interest. Wellington is shown as susceptible to feminine hero-worship. His relations with the youthful Lady Frances Webster are exploited by the Duchess of Angouleme, niece of the restored Louis XVIII, and the real power behind the throne. She wants to get Wellington out of the way in order that Marshal Ney shall be executed. A London gutter journalist is bribed to publish a scandal story and, while Wellington is in London clearing matters up, Ney is shot. The resultant public outbreaks place the Duchess in Wellington's hands and he compels her retirement and the selection of a new government.

Arliss, once his conception of Wellington is accepted, will please all his admirers. He presents the duke as a rather easy-going, humorously disillusioned and designedly casual figure. The casualness—and the sentimentality—could have been toned down with advantage, but as it stands the portrait is one which only Arliss could achieve. He is at his best in the great historical and legendary moments. There is excellent support from Gladys Cooper as the Duchess of Angouleme, Allan Aynesworth as Louis XVIII, Edmund Willard as Ney, Franklyn Dyall as Blucher and many others. Photography and sound are both brilliant.

"The Iron Duke" looks like good box-office anywhere. Apart from the Arliss appeal it has a spectacular value which sets a new standard in British films, it moves quickly and it has an outstanding climax.

Shown at the Tivoli, London. Running time, 90 minutes. Classification: "G." (British Censor's Certificate: "U.") ALLAN

### *"The Czar Wants to Sleep"*

(*Amkino*)

A satire on czarism, "The Czar Wants to Sleep" is a moderately diverting production from the Belgoskino studios of Russia. It is one of the few Soviet pictures devised primarily for entertainment.

The film deals with Paul I. The producers have had a grand time poking fun at the mad Russian monarch. The story revolves around an imaginary character represented to the czar as a flesh-and-blood member of his guard. The fellow is created when it becomes necessary to find someone to blame for waking up Paul. The actual culprit (E. Garin) is an aide-de-camp who was forced into a shout by a pinch administered by his sweetheart. The czar decrees that the non-existent guardsman be sent to Siberia, but later orders that he be elevated to a major general.

When Paul demands that Kijke, the name of the imaginary guardsman, be brought before him, the perpetrators of the huge joke, to save their own hides, tell him the man is dead. There follows a mock funeral. The final stroke of irony comes when the czar makes Garin a general.

Paul is played by M. Yanshin. The cast is competent. Alexander Feinzimmer directed. Plenty of English titles. No code seal. Running time, 88 minutes. "G."

## Fox Met. Plan Put Over for 30 Days

(*Continued from page* 1)

plan, but the committee admitted to the court that it had been unable to draw one.

Archibald Palmer, counsel for bondholders who have not deposited with the committee, and Milton C. Weisman, of Weisman, Quinn, Spett and Allan, who claims to represent claims totaling $5,778,000, objected to any further delay. Weisman asked the court for a two-week postponement during which he was to draw up a plan of his own. The court reminded him that anyone could submit a plan for consideration and adjourned the hearing until Jan. 11.

## *Gains in Far East Reported by Kelly*

(*Continued from page* 1)

booking of the 1933-34 product in 150 theatres in Australia. He said he made no changes in personnel.

In Australia, economic conditions are improving because of the increased demand for wool, which naturally, is reflected in the box-office. Wheat and dairy products are also in demand, he said.

In Indo-China, there is a possibility of developing super-imposed versions for theatres because of their seven-day a week operation when there is only enough product now for four days a week.

No foreign production other than that which was announced previously will be undertaken by the company, Kelly stated. He added in some countries the local branches may take on foreign pictures for their own consumption. Europe was not touched by Kelly on this trip, he stated.

Business in Java is bad because the country is off the gold standard and merchants cannot sell exports to advantage. The picture business has fallen off 50 per cent as a result. In China, the depression was felt in 1932 and this country is now getting the reaction with business off from 30 to 40 per cent, especially in view of the 20 per cent tax on silver. Singapore is picking up and the rubber and tin industries have increased theatre business by about 15 per cent, Kelly observed.

He declared that Japan and Australia have extremely fine theatres on a par with "B" houses here.

"We are getting stiff competition from China and Japan," the U. A. executive said. "Japan has made from 200 to 300 pictures, many of which are silent, for its 1,500 theatres, 400 of which are wired. Each of the producers makes from 30 to 40 talkers annually and most theatres show one sound and one silent picture on the same program."

Kelly was given a ivory clock and ink stand by company executives on his return.

## *Casting Shows Continue*

Hollywood, Dec. 12.—The Central Casting Bureau shows for the purpose of weeding out the registered list is still going on. The extras, in their best costumes, parade before the judges—directors, casters and costume designers—and an audience of about 2,000 sits in a theatre and watches. The final show was staged tonight at the Cathay Circle.

# 'One Night" Tops Seattle In 5th Week

SEATTLE, Dec. 12.—"One Night of ove" made the best comparative owing here despite the fact that it as in its fifth week. It took $4,300, er par by $300, at the Liberty.

"College Rhythm" grabbed $7,100, er the line by $100, at the Fifth venue. Business elsewhere was off.

Total first run business was 33,000. verage is $36,500.

Estimated takings for the week end- g Dec. 7:

**"TRANSATLANTIC MERRY-GO-ROUND" (U. A.)**
BLUE MOUSE—(950), 25c-40c-55c, 7 days. xtended run from Music Hall.) **Gross:** 800. (Average, $4,000)

**"COLLEGE RHYTHM" (Para.)**
FIFTH AVENUE—(2,450), 25c-40c-55c, 7 ys. **Gross:** $7,100. (Average, $7,000)

**"ONE NIGHT OF LOVE" (Col.)**
LIBERTY—(1,800), 15c-25c-35c-50c, 7 days. n week. **Gross:** $4,300. (Average, $4,000)

**'GENTLEMEN ARE BORN" (F. N.)**
MUSIC BOX—(950), 25c-35c-50c, 7 days. **oss:** $3,100. (Average, $3,500)

**ANNE OF GREEN GABLES" (Radio)**
MUSIC HALL—(2,275), 25c-40c-55c, 7 ys. **Gross:** $6,000. (Average, $6,500)

**"ST. LOUIS KID" (Warners)**
ORPHEUM—(2,350), 25-35c, 7 days. udeville headed by Six Sakuros. **Gross:** 400. (Average, $5,500)

**"PECK'S BAD BOY" (Fox)**
**"MENACE" (Para.)**
PARAMOUNT—(3,050), 25c-35c, 5 days. **oss:** $3,300. (Average, 7 days, $6,000)

## Io Increases Near In Ohio—Fishman

There is no tendency to increase missions in Ohio, Jesse Fishman, arner theatre division manager, ated yesterday while here to attend o code cases involving the circuit. shman arrived and departed yes- day.

"Industrial conditions in Ohio are termined by the steel business. eveland, Youngstown and Dayton e the steel centers and theatre busi- ss is influenced according to opera- ons of the plants. When the plants e active, theatre business is all right d when some of the plants close, siness falls off," he said.

Fishman stated that Nat Wolf, zone anager, is getting along nicely and ill be out of the Mt. Sinai Hospital about two days. He said Wolf is uch improved but staying in the spital for observation.

## Details of Sennett's English Company Set

LONDON, Dec. 4.—Preliminary de- ils of Mack Sennett Prod., Ltd., visage a £350,000 company, made of five-shilling ordinary shares, of hich 200,000 will be allotted to Sen- tt. His agreement also includes a e-year engagement as managing di- ctor at £5,000 per annum. Six fea- res and one special per year are heduled, with a film featuring Scott d Black, the England-Australia ers, definite.

A life insurance policy on Sennett's e, for £250,000, is planned. The mpany schemes its own distribution d estimates a profit of £11,000 per m, excluding European and Ameri- n sales, and a £20,000 profit on each per. No details of directors or date flotation.

## Dickinson Ordered To End Price Cuts

Charged with reducing admissions below stipulated contract provisions, Glen W. Dickinson has been ordered to stop the practice in three instances.

On complaint of Clyde B. McAleer of the Orpheum, Parsons, Kan., the Dickinson Uptown, same city, was found violating the code and ordered to stop. Dickinson appealed on the ground that the complainant was doing the same thing, but Campi disregarded this defense, inasmuch as the complainant's action was no standing in such cases.

The other two cases which Dickinson lost with the same defense are C. A. Schultz, of the Strand, Creston, Iowa, against the Dickinson, same city; Ritz, Chillicothe, Mo., against Dickinson, same city.

Cease and desist orders were handed down in seven other appeals which involved bank nights, and other methods tending to reduce admissions: Denham and Ogden, Denver, against Alladin, Rialto, Tabor, Bluebird, Bide-A-Wee and Orpheum, for giving away automobiles; Lindberg, Kansas City, Mo., against Westport, same city, for admitting children for one Wheatie box top and five cents; Oriental, Indianapolis, against Roosevelt, same city, on country store night; Vogue, Kenosha, Wis., against Butterfly, same city, for distribution of photographs and other articles; Tom Steele, Midland, Pittsburgh, Kan., against J. A. Lenski, Cozy, same city, on bank night; W. A. Leucht, Olive, St. Joseph, Mo., against Frank Cassil, Rialto, same city, on bank night; H. F. Kincey, Colonial, Winston-Salem, N. C., against Ellis Blumenthal, Hollywood, same city, for giving away miniature automobiles to children.

## Temporary Relief in Operator Pay Made

(*Continued from page 1*)

headquarters. Compliance Director Sol A. Rosenblatt and his assistant, Morris Legendre, attended the sessions. The relief starts immediately and will continue until a final plan is worked out.

In the morning circuit heads including Charles C. Moskowitz, Marvin Schenck and Leslie Thompson met with George Browne, president of the I. A. T. S. E., and his assistant, Louis Krouse. At this session several plans were submitted but not acted upon, the understanding being that another be drawn which will be discussed at a subsequent session next week. One of the plans provided for a booth scale based on admissions and seating capacity. Another schedule provided for the merging of local unions and elimination of picketing.

Charles L. O'Reilly, president of the T. O. C. C. and Harry Brandt, president of the I. T. O. A., attended both morning and afternoon sessions.

## Poster Stamps Spreading

CHICAGO, Dec. 12.—Use of poster stamps seems to be spreading. Star photos are becoming a vogue as part of the movement, and the latest phase of the stamp collectors' activity is the formation of the National Poster Stamp Society here to assist in collection and exchange of poster stamps.

The new organization is headed by Leon H. Lewis of this city.

## Means Asserts Many Favor K. C. Boycott

KANSAS CITY, Dec. 12.—The great majority of independent exhibitors here still favor a boycott of distributors whose product is first run at theatres which slash prices to ruinous levels, stated Jay Means, president of the I. T. O.

Means said reports that he was responsible for starting the boycott movement are erroneous. The idea, it is said, originated with no one exhibitor, but was the culmination of general resentment over the price-cutting at Loew's Midland.

The I. T. O. went on record as favoring a boycott on motion of a member other than Means. Definite action was to depend on support from Fox Midwest, the dominant chain in this territory. Midwest is reported to have rejected the move since participation would affect its contractual obligations.

Denying that he proposed the boycott, Means said he was merely in sympathy with the idea. All plans relating to the boycott are in the hands of a committee.

## Amendment for New Workers Up Dec. 21

Dec. 21 has been set for a public hearing on an amendment to the code relating to salaries paid new employes. The amendment, in full, states:

"No exhibitor shall enter into any agreement, directly or indirectly, for services of any kind usually and customarily performed by theatre employes directly compensated by exhibitors unless such agreement provides that no person actually engaged in rendering such service shall be employed under a lower standard than provided for in the code; provided, however, that this provision shall not apply if the agreement for services was entered into in writing prior to the effective date of this amendment."

## Detroit Ordinances Hit

DETROIT, Dec. 12.—Theatre owners are lining up opposition to two ordinances pending before the City Council. One provides no signs or marquees can project over Woodward Ave. after 30 days and the other puts a ban on permits for special banners and signs.

# "Veil" Pulls $20,000, Big For the Hub

BOSTON, Dec. 12.—Totals held up well after a busy holiday week, with "The Painted Veil" winning top honors, $20,000, at Loew's State. This is $4,000 above average. "Flirtation Walk," with $32,000, at the Metropolitan, also grossed $4,000 above par. "Anne of Green Gables" was good for $3,000 above average at Keith's.

Advent of colder weather is expected to bring grosses to higher figures next week.

Total first run business was $109,000. Average is $94,000.

Estimated takings for the week ending Dec. 6:

**"THE CAPTAIN HATES THE SEA" (Col.)**
BOSTON—(2,900), 25c-50c, 7 days. Vaudeville. **Gross:** $17,500. (Average, $16,000)

**"IT'S A GIFT" (Para.)**
**"PECK'S BAD BOY" (Fox)**
FENWAY—(1,800), 30c-50c, 7 days. **Gross:** $10,500. (Average, $9,000)

**"ANNE OF GREEN GABLES" (Radio)**
KEITH'S—(3,500), 25c-65c, 7 days. **Gross:** $19,000. (Average, $16,000)

**"THE PAINTED VEIL" (M-G-M)**
LOEW'S STATE—(3,700), 35c-50c, 7 days. **Gross:** $20,000. (Average, $16,000)

**"FLIRTATION WALK" (F. N.)**
METROPOLITAN—(4,350), 30c-65c, 7 days. Stage: Ed Lowry, Geo Sidney and revue. **Gross:** $32,000. (Average, $28,000)

**"IT'S A GIFT" (Para.)**
**"PECK'S BAD BOY" (Fox)**
PARAMOUNT—(1,800), 30c-50c, 7 days. **Gross:** $10,000. (Average, $9,000)

## Award Kutinsky 73 Features in Queens

Victorious in his overbuying complaint against the A. H. Schwartz circuit, Morris Kutinsky has been awarded 73 pictures by the New York grievance board. Through Louis Nizer, his attorney, Kutinsky contended that Schwartz had bought or tied up all the product for the Queens, Queens Village, L. I., leaving the Community without first run films. Schwartz will appeal.

Overbuying charges by the Roosevelt, Beacon, N. Y., against the Beacon, same city, a Springer & Cocalis house, were dismissed.

Exceptionally Fine For Holiday Bookings

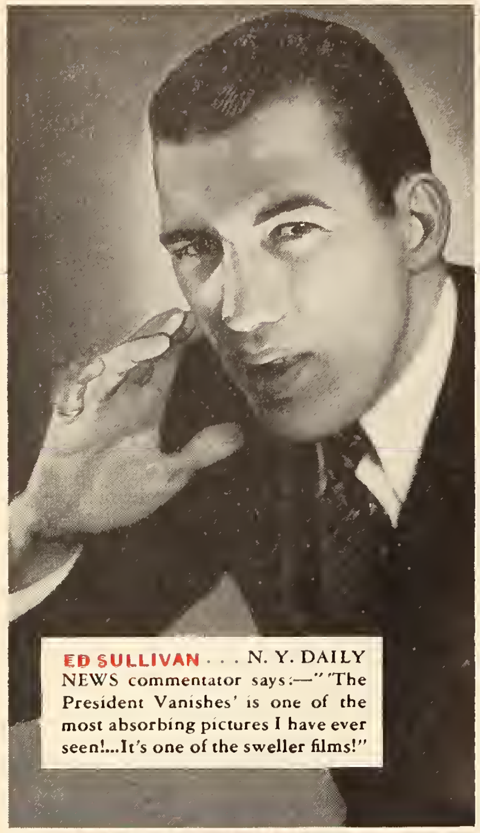
POWERS COMICOLOR CARTOONS

*Real Headline Attractions*

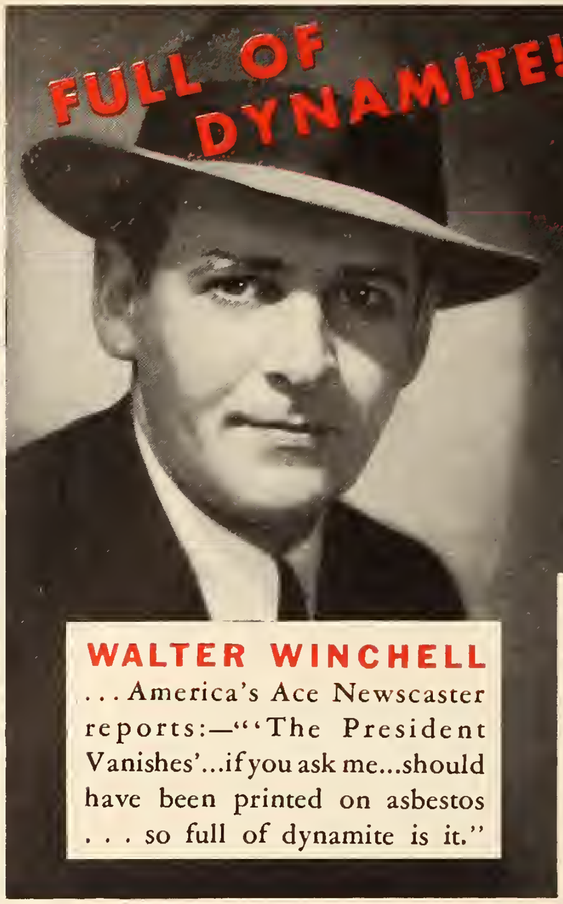
"JACK AND THE BEANSTALK"
"ALADDIN AND WONDERFUL LAMP"
"THE QUEEN OF HEARTS"
"THE HEADLESS HORSEMAN"
"DON QUIXOTE"

"THE BRAVE TIN SOLDIER"
"THE LITTLE RED HEN"
"PUSS IN BOOTS"
"VALIANT TAILOR"
"JACK FROST"

CELEBRITY PRODUCTIONS, Inc., 723 7th Ave., New York City



**ED SULLIVAN** . . . N. Y. DAILY NEWS commentator says:—"'The President Vanishes' is one of the most absorbing pictures I have ever seen!...It's one of the sweller films!"


FULL OF DYNAMITE!

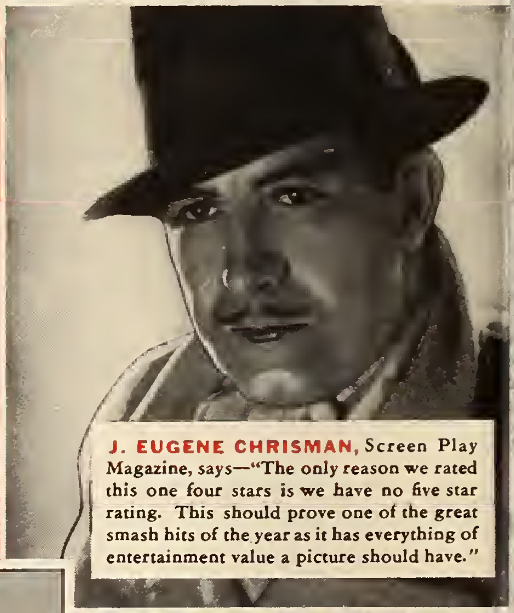
**WALTER WINCHELL**
. . . America's Ace Newscaster reports:—"'The President Vanishes'...if you ask me...should have been printed on asbestos . . . so full of dynamite is it."

**KATHERINE DOUGHERTY** . . . Publisher of Photoplay reports:—"'The President Vanishes' deserves the term sensational."

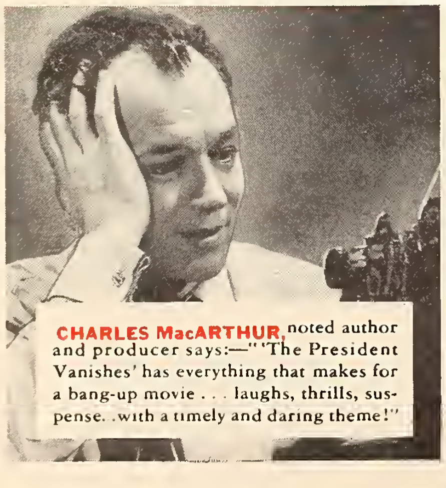
**SIDNEY SKOLSKY** . . . Famous N. Y. DAILY NEWS Columnist says:—"'The President Vanishes'. . . is a flicker that should be seen. A bold . . . honest attempt to make a talking picture say something!"

# "the President Vanishes"

A Walter Wanger Production
Directed by William A. Wellman
A Paramount Release



**J. EUGENE CHRISMAN,** Screen Play Magazine, says—"The only reason we rated this one four stars is we have no five star rating. This should prove one of the great smash hits of the year as it has everything of entertainment value a picture should have."



**CHARLES MacARTHUR,** noted author and producer says:—"'The President Vanishes' has everything that makes for a bang-up movie . . . laughs, thrills, suspense. .with a timely and daring theme!"

★★★½★

..."'The President Vanishes' remains the most violent, exciting . . . fearful film of this or any other season. For a truly thrilling and intelligent evening of rough-riding action, we give it our unqualified recommendation!"

—***Liberty Magazine***

**MOLLIE MERRICK** . . . Famed Hollywood Correspondent says:—"'The President Vanishes' is an assured success . . . Put this picture on the list of films you just can't afford to miss!"

The Leading
Daily
Newspaper
of the
Motion
Picture
Industry

# MOTION PICTURE DAILY

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VOL. 36. NO. 140 NEW YORK, FRIDAY, DECEMBER 14, 1934 TEN CENTS

## Stable Wages Predicted As New NRA Aim

### Williams Says This Will End Price-Fixing Need

Stabilization of wage levels will eliminate the need for price-fixing in he forthcoming revision of the NRA, declared S. Clay Williams, chairman of the National Industrial Recovery Board, here yesterday in a talk before he American Arbitration Ass'n. Wil-iams is successor to Gen. Hugh S. Johnson.

Compliance with wage provisions, which will be retained in the new NRA, he said, with the guarantee of collective bargaining, the ban on child abor, regulation of hours of labor will prevent unfair trade practices.

Prevention of the driving of wages below a fixed level, Williams said, had justified both the creation of the

(Continued on page 10)

## Again Delay K. C., New Haven Action

Kansas City and New Haven clear-nce and zoning schedules were again ut over yesterday by Campi for urther study, this time until Dec. 27, when Code Authority reconvenes. The Loew situation in New Haven and the rice war disturbance in Kansas City eld up official action on the two lans.

Mrs. Claire Boothe Brokaw, second

(Continued on page 10)

## Ohio Sales Tax to End Ticket Impost

Columbus, Dec. 13.—Governor George White today signed the three er cent general sales tax bill as a ubstitute for the three per cent state admission tax, which is thus sus-ended for one year. The sales tax ecomes effective Jan. 1.

The I. T. O. of Ohio, through its ecretary, P. J. Wood, and G. W. Erdmann of the Cleveland M. P. Exhibitors' Assn'., succeeded in elim-nating the amusement tax, effective an. 1.

## Joan Crawford Gets New Term Contract

Hollywood, Dec. 13.—Joan Craw-ord's contract with M-G-M has been enewed for a long period. She is cheduled to start work shortly in No More Ladies."

## "Greatest Period"-Warner; Thalberg Says Films Tell

By HARRY M. WARNER
*President, Warner Bros.*

The outlook of Warner Bros. and its affiliated companies for 1935 is optimistic without qualification. The proof of this lies in the fact that we are going to produce more pictures than we had planned for the present production season and that we expect to expand our activities still further in 1935-36.

I think the chief reason why we have weathered

(Continued on page 7)

By IRVING THALBERG
*Vice-President, M-G-M Studios*

Hollywood, Dec. 13.—My prediction is that the difference in the gross between good and bad pictures is — and has been for the past four or five years—an ever-widening one. It will continue so to the point where the profits of the industry, and particularly of the exhibitor, will be gauged by the number of good pictures made. I think that the time has now

(Continued on page 7)

## Producer Acts Illegal Under Code — Myers

New Orleans, Dec. 13.—Every act done by producers and producer-owned theatres since the code was formulated could be prosecuted under the Sherman anti-trust law, charged Abram F. Myers, Allied general counsel, following the meeting of Allied directors here.

The film code differs from others, Myers declared, as it confers on Code Authority and its regional boards the power to adjudicate controversies between buyers and between independent theatres and producer-owned theatres. The extraordinary situation is presented, he said, of a judicial power being conferred on a tribunal whereon one party to virtually every controversy has nine representatives to one in the Code Authority personnel. The

(Continued on page 10)

## Start Second Report On Operator Scales

Members of the NRA fact finding committee, appointed some time ago by Compliance Director Sol A. Rosenblatt, are now working on a second report, each member to make an individual study of the local booth situation for submission to Rosenblatt.

On Wednesday Rosenblatt met with

(Continued on page 10)

## Comerford, Saenger Near To New Setup

Two of Paramount's most important theatre affiliations, the Saenger circuit of 47 houses and the Comerford circuit of 61, moved closer to final adjustment yesterday with the submission of a plan of reorganization for the former and Federal court approval for a revised financial agreement for the latter.

The plan of reorganization for Saenger Theatres and Saenger Realty, which includes a five-year operating contract for the circuit with E. V. Richards, was taken under advisement by Special Master John E. Joyce following a hearing yesterday.

The plan provides for the organization of a new Saenger company which will issue a like amount of new bonds to the holders of approximately $1,-

(Continued on page 7)

## Pre-Holiday Slump Hits Broadway Hard

Box-office grosses along Broadway last week took a nosedive as the pre-holiday slump hit attendance at all theatres.

Second week of "Broadway Bill" at the Music Hall was able to get only $69,300, while the third week of "Imitation of Life" at the Roxy garnered $22,000.

## New Exhibitor Setup Pushed In Talks Here

### ITOA and Allied Heads Approached on Plan

Leaders of the I. T. O. A., Allied of New Jersey and national Allied were approached last week on the plan to form a new national independent exhibitor association, divided into Congressional districts, with a leader for every congressman. Exhibitor leaders, according to the proposed plan, are to form units within their states, it was learned yesterday.

Two local organizations are understood in favor of the new exhibitor plan, which also provides for the use of screens to disseminate propaganda. Allied States discussed the plan at the eastern directors' meeting in Atlantic City last summer.

Sidney Samuelson at the time would not comment on it, but indicated that the three-point legislative program would be pushed via the Congressional route. Allied, at the convention,

(Continued on page 7)

## Ask Allied Owners To Hit Para. Plan

A motion that the trustees of Allied Owners Corp., Stephen Callahan, Percival Jackson and William Greve, be instructed to appear in opposition to the Paramount Publix plan of reorganization at the hearing before Federal Judge Alfred C. Coxe, Dec. 27, was made by Archibald Palmer, counsel for Allied bondholders, at a hearing of objections to Allied's own

(Continued on page 7)

## Bank Nights Placed Under Ban in Iowa

Des Moines, Dec. 13.—Bank nights and lotteries have been branded as illegal by the state attorney general's office.

Declaring bank nights have the three essential elements of consideration, chance and prize, Walter Maley, first assistant attorney general,

(Continued on page 10)

## Total N. E. Bombing Damage Is $15,000

Boston, Dec. 13.—Total damage by bombing to four New England theatres between four and five o'clock yesterday morning will not exceed $15,000, managers state. By far the

(Continued on page 10)

MOTION PICTURE
DAILY

(Registered U. S. Patent Office)

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MARTIN QUIGLEY
*Editor-in-Chief and Publisher*
MAURICE KANN
*Editor*
JAMES A. CRON
*Advertising Manager*

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## Johnsons in Boston

BOSTON, Dec. 13.—Along with their new air pictures of Africa, the Martin Johnsons will apear in person at the Tremont Temple Friday and Saturday. They are booked by Aaron Richmond, who has reopened the house.

## Tickets at Premium

With less than 200 of 1,300 tickets left for the annual Ampa Christmas dinner at the Astor next Thursday, there will be no tickets available at the door, Paul Benjamin, chairman of the committee, stated yesterday at the regular meeting of the association.

## Mary Curtyn to Wed

HOLLYWOOD, Dec. 13.—Mary Curtyn, Harry Brand's assistant at United Artists, is engaged to J. Arthur McLoughlin of Illinois. No date has been set for the wedding.

## Bayonne House Burns

BAYONNE, N. J., Dec. 13.—The Embassy, owned by Seligman and Ulysses, was destroyed by fire yesterday.

MAN OF COURAGE
MUSSOLINI'S
$2,000,000 SPECTACLE
All English Talkie
FOR RIGHTS AND BOOKINGS APPLY
Eureka Prod. Inc.
723 7th Ave., N.Y.C.

# Insiders' Outlook

INTERESTING, very interesting, as a prospect to consider in connection with the William Fox Tri-Ergon developments is the possible improvement in sound recording and reproducing which may result from the more or less feverish, behind-the-scenes activities in the Bell and RCA laboratories at the moment. No longer is it a secret that both have been under orders for some months past to have substitute devices for the flywheel and double print patents in readiness—just in case. . . .

▼

Ideas for filling the orders have been invited and are being received by the two laboratories from all over the world. They filter through two or three key men in each laboratory. Most of them are worthless and go into the discard. Yet out of the great volume of ideas received and out of the pressure under which the brain men are working, may come not only the usable substitute devices which the labs are under orders to deliver by Feb. 1, but also the technical basis of radically new sound equipment. . . .

▼

The electrics' contracts stipulate only that they must supply to their licensees in the event of an unfavorable Supreme Court ruling substitute equipment "as good as" that which would have to be replaced. Sound engineers do not regard this as a difficult assignment, either in the case of the flywheel or the double printing system. If the high court decision is unfavorable, substitute devices will be ready. There is great confidence on this score. . . .

▼

What is intriguing about the current effort, however, is the possibility, not viewed as visionary, that from the present research and experiment may come something considerably more significant and valuable—to the industry as well as to the electrics—than substitute devices which are only "as good as" those they replace. A single idea driven into the laboratories by the Fox whiplash on the outside could revolutionize sound both in the studio and the theatre for the entire industry. The equipment companies are aware of the opportunity facing them. Their policies are shaping themselves accordingly. . . .

▼ ▼

Why do you do the things you sometimes do? You make your living from this industry and, you, therefore, should protect it, guard it from criticism. These are some of the queries which confront us from time to time in order to confound us, the confronting and the confounding being advanced by those who prefer the perpetual Pollyannas and because, we suppose, they can't take it. Well, Arthur Brisbane, that rising young editorialist, had a birthday on Wednesday. It was a fitting occasion for a lunch at which the veteran newspaperman found himself discoursing on what is a newspaper. . . .

▼

Because, firstly, he makes our stint in this area easier and because he supplied an answer to questions as per above, we quote:

> "What is a newspaper? A newspaper is a mirror in which are reflected events and human beings. Don't break the mirror. If you don't like what you see in it, change the face as they do in the beauty parlor."

It's that job of "changing the face" which gets us into frequent hot water. When, for instance, this space took a three-time crack at the Paramount reorganizers for shaping a banking and investment house directorate, it was criticized for failing to mind its own business. We assert it is very much our business to keep Paramount or any other factor—and that doesn't necessarily mean only the large ones—out of pitfalls if by constructive criticism we can, or think we can. . . .

▼

When the front page bannered the Washington flash of the Administration's plan to make codes voluntary under the impending, revised NRA, the yarn in two quarters was booed, described as a fake and as hooey. We were tearing down, always belittling and destructive. That's so much pap and waste of time. MOTION PICTURE DAILY does not make news; it reports it. Events, actual and forecast, are not always what certain individuals or interests may want to read. It's disturbing to their complacency, their well-being and, indeed, their jobs. Too bad, but unavoidable nevertheless. . . . KANN

## Eastman Off 7/8 on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Consolidated Film Industries | 4¼ | 4¼ | 4¼ | + ⅛ | 200 |
| Consolidated Film Industries, pfd | 18 | 17¾ | 17¾ | — ⅛ | 800 |
| Eastman Kodak | 111¾ | 110½ | 110½ | — ⅞ | 900 |
| Fox Film "A" | 13½ | 13 | 13⅜ | + ¼ | 1,500 |
| Loew's, Inc. | 35½ | 34¾ | 34⅞ | + ½ | 6,300 |
| Loew's, Inc., pfd | 104⅝ | 103⅞ | 103⅞ | — ⅞ | 400 |
| Paramount Publix | 3⅝ | 3⅛ | 3½ | + ¼ | 24,100 |
| Pathe Exchange | 1 | 1 | 1 | ..... | 100 |
| Pathe Exchange "A" | 13⅛ | 13⅛ | 13⅛ | + ⅛ | 100 |
| RKO | 2 | 1⅞ | 1⅞ | + ¼ | 1,000 |
| Warner Bros. | 4⅝ | 4½ | 4½ | ..... | 1,500 |
| Warner Bros., pfd | 21 | 21 | 21 | ..... | 2,000 |

## Heavy Trading in Paramount Bonds

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 8⅞ | 8⅜ | 8⅜ | — ⅛ | 3 |
| Loew's 6s '41, ww deb rights | 104⅜ | 104½ | 104⅜ | ..... | 3 |
| Paramount Broadway 5½s '51 | 44 | 44 | 44 | ..... | 2 |
| Paramount F. L. 6s '47 | 65½ | 63⅛ | 63⅛ | — ⅜ | 120 |
| Paramount Publix 5½s '50 | 65½ | 63⅛ | 63⅛ | — ¼ | 260 |
| Warner Bros. 6s '39, wd | 60 | 59 | 59¾ | + ¾ | 15 |

## Jones Again Says He Will Sue B. & K.

Aaron Jones, Sr., of Jones, Linick & Schaefer, Chicago theatre operators, reiterated here yesterday his intention of instituting an anti-trust action in that city against B. & K. and major distribution companies as a result of what he says is his inability to obtain product for the McVickers.

Jones, who said his current New York trip was only "to look around" and had nothing to do with his contemplated lawsuit, said that the action would be filed in Federal court in Chicago next week.

## Buy for New England

BOSTON, Dec. 13.—Harry Asher, president of American Film Exchange, reports the acquisition in New England of the Sunset westerns.

"Are We Civilized?" has been acquired by Roadshow Pictures, headed by Jack Meyers. Publicity is being handled by John Luce and Leo Young.

## G. B. Plans Sales Drive

Mark Ostrer, chairman of the board of Gaumont British, is scheduled to arrive here from England early next month. In his honor George W. Weeks, general sales manager, has planned a sales drive which will be called "The Big Push." The drive will begin on Dec. 15 and end April 15.

## To Fete Johnston

BOSTON, Dec. 13.—W. Ray Johnston is scheduled to be in the Hub Friday and Saturday when a luncheon will be tendered in his honor at the Statler by Herman Rifken, president of Hollywood Films, Monogram distributor.

Mrs. Rifkin is recovering from a recent operation, incidentally.

## Lederer Joins R. & R.

Otto Lederer, for many years with Harry Thomas and First Division, has purchased an interest in the Rapf & Rudin circuit, which now operates seven houses in Brooklyn. Latest acquisition is the Dorset, which Lederer is handling. Negotiations are on for additional theatres.

## Editing 28 Vitaphones

Twenty-eight Vitaphone shorts, consisting of 11 two-reelers and 17 one-reelers, are being edited at the Brooklyn plant for early release.

# Get yours

ADVANCE EXPLOITATION*

Special

Shirley Temple

in "BRIGHT EYES"

ith JAMES DUNN

* The profit opportunities in this child star's newest picture are so great that this book is issued well in advance of the regular deluxe press book so that you may start your campaign early.

Fox

SPECIAL
ADVANCE
EXPLOITATION

DE LUXE
PRESS BOOK

BRIGHT
EYES

# and get busy!

**Get behind it... PUSH YOUR**

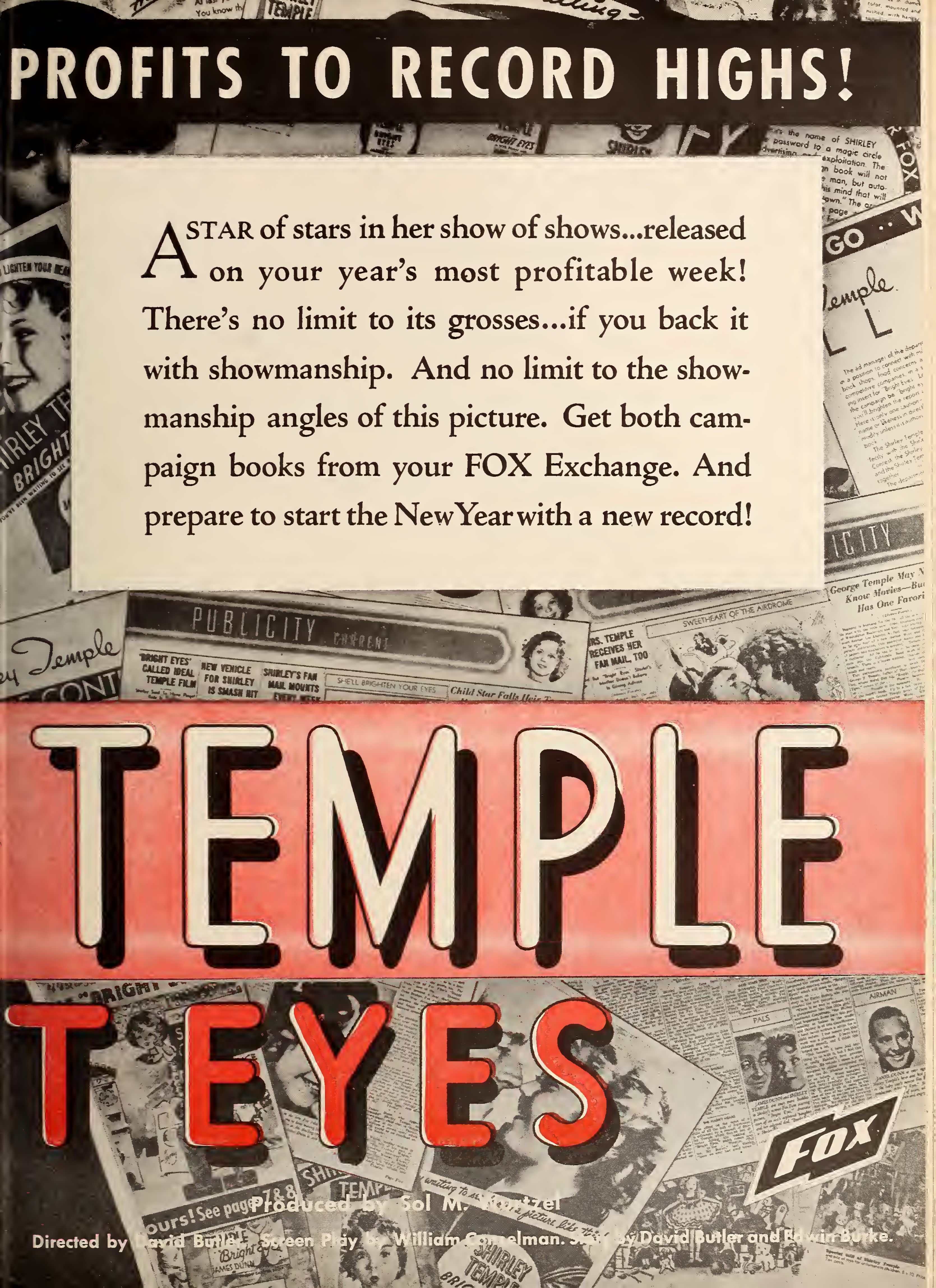
SHIRLEY TEMPLE
OVER TOWN
EYES"
DISPLAY
SHIRLEY TEMPLE
SHIRL

# SHIRLEY

# BRIGH

**Released DECEMBER 28th**

**JAMES DUNN**



# PROFITS TO RECORD HIGHS!

A STAR of stars in her show of shows...released on your year's most profitable week! There's no limit to its grosses...if you back it with showmanship. And no limit to the showmanship angles of this picture. Get both campaign books from your FOX Exchange. And prepare to start the New Year with a new record!

# TEMPLE

# T EYES

Produced by Sol M. Wurtzel

Directed by David Butler. Screen Play by William Conselman. Story by David Butler and Edwin Burke.

## ◀ Purely Personal ▶

RICHARD BOLESLAWSKI will take a vacation in Poland upon completion of "Clive of India" for 20th Century. When he returns early next year he will direct "Les Miserables" for the same company.

J. W. Piper, manager of Paramount's Tokyo office, is in New York for his first home office visit in many years. He will be here for several weeks.

Marcella Burke, fan magazine writer, has sold an original, "Morning, Noon and Night," to Paramount. Sylvia Sidney probably will be starred.

Mort Blumenstock flies to Buffalo today for contact work with the Guy Lombardo Revue in Warner houses in Erie, Wheeling, Clarksburg, Charleston and Newark.

Max Cohen has taken over the Prospect, Bronx, and plans to reopen it shortly.

J. Robert Rubin hurrying down 7th Ave., the wind very nippy and bowler to the breeze.

Lynn Farnol sailed yesterday afternoon aboard the *Peten* for a three-week Caribbean trip.

Ward Wing, director of "Samarang," arrived in town yesterday from London.

Marguerite Wallman, Viennese dancer, arrives in town next week on her way to the M-G-M studios.

Eddie Churchill visiting National City, polo coat and all.

Phil Reisman, foreign sales head for Radio, is due back in two weeks.

## Lenox Opens Today As Kid Lab Theatre

The Lenox Picture House, 52 E. 78th St., will open today as a young people's film laboratory theatre with the co-operation of Warners. The theatre will put on week-end and holiday matinee programs for children and will be used for "the trying out and testing of juvenile opinion and juvenile support in connection with the production of films for junior audiences," according to Warners.

Mrs. Franklin D. Roosevelt is a sponsor for the theatre, which will be directed by Helen Wagner. Among the other sponsors are Harry M., Albert and Jack L. Warner and Stanleigh P. Friedman, associate counsel for Warners.

The initial attraction will be Warners' "The Man from Monterey," which will be followed next week-end by Paramount's "King of the Jungle."

## Sheehan Denies Talk Of Joining M-G-M

Kansas City, Dec. 13.—Recently published reports that he might leave Fox to join M-G-M were denied here today by Winfield Sheehan, eastbound with Gabe Yorke, Fox publicity executive. He refused to discuss the purpose of his trip other than to say he had conferences scheduled with Sidney Kent, adding he would remain in New York a week.

## Looking 'Em Over

### "Music in the Air"

*(Fox)*

Some very pleasant ingredients have been mixed to form a lightly romantic story with music in the talker version of "Music in the Air." Jerome Kern's theme song, "Every Little Star," already a hit, is taken up and developed as the story unfolds. It is first sung by Douglass Montgomery and June Lang.

Gloria Swanson's return to the screen may furnish a selling point for exhibitors. She has lost none of her talent for wearing striking clothes and she has an excellent singing voice. John Boles, of course, also has a reputation as a singer which he upholds in this film, but Montgomery and Miss Lang, the two young lovers of the story, are the magnets who will hold the youngsters in their seats and help the word-of-mouth advertising. As a young Bavarian school teacher and the daughter of a country village composer, they practically steal the picture without seeming to try.

Some fine mountain backgrounds have been introduced to make the atmosphere seem authentic, and Al Shean is charming as the old gentleman who takes his new song to Munich to present it to Reginald Owen, an old friend, who is a producer. After that the complications center around Miss Swanson's infatuation for Montgomery and Boles' flirtation with the striking little blonde, Miss Lang.

Miss Swanson works hard throughout—a little too hard, perhaps. Both she and Boles are given to use of excessive gesturing, but audiences probably will overlook this as they go out humming "Every Little Star."

Production code seal No. 419. Running time, 81 minutes. "G."

*"Wednesday's Child," last night's preview at the Roxy, was reviewed on Nov. 14.*

*"Hell in the Heavens," now current at the Mayfair, was reviewed by wire from Hollywood on Oct. 27.*

*"Babes in Toyland," current at the Astor, was reviewed by wire from Hollywood on Nov. 12.*

*"Dealers in Death," last night's opener at the Criterion, was reviewed on Nov. 28.*

## Duals Out of First Runs in Milwaukee

Milwaukee, Dec. 13.—Local first runs, for the first time in many weeks, have returned to a single feature policy. Whether the practice will continue will hinge upon the policy of the outlying theatres which continue playing double and triple features.

The Strand, first run, has been leased by Warners to Standard Gateway Theatre Management, Inc., and will reopen Christmas Day with, according to present reports, a double feature policy. Operators of the house also conduct the Gateway and Kenosha in Kenosha, the Strand in Oshkosh and the Bay in Green Bay, all formerly operated under the Warner banner.

## Schlesinger Takes House

Montclair, N. J., Dec. 13.—Morris S. Schlesinger, former manager of the Broad and Shubert theatres in Newark, has leased the Montclair here. Beginning Christmas night, Schlesinger will present a series of Broadway shows of recent seasons, interspersed with occasional new plays.

## Snaper Has Laryngitis

Dave Snaper, operator of five New Jersey houses, is confined to bed with laryngitis. Snaper is a brother-in-law of David Wilentz, attorney general for the state of New Jersey.

## Borah, Nye See Film

Senators Borah and Nye last night attended the opening of "Dealers in Death" at the Criterion. Monroe Shaff and Buddy Kusell intend to handle the munitions film themselves throughout the country.

## Steffes-Berger to Run Arty Theatres

Minneapolis, Dec. 13.—Benny Berger and Al Steffes have joined forces in a new company called Berger-Steffes, Inc., to operate a string of theatres on the policy of the Minneapolis and St. Paul Worlds.

The St. Paul World has already been turned over to the company. Dave Meblin will be manager.

The Minneapolis World has been signally successful with a small house liberally furnished with big chairs in which smoking is permitted.

## Sue on Lincoln Contract

Lincoln, Dec. 13.—Suit for $31,090, allegedly due for breach of contract has been filed here by Augusta Paper, heir apparent to claims of Nick Paper, against the Lincoln Theatre Corp. It is claimed that Lincoln Theatre took the Sun in 1925 and the Capitol in 1928, both owned by Nick Paper, for 10 years at $300 monthly rental on the Sun and $78,750 for the entire Capitol agreement. Paper was to control operations of the Rialto and Capitol, get 25 per cent of the profits and $25 weekly salary, states the petition, but the contract was not adhered to by the defendants.

## Para. Bowlers Leading

Taking three games from Consolidated, Paramount now leads the M. P. Bowling League. RKO is second as a result of winning three games from the Fox team. United Artists registered two victories over M-G-M at the last rolling at the Radio City alleys, the latter winning the third game. Columbia won two games against Warners and lost one.

## After Sunday Shows For All of Vermont

Montpelier, Vt., Dec. 13.—With the state legislature scheduled to convene Jan. 8, film men are putting momentum into a drive toward legalizing Sunday shows in Vermont. As adjoining states have such entertainment, Vermont border communities see prospective audiences trek out of the state on the Sabbath. At the organization meeting of the Allied Theatre Owners of Vermont, it was voted to endeavor to win support of legislators wherever possible by concentrated efforts.

Andrew Tegu of St. Johnsbury is now president of Allied. Charles Ross of Windsor was voted vice-president; Ray Kinney of Bellows Falls, secretary; and Allard Graves of White River Junction, treasurer.

Boston, Dec. 13.—According to membership figures compiled by the Independent Exhibitors, Inc., enrollment has increased over 340 per cent in the last 12 months here in New England. According to Arthur K. Howard, business manager of the Boston unit which has been directly responsible for the new brother organizations recently incorporated in nearby New England states, Independent Exhibitors had 66 members at the end of November, 1933. By the end of last month, 227 were regularly enrolled.

## Hub's Independents Get 1st Run Outlet

Boston, Dec. 13.—Independent distributors in the Hub now have a first-run stand in the Majestic if it continues to be operated under its present policy by Fred E. Leiberman, who opened it late last week under a lease from Shubert interests. The house, which is on Tremont Street in the center of the amusement district, is a former "legit" house which in late years has been a haven for road shows. It is being managed by Myer Shellman, former district manager for Publix and most recently with Gaumont British here.

Leo Young, formerly with Universal on the West Coast and later press agent here, who promoted a tieup with WEEI for the first weekly sustaining air exploitation of independent features (Majestic and Chesterfield-Invincible) in this part of the country, has been appointed publicist and assistant manager of the Majestic.

## FitzPatrick Sails For Coast Dec. 22

James A. FitzPatrick sails for the coast Dec. 22 on the *Santa Rosa*, arriving in Los Angeles Jan. 7, and leaving there for Mexico and Central America on Jan. 15. From Central America, FitzPatrick will return to New York and sails on the *Aquitania* Jan. 31 on a Mediterranean cruise as far as Egypt, from there going to Africa, where he will produce "Black Ivory," his first independent feature in black and white.

Because of a conflict with a Warner title of the same name, the picture may be called "White Gold." FitzPatrick will return to New York next April.

## "Evensong" Banned

London, Dec. 13.—Gaumont British's "Evensong" has been banned by the censor at Sydney, Australia, without reason given.

# Comerford, Saenger Near To New Setup

(*Continued from page 1*)

500,000 of old bonds of Saenger Theatres and $1,000,000 of Saenger Realty. Past due interest on the bonds will be paid, but the new company will not be obliged to make provision for a $300,000 sinking fund for the first three years unless sufficient earnings accrue. After that period, however, fixed provisions for a sinking fund will become effective.

General creditors and lessors of Saenger will receive subordinated notes payable out of income for their claims. Approximately $260,000 of lessors' claims, however, representing the bulk of those filed in the reorganization proceedings, have been acquired by Arklamiss Corp., a Paramount subsidiary, for $35,000.

The Paramount Publix trustees, under the plan, will relinquish their claims against Saenger, pay reorganization costs and turn in their stock holdings in the old Saenger company in return for $1,500,000 of debentures and all of the common stock of the new company. Under the five-year management agreement with Richards, the trustees will then turn over to him all of the Class A stock, representing a half interest in the new company, and will retain for Paramount all of the Class B stock. Richards will become president and general manager of the new company, which will be the holding company for subsidiaries operating 47 theatres in Louisiana, Mississippi, Alabama, Florida and Texas.

### Subsidiaries Held 160 Theatres

At the time Saenger went into receivership, in 1933, its subsidiaries operated or held interests in approximately 160 theatres in eight southern states.

At such time as the plan has been approved by the Federal court here, final steps in the reorganization will get under way in Federal court at New Orleans.

The Comerford agreement, approved yesterday by Federal Judge Alfred C. Coxe, acting on a favorable recommendation made to him earlier by Joyce, provides for the retirement of Paramount's obligations remaining from its acquisition of the 61 Penn-com theatres from M. E. and M. B. Comerford and Frank C. Walker in 1930. Retirement of 55,330 shares of Class A stock outstanding with a par value of $5,533,000, held by the Comerford group, will be made from net receipts of the circuit. No dividends will be paid on the stock of the company, the Class B shares of which are owned by Paramount, prior to Jan. 1, 1938. Operation of the circuit by the Comerford group is continued in the agreement.

## *Yiddish Players Signed*

Dinah Goldberg, Anita Chayes, Morris Strassberg, Leah Naomi and Peter Graf have been signed by Jack Stillman, president of the Sov-Am Film Corp. Their first assignment will be in support of Boris Thomashefsky and Regina Zuckerberg in "Bar Mitzvah," second Jewish film on Sov-Am's new schedule.

# *"Greatest Period"-Warner; Thalberg Says Films Tell*

By HARRY M. WARNER

(*Continued from page 1*)

the storm of the great depression and fought our way through to our present position is that we had faith in the industry. We believed in its personnel, in their courage and initiative and vision. We stood by the exhibitor, regarding him as our business partner whose interests were our interests. And I believe that our faith in him has evoked on his side a faith in us which is an invaluable asset for us as producers and distributors.

We are going to produce not merely more pictures, but better pictures, sparing no time, trouble or expense to furnish attractions that will meet the most exacting demands of the public. The screen today is coming into its own; it is gradually meeting with the recognition it deserves from the leaders of the nation's thought as the most powerful and far-reaching of art forms. I think, however, in view of the high average quality now attained in production, that the screen is entitled to more outspoken support for individual pictures than it now receives from these educational, social and intellectual leaders. But that will come. We stand at the beginning of the greatest period in motion picture history.

# Ask Allied Owners To Hit Para. Plan

(*Continued from page 1*)

reorganization plan before Special Master Oscar Lewis in Brooklyn yesterday.

Palmer asked that Allied's objections to the Paramount plan be made on the grounds that the settlement of Allied's $23,000,000 claim against Paramount "is reduced to $5,000,000 and the leasing of three theatres and purchase of a fourth by Paramount" in the latter's plan. He stated that he objected to details of the leases and the sales agreement on the theatres as embodied in the settlement. He also declared that the Paramount plan "would increase the company's liabilities and thereby decrease the value of Allied's claim against it."

Palmer demanded earlier that Allied be given representation on the Paramount board. This has been agreed to in reorganization circles, but a representative has not yet been selected. Lewis is scheduled to rule on Palmer's motion at an adjournment of the hearing next Wednesday.

## *Bernstein, Warner Talk*

David Bernstein and Albert Warner were principal guests of the I. T. O. A. at the organization's meeting yesterday at the Astor. Cooperation from local exhibitors for support of the Federation of Jewish Charities highlighted speeches by Bernstein and Warner.

## *Lipton Will Join Col.*

Dave Lipton, who has been Sally Rand's manager and press representative, will become a member of Columbia's exploitation department on Dec. 24, working out of the home office.

By IRVING THALBERG

(*Continued from page 1*)

come when it will be impossible for an exhibitor to run his theatre at a profit in any other way. Prizes and double features are losing their extra drawing value.

For the producer the problem has become particularly serious. The loss of a normal audience for any picture makes it difficult to create an attraction out of merely a well-made picture.

1935 will be a showman's year. To those men who can put into pictures all the elements of sure-fire audience appeal will go the plums.

## *"Battle" Interests RKO*

RKO is the latest company to be interested in "The Battle." Sales executives of the company looked at the picture for possibilities of handling in the United States. United Artists, which had the original option, and Paramount have dropped out of the bidding.

## *Norman Samuelson Busy*

Norman Samuelson, attorney and brother of Sidney Samuelson, president of Allied, is acting as creditors' representative in the operation of the Strand, Union City.

# New Exhibitor Setup Pushed In Talks Here

(*Continued from page 1*)

asked for a Congressional investigation into the setup of the code, increased music levies of A. S. C. A. P., and block booking. Allied already has adopted the contact idea in several states, New Jersey being one of them.

The Congressional idea is nothing new. Charles L. O'Reilly, now president of the T. O. C. C., thought of it 12 years ago and every one scoffed at it. Now, however, the plan has been adopted seriously by Allied and several other independent associations are understood for it.

At a recent meeting of the I. T. O. A. board of directors and committee on national matters, support to the contact plan was promised.

Leon Rosenblatt, local circuit operator, is responsible for reviving the O'Reilly thesis. After getting results from local units, Rosenblatt intends to further the idea among New England and Philadelphia independents.

At the last session of Allied of New Jersey a motion was made and carried that congressional district be immediately organized by independents in New Jersey. As soon as this is done, various congressmen will be contacted.

ONLY 3000 THEATRES
WILL HAVE
THIS CONTRACT
Exclusive
Franchise
for showing
THE
MARCH
of TIME

"AND PLEASE, SANTA, SEN
FRESH PRINT OF 'SWEET

# OUR THEATRE MAN A NICE
# DELINE' FOR CHRISTMAS"

Irene Dunne in "Sweet Adeline", from the Broadway Musical Hit by Jerome Kern and Oscar Hammerstein II. Directed by Mervyn LeRoy, with 10 songs and 12 stars, including Donald Woods, Hugh Herbert, Ned Sparks, Joseph Cawthorn. Ensembles directed by Bobby Connolly. A Warner Bros. Picture.

**PICKED BY "ROXY"**
**To Open Philadelphia's Glorified**
**ROXY-MASTBAUM**
**Christmas Eve, Under Personal Direction of S. L. Rothafel**

# Producer Acts Illegal Under Code — Myers

(Continued from page 1)

Authority is composed of seven representatives of sellers and three buyers, two of the buyers being executives of trade associations supported almost entirely by contributions of producer-owned theatres, he maintains. Independent exhibitors have one representative on the supreme governing body, it is Myers' contention.

The power conferred on producers has already been exerted to the utmost to discriminate in favor of themselves and their owned theatres and against independents, Myers declared.

Code Authority and regional boards, in administering their judicial powers, resolve all important issues in favor of eight major producers, he declared, and these decisions have gone to the extent of nullifying provisions of the code designed for relief of independents, and of imposing on independents monopolistic practices which the courts previously had held to be violative of the Sherman anti-trust act.

### Sees Indies at Disadvantage

Myers went on to say that the power possessed by the big eight producers under the code extends to regulating admission prices, run availability of pictures, giving premiums, and every other competitive practice of importance to buyers and sellers in the several classes of theatres.

In other words, he insisted, independents are placed at the mercy of those with whom they compete.

Myers said the code was characterized in the report of the Darrow review board as contrary to the National Recovery Act. The energies of Allied, he said, would be directed toward revocation of the code in its present form, by action of the NRA, if possible; by Congress, if necessary. The tremendous investments of independents, made prior to the coming of producer-owned theatres, should be protected rather than jeopardized by the Government, he concluded.

# Again Delay K. C., New Haven Action

(Continued from page 1)

government member, put in an appearance after an absence of more than three months.

While Campi took no official action on the Chicago releasing problem, it took cognizance of the standard uniform contract and notified the local board and distributors that the first three days' run of a picture in a given territory constitutes general release of the film in that area.

Like the two clearance and zoning schedules, Campi put over the Leonia, Leonia, N. J., clearance cases against Skouras and Loew's, much to the annoyance of Julius Charnow, who filed the complaint.

Attending the session were Charles L. O'Reilly, J. Robert Rubin, Max Levinson, Ed Kuykendall, Robert Youngman, Harold Bareford, Sidney Justin and Joe Vogel.

The only business of the day was approval of decisions recommended on appeals by various committees.

## *Hollywood Personals*

**Hollywood, Dec. 13.—Merle Oberon over the flu. . . . Bob Montgomery at home with a case of same. . . . Ned Marin's little daughter, who was injured in an automobile accident last fall, is now able to sit up in a wheel chair. . . . Clarence Brown buys another plane. . . . Woody van Dyke directs in breeches, a la Cecil B. DeMille. . . . Vera Caspary completes her original for Columbia, "Give Me Liberty." . . . Gertrude Michael gets the leading feminine role in "The Milky Way" at Paramount. . . . Mae West's maid, Libby Taylor, gets a role in "Mississippi" at Paramount. . . . Bill Thomas signed as "still man" for "Broken Soil" at United Artists. . . . Henry Meyers back to Paramount to revise the script of "The Big Broadcast of 1935."**

## *Albany Boards Rule On 8 Pending Cases*

ALBANY, Dec. 13.—Eight code cases have been disposed of here, four by the clearance board and four by the grievance board.

In the complaint of Kallet Theatres, Inc., Madison, Oneida, against W. I. Tyler, Delphia, Chittenango, the clearance board held that 30 days is reasonable clearance between the two spots, depending upon which plays a picture first. Where pictures are not played within the time specified by contract no clearance will be allowed.

A similar decision was rendered on the complaint of Kallet Theatres against Antonio C. Balducci, Avon, Canantota, but Balducci appealed.

Distribution of cut rate coupons by Peter C. Vournakis, Strand and Liberty, Watertown, was ordered stopped. The complaint was filed by Graham & Ludlow, Palace, same town.

A counter complaint by Vournakis against Graham & Ludlow, charging rebates in the form of lotteries and prizes also resulted in a stop order.

Clearance of seven days over Odd Fellows Hall, Voorheesville, has been granted to Delmar at Delmar. Odd Fellows Hall will appeal, it is said. It operates one night a week, while the Delmar is open six nights.

An appeal has been filed against the board's decision granting the Madison, Oneida, 30 days' clearance over the Avon, Canastota.

A stop order against reduced admissions has been issued against the Strand and Liberty, Watertown, on complaint of the Palace, Watertown.

## *Actors Waiting for Hearing by the NRA*

HOLLYWOOD, Dec. 13.—The Actors' Guild is awaiting a hearing and a decision of the NRA on their code proposals, already filed in Washington. Producere are not in accord.

Writers have not completed their final draft, but one is expected shortly.

Should producers disagree with their proposals, they will, like the actors, go direct to the NRA for a decision, they say.

The guilds believe that the NRA heads are waiting for the writers' code before setting a date for the actors' hearing and will call both at the same time. Actors, in the meantime, are holding small group meetings of Class A members soliciting votes for the A. F. of L. affiliation. Results thus far have been kept secret.

It is reported that many representative actors are reluctant to vote for the affiliation, preferring to wait for a Washington decision on the code proposals. Should they not get what they want in Washington, they say, the obvious move will be to turn to the A. F. of L.

## *Total N.E. Bombing Damage Is $15,000*

(Continued from page 1)

greatest damage was at the E. M. Loew Capitol in Pawtucket, R. I.

Damage at the Tremont and Majestic here will be about $2,000 each and at the E. M. Loew Capitol in Lynn about $2,000.

Frederick E. Leiberman of Lowell, Mass., is owner of the Tremont and Majestic. He also owns the Columbia and police have placed a heavy guard over that theatre. Police in Portland, Me.; Abington, Whitman and Lowell placed police guards in theatres in those cities controlled by Leiberman and a thorough search was also made of the theatres for attempted bombings, but no evidence could be found.

Leiberman said that on Dec. 4 there was a meeting of union men to discuss the code and that he was commanded to hire two more men at $60 a week. He said he refused because he has two more at present than he actually requires.

At Pawtucket it was stated there had been no labor trouble for several years.

Reports that the bombings had been committed by paid bombers from New York today sent Capt. Stephen J. Flaherty of the Boston detective bureau to that city. His departure followed a conference at police headquarters at which it was asserted that threats had been made to damage the Majestic and Tremont.

## *Bank Nights Placed Under Ban in Iowa*

(Continued from page 1)

stated this would bring it within the Iowa legal definition of prohibited lotteries.

Maley stated that in order to receive the bank certificate of deposit which was given as a prize the person having the lucky number had to claim it in a limited time.

This factor, Maley said, brought in the element of consideration due to the tendency to increase the theatre's patronage.

Giving baskets of groceries to holders of lucky numbers also was included in the ruling.

## *"Barnum" into 74 Houses*

HOLLYWOOD, Dec. 13.—Twentieth Century's "The Mighty Barnum" will be released simultaneously by 74 theatres throughout the country Christmas week.

## *Third Child for Zanucks*

HOLLYWOOD, Dec. 13.—A six-pound boy was born to the Darryl Zanucks at Cedars of Lebanon Hospital this morning. The couple have two other children.

# Stable Wages Predicted As New NRA Aim

(Continued from page 1)

NRA and the expenditure of energy upon it.

"Of course," he said, "the securing of compliance with code provisions, particularly as to wages and hours, has always been the biggest task of NRA and the one in the full and final solution of which there is the greatest importance.

"I am asking you if it may not be true that when full compliance with wage and hour provisions of codes is established it may not then appear that provisions by way of putting floors under prices may not in most industries and businesses be found to be of no importance whatever."

He urged businessmen to comply with codes and to see that their competitors do so.

"The exact form of the new act is not important," he continued. "The important thing is that public opinion in this country has moved definitely forward to where it is demanding of business that it accept a greater measure of social responsibility than it has ever borne before."

## *Start Second Report On Operator Scales*

(Continued from page 1)

circuit and independent exhibitor leaders and I.A.T.S.E. officials at Campi and discussed several plans, all of which were discarded. Rosenblatt will meet again with exhibitor and union leaders, probably next week, when the second report is completed.

Independent exhibitors were given temporary relief by Local 306, terms of the agreement being held secret. The tentative relief ends when the basic scale for operators is set up.

## *Bank Night Appeals Up*

Three appeals on bank night cases were heard yesterday by a committee comprising Leslie E. Thompson, A. Montague and Julius Charnow. The cases were: W. W. Watt, Casino, Sac City, Ia., against George Norman and Jack Keuch, Chieftan, same city; Alameda, Alameda, against Central, Webster, Neptune and Palace, same city; Nasser Bros., Alhambra, San Francisco, against Harding, Metropolitan, Lincoln and El Ray, same city.

## *Del.-Md. Meet Postponed*

WILMINGTON, Del., Dec. 13.—The meeting of the M. P. T. O. of Delaware and Eastern Maryland, which was to have been held at Harrington, Del., today for the purpose of discussing clearance and zoning, has been postponed to after the holidays.

## *Col. Lists More Stock*

Additional common stock totaling 5,023 shares has been listed on the stock exchange by Columbia. The stock is to be used in payment of the two and one-half per cent dividend recently declared by the company.

## *Schenck on Way East*

HOLLYWOOD, Dec. 13.—Nicholas M. Schenck and his wife left for New York today.

# RING OUT THE OLD!

# RING IN THE NEW!

# TRAILERS

*conceived, produced, distributed by*

**METRO-GOLDWYN-MAYER**

*Starting the New Year right!*

# "St. Louis" Gets Capital Top, $19,500

WASHINGTON, Dec. 13. — Despite the Thanksgiving holiday grosses fell off last week. Best showing was made by "The St. Louis Kid" at the Earle. The $19,500 take was over par by $1,900.

Loew's Fox nosed out by $400 with a take of $20,900 for "We Live Again."

Although both pictures were unable to round out seven days, Loew's Columbia did a fair $3,500 for three days of "Our Daily Bread" ($1,300), plus four days of "Student Tour" ($2,200). This was the first split week at that house.

"The Painted Veil" did a good $7,300 for a second week at Loew's Palace.

At RKO-Keith's "Anne of Green Gables" rounded out a full week with $12,300. "Imitation of Life" opened big.

The Metropolitan did a smash $6,500 on 4 2/3 days of "Wagon Wheels," but the picture was taken off for a return engagement of "Flirtation Walk," which was put in for an indefinite run.

Estimated takings, exclusive of tax:

*Week Ending Dec. 3:*

**"WAGON WHEELS" (Para.)**
METROPOLITAN—(1,591), 25c-40c, 4-2/3 days. **Gross:** $6,500. (Average, seven days, $4,100)

*Week Ending Dec. 4:*

**"ANNE OF GREEN GABLES" (Radio)**
RKO-KEITH'S—(1,836), 25c-55c, 7 days. **Gross:** $12,300. (Average, $11,400)

*Week Ending Dec. 6:*

**"THE SAINT LOUIS KID" (Warners)**
EARLE—(2,218), 25c-77c, 7 days. Stage: Eddie Peabody, Harris Twins & Loretta, Harry Kahne, Harry Burns & Co. **Gross:** $19,500. (Average, $17,600)

**"OUR DAILY BREAD" (U. A.)**
LOEW'S COLUMBIA—(1,264), 25c-40c, 3 days. **Gross:** $1,300. (Average, seven days, $3,100)

**"STUDENT TOUR" (M-G-M)**
LOEW'S COLUMBIA—Four days, to complete week of above. **Gross:** $2,200. (Average, 7 days, $3,100)

**"WE LIVE AGAIN" (U. A.)**
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Ferde Grofe & Orchestra, Grace Dufaye. Funnyboners, Joe Phillips & Madeline Kileen. **Gross:** $20,900. (Average, $20,500)

**"THE PAINTED VEIL" (M-G-M)**
LOEW'S PALACE — (2,370), 35c-77c, 7 days, 2nd week. **Gross:** $7,300. (Average, first week, $14,500)

# Lincoln Takes Hit By Snow, Shopping

LINCOLN, Dec. 13.—Grosses which held steady to good figures throughout the fall season are falling a bit following the Thanksgiving holiday. Christmas shopping is making the patron pocket conscious, too. A blanket of snow and a cold wave are no help.

Estimated takings:

*Week Ending Dec. 2:*

**"365 NIGHTS IN HOLLYWOOD" (Fox)**
ORPHEUM—(1,200), 10c-15c-25c, 4 days with stage show. "Outcast Lady" (Radio) 3 days. **Gross:** $3,200.

*Week Ending Dec. 5:*

**"EVELYN PRENTICE" (M-G-M)**
LINCOLN—(1,600), 10c-15c-25c, 7 days. **Gross:** $2,700.

**"MERRY WIDOW" (Para.)**
STUART—(1,900), 10c-25c-40c, 7 days. **Gross:** $3,100.

**"LITTLE FRIEND" (Gaumont British)**
VARSITY—(1,100), 10c-25c, 7 days. **Gross:** $1,100.

# "Gables" Portland Hit; Gets $5,400

PORTLAND, Dec. 13. — "Anne of Green Gables" was strong at Hamrick's Music Box, getting $5,400, or $3,400 over. Indications point to holdover until Christmas.

"Flirtation Walk" was held for a second week at Broadway with a take of $5,200, a slight $200 over the usual.

"One Night of Love" rolled up another $3,500 in its second week at the "Mayfair," $500 above regular take, and was held for another week.

"Mrs. Wiggs of the Cabbage Patch" at the Paramount, plus the usual good stage show, brought in $8,300, or $3,300 over the regular income.

Total first run business was $32,200. Average is $27,000.

Estimated takings for the week ending Dec. 8:

**"FLIRTATION WALK" (F. N.)**
BROADWAY—(1,912), 25c-35c-40c, 7 days, 2nd week. **Gross:** $5,200. (Average, $5,000)

**"COUNT OF MONTE CRISTO" (U. A.)**
ORIENTAL—(2,040), 25c, 7 days. **Gross:** $1,800. (Average, $2,000)

**"IMITATION OF LIFE" (Univ.)**
HAMRICK'S ORPHEUM—(1,700), 25c-35c-40c, 7 days. Stage show. **Gross:** $5,000. (Average, $5,000)

**"ANNE OF GREEN GABLES" (Radio)**
MUSIC BOX—(1,000), 25c-35c-40c, 7 days. **Gross:** $5,400. (Average, $2,000)

**"ONE NIGHT OF LOVE" (Col.)**
MAYFAIR—(1,700), 25c-35c, 7 days, 3rd week. **Gross:** $3,500. (Average, $3,000)

**"MRS. WIGGS OF CABBAGE PATCH" (Para.)**
PARAMOUNT — (3,008), 25c-35c-40c, 7 days. **Gross:** $8,300. (Average, $5,000)

**"KID MILLIONS" (U. A.)**
UNITED ARTIST—(945), 25c-35c-40c, 4 days. **Gross:** $3,000. (Average, $5,000)

# "Rhythm" $10,800 Hit in Providence

PROVIDENCE, Dec. 13.—The Strand was top house for the week with a fine bill headed by "College Rhythm," which grossed $10,800, a swell take for this theatre which usually runs around $6,500.

Next in line came the Fay bill, "Gambling," and a revue which took $8,100. The Majestic, with "The White Parade" as the feature, took $8,000.

Curiously, Garbo's pull seems to have waned here. "The Painted Veil" at Loew's was good only for $10,000 and plenty of program pictures recently have hit the par figure of $12,000. The RKO Albee, which ran "Anne of Green Gables" for eight days, was rewarded with a take of $11,300.

First run business was $49,400. Average is $40,500.

Estimated takings for the week ending Dec. 6:

**"COLLEGE RHYTHM" (Para.)**
**"CRIMSON ROMANCE" (Monogram)**
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $10,800. (Average, $6,500)

**"THE WHITE PARADE" (Fox)**
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $8,000. (Average, $7,000)

**"GAMBLING" (Fox)**
FAYS—(1,600), 15c-40c, 7 days. Stage: "Monte Carlo Nights." **Gross:** $8,100. (Average, $7,000)

**"ANNE OF GREEN GABLES" (Radio)**
RKO ALBEE—(2,300), 15c-40c, 8 days. **Gross:** $11,300. (Average, $7,000)

**"THE PAINTED VEIL" (M-G-M)**
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $10,000. (Average, $12,000)

**"CHU CHIN CHOW" (Radio)**
RKO VICTORY—(1,600), 10c-25c, 4 days. Shorts. **Gross:** $1,200. (Average, $1,000)

# "Rhythm" and "Walk" Crack Denver Marks

DENVER, Dec. 13.—Two films broke house records for single days. "College Rhythm" broke the house record for the Denham and "Flirtation Walk" for the time Harry Huffman has had the Denver. Both records fell on Thanksgiving. The box-office at the Denham was closed at 8:30 P.M., when it was apparent no more tickets could be sold. There was a holdout within an hour and a half after the Denham opened that day.

Crowds at the Denver were strong all day, with holdouts twice.

Total first run business was $28,000. Average is $20,500.

Estimated takings for the week ending Dec. 6:

**"GREAT EXPECTATIONS" (Univ.)**
ALADDIN—(1,500), 25c-35c-50c, 5 days. **Gross:** $1,000.

**"FIREBIRD" (Warners)**
ALADDIN—(1,500), 25c-35c-50c, 2 days. **Gross:** $500. (Average for week, $2,500.)

**"COLLEGE RHYTHM" (Para.)**
DENHAM—(1,500), 25c-35c-50c, 7 days. **Gross:** $8,000. (Average, $4,000.)

**"FLIRTATION WALK" (F. N.)**
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $11,000. (Average, $6,000.)

**"EVELYN PRENTICE" (M-G-M)**
ORPHEUM—(2,600), 25c-35c-50c, 7 days. **Gross:** $6,000. (Average, $6,000.)

**"BIG HEARTED HERBERT" (Warners)**
PARAMOUNT—(2,000), 25c-40c, 3 days. **Gross:** $600.

**"ONE EXCITED ADVENTURE" (Univ.)**
**"THEIR BIG MOMENT" (Radio)**
PARAMOUNT—(2,000), 25c-40c, 4 days. **Gross:** $900. (Average for week, $2,000.)

# "Rhythm" Big K. C. Grosser With $9,000

KANSAS CITY, Dec. 13.—"College Rhythm" was the chief business-getter, the only first run attraction to beat par. It gave the Newman $9,000 in eight days, upping normal by $1,200. Other first runs were down.

First run grosses totaled $36,500. Average is $38,700.

Estimated takings:

*Week Ending Dec. 4:*

**"Music in the Air" (Fox)**
UPTOWN—(2,000), 25c-40c, 6 days. **Gross:** $2,200. (Average, 6 days, $2,900.)

*Week Ending Dec. 6:*

**"Anne of Green Gables" (Radio)**
MAINSTREET—(3,100), 25c-35c-40c, 9 days. Stage: Daphne Pollard, Dorothea & Her Fellow Jackets, Carlton Emmy, Adler & Bradford, Jack Pepper & Co., and others. **Gross:** $9,800. (Average, 9 days, $11,000.)

**"THE PAINTED VEIL" M-G-M)**
MIDLAND—(4,000), 15c-25c-40c, 7 days. **Gross:** $8,700. (Average, $10,000.)

**"COLLEGE RHYTHM" (Para.)**
NEWMAN—(2,000), 25c-40c, 8 days. **Gross:** $9,000. (Average, 8 days, $7,800.)

**"ONE EXCITING ADVENTURE" (Univ.)**
TOWER—(2,200), 25c, 7 days. Stage: "Cocktails of 1934," with Harry Howard & Co., Naida & Ernie Perez, Marie Hollis, Jackie Leynwood, Paul Spor. **Gross:** $6,800. (Average, $7,000.)

## *Harlow-Powell Teamed*

HOLLYWOOD, Dec. 13.—Jean Harlow gets the featured spot opposite William Powell in "Reckless" at M-G-M. Victor Fleming will direct.

# "Imitation" $8,500 High, Los Angeles

LOS ANGELES, Dec. 13.—"Imitation of Life" ran away with top honors at the Pantages, piling up $8,500, over par by $5,100.

Second place was taken by "The Merry Widow" at United Artists. It topped average by $1,500 on a gross of $5,000. Business was generally off elsewhere.

Total first run business was $76,400. Average is $88,400.

Estimated takings for the week ending Dec. 12:

**"EVELYN PRENTICE" (M-G-M)**
CHINESE—(2,500), 30c-65c, 7 days. Stage: Sid Grauman's prologue, Raymond Paige and his orchestra. **Gross:** $11,500. (Average, $12,500.)

**"HAVE A HEART" (M-G-M)**
4 STAR—(900), 30c-55c, 7 days. **Gross:** $2,500. (Average, $3,250.)

**"EVELYN PRENTICE" (M-G-M)**
LOEW'S STATE—(2,413), 30c-55c, 7 days. **Gross:** $12,500. (Average, $14,000.)

**"BEHOLD, MY WIFE" (Para.)**
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Rube Wolf and his orchestra, F. & M. revue with Baby Rose Marie. **Gross:** $14,500. (Average, $18,000.)

**"FLIRTATION WALK" (F. N.)**
RKO—(2,700), 26c-65c, 2nd week, 7 days. **Gross:** $7,400. (Average, $8,000.)

**"THE MERRY WIDOW" (M-G-M)**
UNITED ARTISTS—(2,100), 25c-55c, 7 days. **Gross:** $5,000. (Average, $3,500.)

**"FLIRTATION WALK" (F. N.)**
WARNER BROS. (HOLLYWOOD)—(3,000), 25c-65c, 2nd week, 7 days. **Gross:** $8,100. (Average, $14,000.)

**"BY YOUR LEAVE" (Radio)**
WARNER BROS. (DOWNTOWN)—(3,400), 25c-40c, 7 days. Stage: 6 acts vaudeville, Oscar Baum and his orchestra, Maxine Doyle. **Gross:** $6,400. (Average, $12,000.)

**"IMITATION OF LIFE" (Univ.)**
PANTAGES—(3,000), 25c-40c, 2nd week, 7 days. **Gross:** $8,500. (Average, $3,200.)

# "Rhythm" Is Omaha Lead at $10,000

OMAHA, Dec. 13.—"College Rhythm" took top honors last week on a gross of $10,000 at the Paramount. This beats average by $2,000.

All the first runs were over par. "Imitation of Life" and "I Am a Thief" took $9,500 at the Orpheum, and a combination of "Anne of Green Gables" and "La Cucuracha" grabbed a neat $5,500 at the Brandeis.

Total first run business was $29,200. Average is $22,500.

Estimated takings:

*Week Ending Dec. 5:*

**"OUTCAST LADY" (M-G-M)**
**"WAGON WHEELS" (Para.)**
WORLD—(2,200), 25c-40c, 7 days. **Gross:** $4,200. (Average, $3,500)

**"COLLEGE RHYTHM" (Para.)**
PARAMOUNT—(2,800), 25c-40c, 7 days. **Gross:** $10,000. (Average, $8,000)

*Week Ending Dec. 6:*

**"ANNE OF GREEN GABLES" (Radio)**
**"LA CUCARACHA" (Radio)**
BRANDEIS—(1,200), 20c-25c-35c, 8 days. **Gross:** $5,500. (Average, $4,000)

**"IMITATION OF LIFE" (Univ.)**
**"I AM A THIEF" (Warners)**
ORPHEUM—(3,000), 25c-40c, 8 days. **Gross:** $9,500. (Average, $8,000)

## *Dix Has One to Make*

HOLLYWOOD, Dec. 13.—Richard Dix has one more picture to make for Radio on his long term contract and no new deal has been talked yet by the studio. The actor's last assignment is not definite.

## A MUSICAL COMEDY THAT

## *"Demonstrates what the short feature field really can achieve"* . . . . . . . . . . . .

E. W. Hammons
presents

SYLVIA
**FROOS** IN

# *The* GIRL *from* PARADISE

**with FRANK LUTHER**
GEORGE SHELTON
N.T.G. and the Paradise Revue
Produced by Al Christie

ellent Entertainment.

Here is entertainment in its fullest sense, with good singing, brisk comedy, and likable flash of girl dancing groups. Elements for all types of audiences have been compiled in a production which demonstrates what the short feature field really can achieve . . . . Miss Froos' singing is good, with the Maurice Kusell chorus routines, piquant and colorful.

*Motion Picture Herald*

Fine Musical Flash.

A very pretentious musical comedy . . . . The ensemble numbers are given just the way they appear at the Broadway night spot, and are very elaborate, while the girls are unusually good looking . . . . Here is a smart and colorful musical that mov fast and has plenty of gayety and beau

*Film D*

Educational Pictures
"THE SPICE OF THE PROGRAM"

**Distributed in U. S. A.
by FOX Film Corporation**

# "Flirtation" Pittsburgh's Top, $17,000

PITTSBURGH, Dec. 13.—Best showing of the week was made by "Flirtation Walk," which took $17,000, almost double par. Elsewhere it was just a fairly good week. "Kid Millions," at the Penn, did only $12,750, by far the lowest gross ever obtained here for a Cantor film.

Closed for almost a year, the Davis reopened for one week to play "The First World War" and succeeded in showing a profit at $4,000. It was figured that the film would stay a fortnight, but the general decline all over town led to its early removal. The Fulton was up a bit with "Peck's Bad Boy," getting $5,200, chiefly on children's trade.

Total first run grosses were $58,650. Average is $50,000.

Estimated takings for the week ending Dec. 6:

**"MARIE GALANTE" (Fox)**
ALVIN—(2,000), 25c-40c, 7 days. Stage: Johnny Perkins, Annette Ames, Reis and Dunn, Eames and Arno, Robbins Trio, Streamline Alvinettes, Jerry Mayhall band. **Gross:** $9,500. (Average, for 6 days, $10,000)

**"FIRST WORLD WAR" (Fox)**
DAVIS—(1,700), 25c-35c, 6 days. **Gross:** $4,000. (Average, $3,500)

**"PECK'S BAD BOY" (Fox)**
FULTON—(1,750), 15c-40c, 6 days. **Gross:** $5,200. (Average, $4,500)

**"KID MILLIONS" (U. A.)**
PENN—(3,300), 25c-50c, 6 days. **Gross:** $12,750. (Average, $12,000)

**"FUGITIVE LADY" (Col.)**
PITT—(1,600), 15c-35c, 6 days. Stage: "Cotton Club Revue" with Harriet Calloway, George Dewey Washington, Dunn and Eddy, Red Perkins, Jenny Dancer, Four Pennies, Moore and Spencer, Cook and Brown. **Gross:** $5,200. (Average, $6,000)

**"FLIRTATION WALK" (Warners)**
STANLEY—(3,600), 25c-50c, 7 days. **Gross:** $17,000. (Average, for 6 days, $9,000)

**"GENTLEMEN ARE BORN" (Warners)**
**"LADY BY CHOICE" (Col.)**
WARNER—(2,000), 25c-40c, 6 days. **Gross:** $5,000. (Average, $5,000)

# "Prentice" Grabs $24,300, Buffalo

BUFFALO, Dec. 13.—It was a grand and glorious week for every one, with the Buffalo going $10,000 over normal at $24,300, with "Evelyn Prentice" and Cab Calloway's band. Week-end trade was the best in three years. The Lafayette ran ads the day after Thanksgiving, apologizing to thousands of customers turned away from "Lady by Choice" and "Down to Their Last Yacht." Below freezing weather and wintry winds prevailed.

Total first run take was $59,200. Average is $42,800.

Estimated takings for the week ending Dec. 7:

**"EVELYN PRENTICE" (M-G-M)**
BUFFALO—(3,500), 30c-55c, 7 days. Stage: Cab Calloway and Cotton Club Orchestra; Aida Ward, Five Percolators, Elma Turner and Nicodemus. **Gross:** $24,300. (Average, $14,300)

**"PECK'S BAD BOY" (Fox)**
**"GRIDIRON FLASH" (Radio)**
CENTURY—(3,000), 25c, 7 days. **Gross:** $6,200. (Average, $6,000)

**"KID MILLIONS" (U. A.)**
GREAT LAKES—(3,000), 25c-40c, 7 days. **Gross:** $11,000. (Average, $8,000)

**"ANNE OF GREEN GABLES" (Radio)**
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $8,000. (Average, $8,000)

**"LADY BY CHOICE" (Col.)**
**"DOWN TO THEIR LAST YACHT" (Radio)**
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $9,700. (Average, $6,500)

# "Flirtation" With Show Is Detroit Wow

DETROIT, Dec. 13. — "Flirtation Walk" stirred up most of the box-office excitement here last week. Helped by a stage show at the Michigan, it piled up $29,000, which is $9,000 above normal.

The showing was noteworthy, because no other downtown house reached par. "Anne of Green Gables," with a vaudeville program, got off to a good start, but failed to hold the pace, and finished with $10,200.

Total first run business was $59,800. Average is $65,000.

Estimated takings for the week ending Dec. 6:

**"MARIE GALANTE" (Fox)**
**"KENTUCKY KERNELS" (Radio)**
ADAMS—(1,770), 10c-25c-40c, 7 days. **Gross:** $3,500. (Average, $5,000.)

**"CRIMSON ROMANCE" (Mascot)**
**(First Run)**
**"WHAT EVERY WOMAN KNOWS"**
**(M-G-M) (Second Run)**
FISHER—(2,975). 10c-30c-40c, 7 days. **Gross:** $6,400. (Average, $10,000.)

**"ANNE OF GREEN GABLES" (Radio)**
FOX—(5,100), 15c-65c, including tax, 6 days. Stage: The Saxon Sisters, Joe Peanuts, Serge Flash, Madge and Kay, other acts. **Gross:** $10,200. (Average, $15,000.)

**"FLIRTATION WALK" (F. N.)**
MICHIGAN—(4,100), 15c-65c, including tax, 7 days. Stage: Benny Davis with his Star Dust Revue; Shea and Raymond; Rollo Pickert and other acts. **Gross:** $29,000. (Average, $20,000.)

**"CRIMSON ROMANCE" (Mascot)**
**(First Run)**
**"WHAT EVERY WOMAN KNOWS"**
**(M-G-M) (Second Run)**
STATE—(3,000), 10c-35c, 7 days. **Gross:** $5,200. (Average, $5,000.)

**"PRIVATE LIFE OF DON JUAN"**
**(U. A.)**
UNITED ARTISTS—(2,070), 25c-50c, 7 days. **Gross:** $5,700. (Average, $10,000.)

# "Gift" with Mills Indianapolis High

INDIANAPOLIS, Dec. 13.—"It's a Gift," with the Mills Brothers on the stage, piled up the heaviest gross here last week by getting $7,500 at the Circle.

"Flirtation Walk" took a par $7,000 at the Indiana. "Kid Millions" was strong with $6,000, over normal by $1,500, at the Palace.

Total first run business was $27,500. Average is $18,500 without the Apollo and Circle.

Estimated takings for the week endings ending Dec. 8:

**"WHITE PARADE" (Para.)**
APOLLO—(1,171), 25c-40c, 7 days. **Gross:** $2,000.

**"IT'S A GIFT" (Para.)**
CIRCLE—(2,638), 25c-40c, 7 days. Stage: Mills Brothers. **Gross:** $7,500.

**"FLIRTATION WALK" (F. N.)**
INDIANA—(3,133), 25c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)

**"I AM A THIEF" (Warners)**
LYRIC—(1,896), 25c-40c, 7 days. Vaudeville. **Gross:** $5,000. (Average, $7,000)

**"KID MILLIONS" (U. A.)**
PALACE—(2,431), 25c-40c, 7 days. **Gross:** $6,000. (Average, $4,500)

## *Warners Win Complaint*

PITTSBURGH, Dec. 13. — Warners have won a two-for-one complaint filed in behalf of their Manos Theatre at Greensburg, Pa., against the Paramount, Latrobe, Pa. A stop order has been issued by the grievance board.

## *Opened by Mistake*

Omaha, Dec. 13. — Film salesmen returned home this week with the tale of a western Nebraska exhibitor who opened a theatre, operated it for four weeks, closed it and hung out a sign that read "Opened by Mistake!"

# "Flirtation" Leads Pickup At Cleveland

CLEVELAND, Dec. 13.—The biggest holiday and post-holiday business in five years shot business up 66 per cent above average. Every house did plus business. "Flirtation Walk" was the best attraction, culling $19,000 as against a $6,000 average at Warners' Hipp.

"Anne of Green Gables" opened to record business at the RKO Palace. "College Rhythm," "Babes in Toyland" and "Peck's Bad Boy" all made good showings. A 10 per cent payment by a closed bank and clear weather helped.

Total first run business was $56,900. Average is $34,100.

Estimated takings for the week ending Dec. 7:

**"PECK'S BAD BOY" (Fox)**
ALLEN—(3,300), 20c-30c-40c, 7 days. **Gross:** $3,700. (Average, $3,000)

**"FLIRTATION WALK" (F. N.)**
WARNERS' HIPPODROME—(3,800), 30c-35c-44c, 7 days. **Gross:** $19,000. (Average, $6,000)

**"ANNE OF GREEN GABLES" (Radio)**
RKO PALACE—(3,100), 30c-35c-44c, 7 days. **Gross:** $12,000. (Average, $10,000)

**"COLLEGE RHYTHM" (Para.)**
LOEW'S STATE—(3,400), 30c-35c-44c, 7 days. **Gross:** $15,000. (Average, $10,000)

**"BLIND DATE" (Col.)**
WARNERS' LAKE—(800), 20c-25c, 7 days. **Gross:** $1,200. (Average, $1,100)

**"BABES IN TOYLAND" (M-G-M)**
LOEW'S STILLMAN—(1,900), 20c-30c-40c, 7 days. **Gross:** $6,000. (Average, $4,000)

# "St. Louis Kid" Is Oklahoma City Hit

OKLAHOMA CITY, Dec. 13. — The best comparative showing of the week was made by "The St. Louis Kid," which took $3,000, about 33 1-3 per cent over normal, at the Capitol.

"Ready for Love," with a stage show at the Liberty, reached $2,000 in four days. Average for seven days is $2,500. "Straight Is the Way" took $700 for the last three days of the week. "College Rhythm" took a near $5,500 at the Warner.

Total first run business was $15,400. Average is $13,500.

Estimated takings for the week ending Dec. 8:

**"COLLEGE RHYTHM" (Para.)**
WARNER—(1,900), 10c-20c-36c-41c-56c, 7 days. **Gross:** $5,500. (Average, $5,000)

**"WHITE PARADE" (Fox)**
MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $4,200.

**"ST. LOUIS KID" (Warner)**
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $3,000. (Average, $2,000)

**"READY FOR LOVE" (Para.)**
LIBERTY—(1,500), 10c-15c-26c-36c, 4 days. Stage: "Rhapsody in Rhythm." **Gross:** $2,000. (Average week, $2,500)

**"STRAIGHT IS THE WAY" (M-G-M)**
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $700. (Average week, $2,500)

# "Walk" Pulls Big $19,000, Best on Loop

CHICAGO, Dec. 13. — "Flirtation Walk" ran away with the big money on the Loop last week by getting $19,000 at the Roosevelt. This tops normal by $8,000.

"365 Night in Hollywood" was also in the big money with a gross of $20,000, over the line by $5,000, at the Oriental. A. B. Marcus' "Continental Revue" helped out. "College Rhythm" took a good $5,500 in its second Loop week at the Garrick.

Total first run business was $121,500. Average is $131,600.

Estimated takings:

***Week Ending Dec. 4:***

**"ANNE OF GREEN GABLES" (Radio)**
PALACE—(2,509), 25c-35c-50c, 7 days. Stage: Nick Lucas, Vic Oliver, Joe Morris & Dorothy Ryan and others. **Gross:** $18,000. (Average, $22,000)

***Week Ending Dec. 5:***

**"COLLEGE RHYTHM" (Para.)**
**(Second Loop Week)**
GARRICK—(900), 25c-35c-40c, 7 days. **Gross:** $5,500. (Average, $5,000)

**"FLIRTATION WALK" (F. N.)**
ROOSEVELT—(1,591), 25c-35c-50c, 7 days. **Gross:** $19,000. (Average, $11,000)

**"WE LIVE AGAIN" (M-G-M)**
UNITED ARTISTS—(1,700), 30c-40c-60c, 2nd week, 10 days. **Gross:** $10,000. (Average, $17,000)

***Week Ending Dec. 6:***

**"LIMEHOUSE BLUES" (Para.)**
CHICAGO—(4,000), 25c-35c-68c, 7 days. Stage: Buddy Rogers & Cavaliers, Jeannie Lang, Emily Losen Red Harbour, 3 Rhythm Rascals. **Gross:** $31,000. (Average, $34,600)

**"365 NIGHTS IN HOLLYWOOD" (Fox)**
ORIENTAL—(3,940), 25c-40c, 7 days. Stage: A. B. Marcus' "Continental Revue." **Gross:** $20,000. (Average, $15,000)

***Week Ending Dec. 7:***

**"WHAT EVERY WOMAN KNOWS"**
**(M-G-M)**
APOLLO—(1,400), 25c-35c-50c, 2nd week, 7 days. **Gross:** $5,000. (Average, $12,000)

***Week Ending Dec. 8:***

**"AGE OF INNOCENCE" (Radio)**
STATE-LAKE—(2,776), 20c-25c-35c, 7 days. Stage: "In Honolulu," with Princess Ahi. **Gross:** $13,000. (Average, $15,000)

# "Bike Rider" Gets $14,500, Montreal

MONTREAL, Dec. 13.—Local fans are continuing with their film-shopping before getting into the Christmas scramble and the first run houses scored a good week. **Loew's was on** top to the extent of $14,500 with "Six-Day Bike Rider" and Thurston on the stage, while "We Live Again" brought $8,500 to the Princess. Second week of "The Merry Widow" at the Palace meant $8,500, as against $14,000 for the first week. "College Rhythm" clicked at $10,000 at the Capitol.

Total first run business was $45,000. Average is $40,500.

Estimated takings for the week ending Dec. 8:

**"COLLEGE RHYTHM" (Para.)**
**"MENACE" (Para.)**
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $10,000. (Average, $9,500)

**"THE GREAT DEFENDER" (British)**
IMPERIAL—(1,914), 15c-25c-35c, 7 days. Stage: "Teatime in London." **Gross:** $3,500. (Average, $3,500)

**"SIX-DAY BIKE RIDER" (F.N.)**
LOEW'S—(3,115). 30c-40c-45c-57c-75c, 7 days. Stage: Thurston, the Magician. **Gross:** $14,500. (Average, $10,500)

**"THE MERRY WIDOW" (M-G-M)**
PALACE — (2,600), 30c-34c-40c-50c-65c, 7 days, 2nd week. **Gross:** $8,500. First week: $14,000. (Average, $11,000)

**"WE LIVE AGAIN" (U.A.)**
**"THAT'S GRATITUDE" (Col.)**
PRINCESS — (2,272), 30c-35c-50c-65c, 7 days. **Gross:** $8,500. (Average, $6,000)

"In Faith and Hope the World will Disagree,
But all Mankind's Concern is Charity."
— *Pope*

* * *

**AMPA** will not be found wanting in her heritage. Those irrepressible, indispensable men and women of the craft are sacred to their trust . . .

AMPA's fine membership body is marshalling every force to help those unfortunate people of the picture business who are still swirling in that relentless vortex of adversity . . .

Ironically enough, after five long heartbreaking years, there are many who yet find themselves buffetted about in the economic holocaust. Their need, their privations, their human suffering are our moral concern . . .

These few nights before Christmas, a poignant aura of sentiment and sympathy transcends everything we do. It is the twilight period of philosophical retrospection. Man ponders the thought as he looks upon his stricken brethren, "— there but for the grace of God, am I."

Hearts soften. Pocketbooks open. A whole industry becomes charity conscious. Humanity is marching towards that brotherhood of mankind. It is no longer a question, "Will you give?" — but rather, "How much."

**AMPA** is diverting her charitable efforts this year to the needs of the MOTION PICTURE CHARITIES' FUND. All the proceeds will go towards that agency of relief and sustenance . . .

There is a strong, united front to stem the tide of distress. Everybody is dedicating a few financial sacrifices to that sympathetic task which lies before us all. The intensive drive is gathering force . . .

The dramatic climax to this humanitarian effort will be reached the afternoon of December 20th, at AMPA's annual Christmas Dinner, Hotel Astor. It'll be the Yuletide occasion when sympathy, service and intra-industrial good-fellowship will be blended together in spiritual happiness . . .

Powerful production and distribution personalities, great box-office names and executives at the helm of the industry's destinies will attend, for "all mankind's concern is charity."

In the meantime, make your donation today however small it might be. Mail check to Paul Benjamin, AMPA Treasurer, 630 Ninth Avenue. A thousand thanks for your generosity . . .

—and God bless you!

AMPA

*Is there another*

**SHIRLEY TEMPLE ?**

*You'll find the answer in*

MONOGRAM'S COMEDY SMAS

# MILLION DOLLAR BABY

STARRING

**RAY WALKER**
**ARLINE JUDGE**
*with*
JIMMY FAY
GEORGE E. STONE

Directed by JOSEPH SANTLEY
A BEN VERSCHLEISER Production
Story and Screen Play by Joseph Santley

*A MONOGRAM PRESENTATION*

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 141 NEW YORK, SATURDAY, DECEMBER 15, 1934 TEN CENTS

## MPTOA Meet, Feb. 25-27, Set for N. O.

### *Code Problems, Congress Attitude to Come Up*

Annual convention of the M.P. T.O.A. will be held in New Orleans on Feb. 25-27, Ed Kuykendall, president, stated yesterday. The three-day session will end a day before the Mardi Gras, giving conventionites opportunity to attend the outdoor show.

In addition to annual elections at which Kuykendall is expected to be continued as head of the national organization, amendments to and reopening of the code will be discussed at some length.

Principal topic which will concern conventioneers will be Congress' attitude toward the industry, especially

*(Continued on page 4)*

## Academy as Whole To Vote on Awards

HOLLYWOOD, Dec. 14.—The Academy awards committee has set Feb. 27 as the date for presentation of the annual awards.

Nominations for the best picture have been raised from eight to 12 and the entire Academy will be permitted to make a choice from these 12, instead of confining the choices to the producer branch.

Nominations and elections for individual achievements in other branches will be confined to the branches, as in the past.

## Ohio Tax Program Set After 2 Years

COLUMBUS, Dec. 14.—The 90th General Assembly—the longest in the known history of Ohio—ended this week after passing a bill by Senator W. H. Herner, which the governor

*(Continued on page 4)*

## *Tibbett Engaged by Zanuck for 5 Years*

HOLLYWOOD, Dec. 14.—Darryl Zanuck has signed Lawrence Tibbett to a five-year starring contract to appear exclusively in 20th Century productions, with "Sing, Governor, Sing," conceived by Nunnally Johnson, as the initial film.

*National Film Carriers, Inc., guarantee dependable delivery.*—Adv.

# Clearance Goes Back to Boards as Campi Ponders

## M-G Pictures '34 Net About Triples 1933

Net profit of Metro-Goldwyn Pictures Corp. for the year ending Aug. 31 was almost three times as high as it was the previous year. This year's total, after Federal taxes, depreciation and amortization, was $4,702,257.71. Last year it was $1,326,827.11.

Total assets are up by $4,542,811 over the previous year, the latest figure being $45,160,771.85.

Earnings per share on the preferred stock were $31.26 as compared with $8.65 the previous year. Dividends paid on the preferred totaled $289,620.06. On the common the total was $3,500,000.

Net operating income of the company for 1934 was $31,175,696.70.

*(Continued on page 2)*

## G. B. Regime Of U. K. Chain Under Probe

By **BRUCE ALLAN**

LONDON, Dec. 14.—Stormy scenes today at a meeting of stockholders of General Theatres when severe critics of Gaumont British management came to light resulted in consent of Mark Ostrer to appointment of a committee to probe the management.

Because General Theatres has fallen in arrears on dividend payments, control of the company has passed to holders of preference shares, this circumstance at the same time blocking all discussions of Gaumont's scheme of reconstruction for the company.

Personnel of the committee which the preference stockholders demanded will be comprised of members of investment trusts and insurance compa-

*(Continued on page 4)*

## *Aylesworth Envisions Color; Public Relations Idea, Latest*

By **FRED WEHRENBERG**

***President, M. P. T. O. St. Louis, Eastern Missouri and Southern Illinois***

ST. LOUIS, Dec. 14.—Exhibitors throughout the country will welcome the New Year with pomp and pageantry in celebration for the return of good old days when it was more or less a pleasure to be in the show business.

With picture product that will attract every member of the family to the theatres, carefully planned advertising, and an

*(Continued on page 2)*

By **M. H. AYLESWORTH**

***President, RKO Corp.***

I think that the industry is making better pictures and we should have better grosses for 1935.

I believe that the movement for cleaner pictures has been and will be of great benefit to the industry. While I am fully aware that these movements are always carried to extremes, nevertheless, a general movement of this character has compelled us to use our ingenuity to build finer pictures which we know can be clean and still inter-

*(Continued on page 2)*

### *Local Problems Will Be Met While Schedules Are Debated*

With Campi members admittedly agreed that none of the schedules submitted can be approved and adopted for some time, the only immediate solution to clearance and zoning problems is for exhibitors to continue filing individual protests against competitors with local boards, it is stated officially. By this method, local problems on clearances will be given immediate hearings, following which appeals may be taken if so desired.

Code Authority members point to the record of local boards and appeals' committees as indicating that for the time being this is the quickest method of relief. In cities where schedules have been submitted, boards have refused to listen to protests on clearances on the ground that decisions would conflict with final schedules, if, and when, passed by Campi.

But, since it is agreed that no sched-

*(Continued on page 4)*

## Huffman Will Defy Ban on Giveaways

DENVER, Dec. 14.—Harry Huffman is determined to test the power of Code Authority to ban giveaways. He says he will carry the case to the U. S. Supreme Court on constitutional grounds if any attempt is made to cut off his film service here as a result of defiance of Campi's orders.

Several days ago Code Authority ruled in favor of upholding an order

*(Continued on page 4)*

## Consolidated Sets Deal for "U" Work

HOLLYWOOD, Dec. 14.—Following a three-day meeting between Carl Laemmle, Sr., R. H. Cochrane and Willard S. McKay, representing Universal, and Herbert J. Yates, Ben

*(Continued on page 2)*

## *Asserts Invention Ends Flywheel Use*

TOPEKA, KAN., Dec. 14.—Elimination of the flywheel and improvement of equipment now in use is claimed by John F. Meek, operator at the

*(Continued on page 4)*

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

Vol. 36 December 15, 1934 No. 141

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*Editor*
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## Consolidated Sets Deal for "U" Work

*(Continued from page 1)*

Goetz and Ralph Poucher, representing Consolidated Film Industries, it has been agreed that Consolidated will again take over all of Universal's film processing shortly after Jan. 1.

Consolidated will do the developing and printing both for rush and release prints for the next two years.

Final details will be worked out and signed when Cochrane, McKay, Yates and Poucher, who left on the Chief last night, reach New York.

Universal's laboratory will be closed. It may be leased to outside enterprises. The plant cost about $250,000 and has 80 employes who are now out of jobs. Reasons for the deal were not divulged, but tie in with a $600,000 indebtedness due Yates on Jan. 1.

### Grainger West Again

James R. Grainger, general manager of distribution for Universal, left for the coast yesterday where he proposes discussing the status of the company's release schedule with Carl Laemmle, Sr.

He will spend the week-end and Monday in Chicago on "U's" deal with B. & K., stop off at Kansas City on Tuesday and then strike for California. Mrs. Grainger accompanied him. Together, they will spend the holidays with their son, Edmund, a Universal associate producer.

# Aylesworth Envisions Color; Public Relations Idea, Latest

By FRED WEHRENBERG

*(Continued from page 1)*

honest effort on the part of every exhibitor to select balanced programs, grosses will mount to the higher brackets.

Steps should be taken early in 1935, it strikes me, for every exhibitor to put in practice a program of public relations between their employees and patrons.

Public relations as practiced by big industries, have, in my opinion, played a most characteristic part in pushing the depression around the proverbial corner.

If this public relations plan is adopted and practiced by exhibitors there will be much rejoicing when turkey day rolls around in 1935.

By M. H. AYLESWORTH

*(Continued from page 1)*

esting. The machinery at the coast, with the seal of the industry on each picture before release, is a guarantee of good product which will be acceptable to the people as a whole.

I think it is the duty of the MOTION PICTURE DAILY and other responsible trade papers to help us maintain the high level we have reached in the last six months. I believe the next great step forward to retain audience interest, along with the necessary progress in a progressive field like the motion picture industry, will be the development of "natural" or real color to motion pictures. I am of the opinion that 1935 will show distinct progress in this direction and now that the "bugs" are being eliminated in the color process, we will see a rapid development in the direction of color.

Surely it will be the most progressive step taken in motion pictures since the change from silent to sound motion pictures.

## Gulick Loses Mother

Death yesterday claimed the mother of Paul Gulick, director of publicity for Universal. Mrs. Gulick lived with her daughter, Mrs. Frost, at Pittsford, Vt., had been ill for a few days and finally succumbed to pneumonia. She was 81.

Gulick is on his way to the Vermont town where the funeral will be held tomorrow afternoon.

## Powers May Make 26

P. A. Powers plans to produce a minimum of 13 and possibly 26 Comi-Color shorts during 1934-35. He made 13 this season, an increase of seven from 1932-33.

Powers planned to leave today for Mexico City on a month's business and vacation trip, but has postponed the trip until later.

## Prudential Circuit Moves

Prudential theatre circuit yesterday moved from 630 Ninth Ave. to the Paramount Bldg. Rosenblatt circuit moves Tuesday.

## Book Wrestling Short

Publix Great States circuit in Illinois has booked First Division's short on the Londos-Shikat wrestling match.

## M-G Pictures Net About Triples 1933

*(Continued from page 1)*

Miscellaneous income reached $234,737.22. Amortization of negative and positive totalled $25,786,662.73, and $484,109.97 was allowed for depreciation. Federal taxes were $437,403.51, leaving the net at the figure stated above.

## U. A. Theatres Cut Loss

The United Artists Theatre Circuit, Inc., and subsidiaries, for the year ended Aug. 31 showed a net loss of $126,703 after depreciation, amortization, readjustments, expenses and other charges.

Last year's corresponding report showed a loss of $358,902.

## "U" Gets Marthe Eggerth

HOLLYWOOD, Dec. 14.—Universal has signed Marthe Eggerth, Hungarian operatic and musical comedy star. She will come to America in the spring.

## Better Tone on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 39¼ | 38¼ | 38¾ | +1¼ | 400 |
| Consolidated Film Industries | 4⅜ | 4¼ | 4¼ | ..... | 300 |
| Consolidated Film Industries, pfd | 18½ | 18⅛ | 18⅜ | + ⅝ | 2,800 |
| Eastman Kodak | 111¼ | 110 | 110⅜ | — ⅛ | 1,200 |
| Fox Film "A" | 13⅝ | 13¼ | 13½ | + ⅛ | 1,000 |
| Loew's, Inc. | 35¼ | 34⅝ | 35 | + ⅛ | 5,700 |
| Loew's, Inc., pfd | 104 | 104 | 104 | + ⅛ | 100 |
| Paramount Publix, cts | 3¾ | 3½ | 3¾ | + ¼ | 9,300 |
| RKO | 2½ | 1¾ | 2 | + ⅛ | 61,500 |
| Warner Bros. | 4¾ | 4½ | 4⅝ | + ⅛ | 3,400 |
| Warner Bros., pfd | 23½ | 21⅞ | 23 | +2 | 18,000 |

## Technicolor Slumps ⅛ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13¼ | 13 | 13 | — ⅛ | 500 |
| Trans Lux | 2⅛ | 2⅛ | 2⅛ | ..... | 200 |

## Para. Publix Bonds Up 1⅞ Points

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 8⅜ | 8⅜ | 8⅜ | ..... | 2 |
| General Theatre Equipment 6s '40, ctf | 8¼ | 8¼ | 8¼ | + ⅛ | 3 |
| Keith B. F. 6s '46 | 65½ | 65½ | 65½ | + ½ | 2 |
| Loew's 6s '41, ww deb rights | 104⅞ | 104¾ | 104¾ | ..... | 4 |
| Paramount Broadway 5½s '51 | 44⅛ | 44⅛ | 44⅛ | + ⅛ | 1 |
| Paramount F. L. 6s '47 | 65 | 63¾ | 64½ | ..... | 16 |
| Paramount Publix 5½s '50 | 65 | 63½ | 65 | +1⅞ | 87 |
| Warner Bros. 6s '39, wd | 59¾ | 59 | 59¼ | — ½ | 9 |

## Palmer Appeals for Probe Into Fox Met

Charging that Halsey, Stuart & Co. dominated Fox Metropolitan Playhouses immediately prior to its receivership in 1932 and now dominates Fox Met reorganization activities through an alleged control of the bondholders' committee, Archibald Palmer, counsel for independent bondholders, asked leave of the U. S. Circuit Court of Appeals yesterday to examine officers of the bondholders' committee.

Palmer charged that during the bankruptcy proceedings, Fox Met bonds were purchased by the committee "to its own profit in the course of a reorganization." Palmer is appealing from an order of U. S. District Court Judge Julian W. Mack denying him leave to examine committee members.

William L. Bainton, of counsel for the Fox Met bondholders' committee, opposed the examination on the ground that it was not proper in a reorganization proceeding. He stated, however, he would not oppose an examination of officers of Fox Met who, Palmer alleged, were also affiliated with Halsey, Stuart. Decision on Palmer's appeal was reserved by the court.

## Thomas, Garyn Off On a Business Trip

Harry H. Thomas, president of First Division, and Walter P. (Pat) Garyn, western sales manager for the "March of Time" series, left for Chicago yesterday. From Chicago they will go to Detroit where Garyn will leave Thomas and return to Chicago. From the Windy City Garyn will go to Des Moines, Omaha, Kansas City, St. Louis and then back to New York, the trip taking two weeks.

Thomas returns to New York from Detroit where he will witness the opening of the new First Division exchange under management of Milton Cohen. While in Chicago, Thomas will confer with Elliman on the company's exchange in that city.

## Win Exploitation Prizes

Al Sindlinger, manager of the Appleton, Appleton, Wis., has won first prize of $500 in the national exploitation contest on Warners' "Six-Day Bike Rider." Second prize, $250, has gone to William Hendricks, Warner, Memphis; third, $150, E. M. Hart, Oxford, Plainfield, N. J.; fourth, $100, Walter Akin, Melba, Dallas. The prizes were awarded by the Quaker Oats Co., which sponsored the contest jointly with Warners.

## Dr. Greenfield Resting

Dr. Leon Greenfield, who operates the Paras-Court, Gloria and Boro Hall in Brooklyn, left for Lakewood last night on doctor's orders. Dr. Greenfield has been ill for the last few weeks and had been resting at the New Jersey resort when called back a few days ago. The Boro Hall reopens in about 10 days.

## Feldstein to St. Louis

DETROIT, Dec. 14.—William Feldstein, for several years state salesman here for United Artists, has been promoted to manager of the St. Louis branch and leaves Monday to assume his new duties. He is succeeded here by I. Weingarten.

# *The Most*
# TRUSTWORTHY

---

STELLAR acting...inspired direction ...superb camera technique...should these elements of a hit ever be jeopardized by use of any but the most dependable film? Unmatched scientific research, manufacturing experience, and distributing facilities...brilliant performance every day, all over the world...these factors all point to Eastman Super-Sensitive "Pan" as the most trustworthy negative for any picture. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

---

## EASTMAN *Super-Sensitive*
## *Panchromatic Negative*

# Ohio Tax Program Set After 2 Years

*(Continued from page 1)*

signed, increasing tax on income-producing intangibles from five to six per cent. The bill previously had been passed by the House. It is estimated that this one per cent increase will yield approximately $1,500,000, which is the estimated equivalent of the revenue that would have been derived from the income tax. It will be in effect for one year, the same period allotted the sales tax.

Passage of the Herner bill was a compromise on the defeat of the income tax by the Senate and was designed to offset the burden of the sales tax on those of moderate means. Governor White had issued an ultimatum that he would veto the sales tax (passed by both the House and Senate) unless the income tax or its equivalent were passed by the upper chamber.

Under the new setup, exhibitors will pay the state approximately $1,000,000 a year, instead of $3,000,000 as heretofore. Exhibitors have agreed to absorb the three per cent tax, it is authoritatively stated.

The sales tax, normallv would be effective Jan. 1, but will not be placed in operation for about 30 days, the length of time necessary to place the collection machinery in motion.

# *MPTOA Meet Is Set For N.O. Feb. 25-27*

*(Continued from page 1)*

in view of reports of an impending bill for elimination of block booking. Congress will have been in session nearly two months by the time the convention is held, it is stated, and its attitude toward the industry will be evident at the end of February.

Kuykendall leaves on Monday for Washington where he mav confer on block booking. On Dec. 19-20, he will attend public hearings on amendments to the code before Compliance Director Sol A. Rosenblatt. The open hearings will be on vaudeville amendments, elimination of the lease clause and the amendment on hiring theatre employes. After the capital sessions, Kuykendall will go to Columbus, Miss., to spend Christmas at home.

# *Fire Causes Damage To Strand on B'way*

The Strand was forced to close early last night when the roof of the theatre caught fire. A man was injured. Besides the roof, the balcony and projection booth suffered damage. It was said late last night the house was not expected to open today.

# *Pa. M. P. T. O. Meet Set*

Philadelphia, Dec. 14.—The annual meeting and election of officers of the M. P. T. O. of Eastern Pennsylvania, Southern New Jersey and Delaware has been set for Dec. 28 at the Hotel Adelphia.

# *Cardiff Giant to Travel*

The Cardiff giant will be used by United Artists to exploit "The Mighty Barnum." The hoax P. T. made famous will start a tour of key cities in Boston on Dec. 17.

# *Clearance Goes Back to Boards as Campi Ponders*

*(Continued from page 1)*

ule faces immediate approval, local boards will now accept complaints covering protection so that exhibitors with clearance grievances can be heard without undue delay.

According to official records, 1,689 clearance and zoning and grievance cases have been heard by the 64 boards since May. Of this total, 637 involved clearance and zoning. With 329 appeals filed to date, of which 280 have been disposed, it is figured that less than 20 per cent of the total number of more clearance and grievance cases have been up for rehearing, indicating local boards are doing businesslike job.

Code Authority members take the stand that no schedule will be approved unless it is fair to all concerned. So far none of the various plans has come up to expectations.

The job of writing schedules is easy, according to codists, but making it legal is another matter. All outlines submitted have had price-fixing clauses, either penalizing exhibitors by setting back protection where admissions are reduced or by automatically designating time of release for certain type houses. This is considered unfair to some exhibitors, while distributors maintain that under these provisions the power to sell protection is taken away.

The distributors' angle was brought up again Thursday when Loew's protested the New Haven schedule on the ground that it had bought protection for the College, which was denied by the local board and in the final schedule submitted. The theatre, a second run house, bought protection over all New Haven, but, according to the plan, Loew's couldn't even day-and-date pictures.

The Kansas City schedule has been before Campi at five different hearings and efforts to map out a workable plan have met with little success. It will be brought up again on Dec. 27, but it is doubtful whether an agreement will be reached.

The New Haven outline has been discussed by Code Authority four times; Buffalo, three, and Los Angeles, three.

Efficacy of the individual protest is particularly evident in territories like New York, New Jersey, Cleveland and Philadelphia where no schedules were drawn. In these selling centers, exhibitors have been settling clearance problems before local boards. In many instances appeals have been taken, especially in New York and New Jersey, with quick dispositions resulting.

# *Bombings in Boston Held Work of Union*

Boston, Dec. 14.—E. M. Loew told Motion Picture Daily today he might be quoted as directly and definitely blaming the M. P. Operators' Union for the bombing here Wednesday of the Tremont and Majestic, belonging to the circuit bearing his name. "This is the answer of the union to President Roosevelt's plea to stop crime," he said.

Morton Lieberman, executive of the Lieberman circuit, which operates the two bombed houses, also told Motion Picture Daily when asked if the houses would continue to use employes belonging to the Knights of Labor, a nonaffiliate of the A. F. of L. "You're right we are. We won't be forced into anything."

Both circuits declare they will not be intimidated.

Lieberman claims business at the bombed Tremont has been above normal since the outrage.

# *Detroit's Downtown Houses Cut Scales*

Detroit, Dec. 14.—First-runs are cutting scales this week. The new scale is as follows: opening to 2 P. M., 25 cents; 2 P. M. to 6:30 P. M., 35 cents; after 6 P. M., 55 cents.

This is a cut of 10 cents in the opening and evening prices and of five cents in the matinee prices at the Fox and Michigan, with the same afternoon cut at the United Artists, which maintains its night price of 55 cents.

Subsequent runs predicted that the cut would bring about a price war, especially the second and key run theatres, whose operators said they probably would go from 25 cents to 20 or 15 cents.

# *Better Film Trade In Japan Predicted*

Better times for the industry in Japan next year were predicted yesterday by Lipton Astrachan, managing director there for Universal, who based his belief not only on the upturn in business but on the fact that the quality of American product is improving. Grosses the past year have shown a gain of 20 per cent in Japan, according to Astrachan.

Japanese fans demand action above everything else, asserted Astrachan, who added that American producers desiring to advance their interests in Japan ought to "cut down on dialogue and make pictures that move instead of talking pictures."

# *Smith Calls Session Of Catholic Council*

A meeting will be called next week by Alfred E. Smith, chairman of the new Legion of Decency Council of the Catholic archdiocese of New York. The purpose is to advise the local clergy in their drive on objectionable films and to devise some method of collecting the 350,000 pledges to stay away from unclean films which have been distributed among Catholic churchgoers here.

The new committee, of which Smith is chairman, was appointed by Cardinal Hayes. All counties in the archdiocese will be represented on the council.

# *Fire at Jersey House*

The Monticello, Jersey City, yesterday suffered $5,000 damage from a fire believed started by thieves.

# G.B. Regime of U.K. Chain under Probe

*(Continued from page 1)*

nies who will investigate General's financial condition, its accounts and the Gaumont plan for its rehabilitation. Today's meeting, therefore, adjourned until the committee reports.

Prior to the meeting, however, the air was surcharged with rumors of General Theatres associating either with John Maxwell of B.I.P. or Lord Beaverbrook, once in the exhibition business through Provincial Cinematograph Theatres, Ltd., which Gaumont British subsequently purchased. Both men were reported to be angling for the entire issue of preference shares, but confirmation or any admission that a deal was on has not been forthcoming.

Outstanding are 1,250,000 shares of seven and one-half per cent cumulative preference stock.

# Huffman Will Defy Ban on Giveaways

*(Continued from page 1)*

of the local grievance board for stoppage of the practice, but Huffman says he will continue and will start his court fight if and when the board orders his film stopped. The usual procedure in a case of this kind is for the board to summon all parties to a case to prove non-compliance with an order.

# *Flinn to Buffalo on Clearance Problems*

Executive Secretary John C. Flinn leaves for Buffalo tonight to meet with local exhibitors and code board members on the clearance and zoning schedule. Campi recently sent back the plan when it was found that all of the 12 basic principles had been disregarded.

Flinn will return Monday night and on Tuesday evening will leave for Washington to attend the public hearing on code amendments on Wednesday and Thursday.

# *Chicago Clearance Cases Being Heard*

Chicago, Dec. 14.—The local clearance and zoning board has begun hearing individual protests following withdrawal of the clearance schedule originally framed. At the first hearing in the case of the Lexington against the Lawndale the board ruled that the clearance held by the Lawndale over the Lexington on certain company products was unfair.

# *Asserts Invention Ends Flywheel Use*

*(Continued from page 1)*

Princess, for a sound projector he has patented. An eastern projector manufacturer is negotiating for rights to the development, according to the inventor.

A projectionist of 25 years sanding, Meek claims his invention will lower the cost of manufacturing equipment by $100 each. His invention substitutes three parts for the 19 parts now in use and incorporates an entirely new principle in feeding the film, he says.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 142 NEW YORK, MONDAY, DECEMBER 17, 1934 TEN CENTS

## Films Skidded In 1930, Tax Figures Prove

### *Other Industries' Peaks Were in '27 and '28*

By CLARENCE LINZ

WASHINGTON, Dec. 16.—Effects of the depression upon the film industry are graphically depicted in statistics of income for 1932 made public tonight by the Internal Revenue Bureau.

Comparison of the bureau's figures with those for previous years shows that the industry was at a peak in 1930, whereas manufacturing industries generally reached their highest levels in 1927 and 1928.

While the tax figures accurately portray conditions in industry, they are not complete surveys since they cover only the operations of corporations. No breakdown by industries is made of the individual returns.

The records show that 291 producing corporations filed income returns

*(Continued on page 3)*

## Warners to Rename Officers Tomorrow

No changes in the executive personnel will be made at the Warners' board of directors meeting which will be held tomorrow at the company's home office. Albert Warner will preside in the absence of Harry M. Warner, who left for the coast Friday accompanied by Jacob Wilk, S. Charles Einfeld and A. W. Smith.

Officers to be reelected are: Harry Warner, president; Albert and Jack

*(Continued on page 3)*

## *Wisconsin Men Act Soon on New Setup*

MILWAUKEE, Dec. 16.—Exhibitors of the state are to act on proposed bylaws and a constitution for new Independent Theatres Protective Ass'n. for Wisconsin and Upper Michigan at a meeting to be held at the Hotel Plankington Dec. 19.

## *Coast Production Gains; 41 in Work*

HOLLYWOOD, Dec. 16.—Production for the week just closed showed a decided increase with 41 features and four shorts before the cameras as against 36 and three for the week previous. Added to this upward trend

*(Continued on page 12)*

## Selective Buy Ruling Stirs Interest Here

### *Confusion Results from Kutinsky Situation*

Although some confusion exists in local exhibitor circles as a result of a decision handed down last week by the New York grievance board, exhibitors have the right to buy selective contracts, it is stated at Campi headquarters.

The dispute arose when Morris Kutinsky, operating the Community, Queens Village, L. I., argued his overbuying complaint against A. H. Schwartz's Queens, Queens Village. According to his selective contracts, Schwartz bought 212 films, his requirements calling for 208, which,

*(Continued on page 12)*

## New Film Council To Meet Thursday

The New York Council of the Legion of Decency will hold its first meeting Thursday at a luncheon at the Empire State Building. Alfred E. Smith, chairman, will preside.

The former governor has been silent on proposed plans of the council and

*(Continued on page 4)*

### *Tough Problem*

**Lincoln, Dec. 16.—The Better Films Council here has a problem. Three months ago it was suggested that the name be changed to M. P. Research Council. The proposition has been debated at each monthly meeting since.**

**The latest meeting voted for postponement of the vote another month. All other business, except the reading of the minutes, has been shelved for this important move.**

## FWC Hearing Comes Up in Court Today

LOS ANGELES, Dec. 16.—Recommendation on the sale of Fox West Coast to National Theatres by Referee Earl E. Moss comes before Judge James in the U. S. District Court tomorrow.

So far only two objectors to the reorganization plan are on record. They are Marshall Square Theatres,

*(Continued on page 12)*

## *Chicago Conspiracy Charge Up Tomorrow*

Conspiracy charges against all major distributors by the Rosewood, Chicago, will be heard by a Campi appeal committee tomorrow.

When the original complaint was

*(Continued on page 12)*

## *Goldwyn and Lichtman Are For Sending Up Admissions*

By AL LICHTMAN

*Vice-President, General Manager, United Artists*

Producers are trying to make better pictures and I think the pictures of 1934 are ample proof of their effort to do so.

However, as to grosses, that depends entirely upon admission prices. Admission prices are entirely too low generally throughout the country and the first-run theatres are the most severely affected by the drop down of admission prices. If not

*(Continued on page 4)*

By SAMUEL GOLDWYN

*United Artists Producer*

HOLLYWOOD, Dec. 16.—What about 1935 for the industry?

As I see the trend now, we are gradually heading back where we started from, 22 years ago—right back to the nickelodeon!

You have only to read the daily newspapers to see that my statement is not far-fetched. I read in one of the Los Angeles papers that the Criterion here is going to

*(Continued on page 4)*

## Para. Groups Desire Naming Of Full Board

### *Delay Approval of Plan Pending Selections*

Declaring that the success of the Paramount Publix reorganization plan is so largely dependent upon the management of the company, leading creditors' groups in the reorganization have advised Paramount that they will not give formal approval to the plan until the remaining members of the new board of directors have been definitely selected, it was learned Saturday.

The stockholders' protective committee of which Duncan A. Holmes is chairman so advised the holders of certificates of deposit late last week. In addition, various debenture and merchandise creditors' committees are understood to have taken the same position. These committees, it is stated, while in agreement on the contents of the plan in so far as provisions for claims settlements are concerned, have not given their formal approval yet.

The Paramount plan provides for the selection of a board having a minimum membership of 12 and a maximum of 20. Only nine members have been definitely selected to date. Emphasizing the importance of the board's

*(Continued on page 4)*

## *Reisenfeld Has Plan For an Arty Circuit*

HOLLYWOOD, Dec. 16.—Dr. Hugo Reisenfeld and the men associated with him in the reopening of the Filmarte on Christmas day are planning a circuit of arty houses if this ones goes over.

With Abe Mayer and Ira Simmons, Dr. Reisenfeld has formed the Filmarte Distributing Co. Spots where they propose to expand are San Francisco, Portland and Seattle.

## *Radio's Free Shows Up at Meeting Soon*

Campi's committee on unfair competition, appointed recently, is expected to hold a meeting shortly with

*(Continued on page 12)*

## *Strand Dark a Week For Fire Repairing*

The Strand, closed by fire early Friday night, will not be reopened for another week or 10 days, it was stated

*(Continued on page 4)*

MOTION PICTURE
DAILY

(Registered U. S. Patent Office)

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## *Goetz Arrives Tomorrow*

Harry Goetz of Reliance returns from England tomorrow, having lined up Robert Donat for one picture while abroad. He also signed another star, whom he will make public on his arrival.

Edward Small, Sam Wood, Lillian Hellman and Louis Weitzenkorn left for the coast Saturday. Wood, who has been working on an original story, will complete preparations on the coast in a few weeks when production will start at Pathe Studios.

After the original, Wood will return east for additional talent Reliance has been negotiating for several weeks. "Melody Lingers On" will be Wood's second for Reliance.

## *Empire Plans Full List*

Empire Film Distributors, Inc., recently formed with Roman Rebush at its head, has plans to supply a full year's program for affiliated exchanges. Fifteen pictures for two producing units—Mayfair Pictures Corp. and Kinematrade, Inc.—are on the schedule now, it is stated.

MAN OF COURAGE
MUSSOLINI'S
$2,000,000 SPECTACLE
All English Talkie
FOR RIGHTS AND BOOKINGS APPLY
Eureka Prod. Inc.
723 7th Ave., N.Y.C.

# *Insiders' Outlook*

CURRENT activity of the reorganizers of Paramount is concentrating largely, but not entirely, on getting the company's plan over the Federal court hurdle, which means December 27. The sky is not cloudless, but shot through with signs of trouble from several sources, one of them that active champion of minorities named Samuel Zirn. But, while the effort and the hope begin and end with that red-letter day not far off now, other matters are not being permitted to slide into lethargy. Not by a long shot. . . .

▼

This explains why whatever conversations, which are really flirtations, have been going on with Ben Schulberg and Walter Wanger are unofficial, off-the-record and a couple of other things, all designed to impress with their secrecy. Technically, the Paramount board, so far as it has gone, can do nothing about new alignments in various branches of the Paramount structure. The directorate becomes a working group only when the reorganization plan is clear of the bankruptcy court. In the meantime futures are being discussed as against the day when something will have to be done about them. You may have been wondering where and how Manny Cohen fits into the production picture. Simple enough. The present drift merely fails to include him. . . .

▼

Difficult about the situation is the effect considered changes at the studio will have on production. Learning what courses through the reorganizers' minds hasn't been tough to run down; it's all been a question of talking to the right individuals. It might be a question, too, of exactly how advisable is a procedure which allows word of such deliberations to filter into print, production at large being as sensitive an equation as it is. A lead pipe cinch is it that Cohen knows what is going on. As a matter of fact and of record as well, if you like, the span of minutes between appearance of MOTION PICTURE DAILY last Monday with a flash on the conferencing with Schulberg and a telephone call to Cohen in Hollywood was approximately thirty. Is Manny at the minute busy on production or figuring out his own situation? You can answer that without help from this department. . . .

▼

"Clearance Goes Back to Boards as Campi Ponders," headlines our favorite trade paper. As Campi ponders over what? Over the attitude of distributors who are insisting that protection is to be sold as a consideration alongside of rentals. Amazing are the objections rearing their stubborn heads over this question. The first anniversary of the code has come and passed. The document provides for clearance schedules, as anyone can tell you in the event your knowledge is shy on this point. The 1934-35 season is well on, but clearances most emphatically are not. Now comes this last week-end to stress the amusing statement Campi members agree none of the schedules can be approved or adopted "for some time." . . .

▼

The job of writing schedules is easy, but making them legal is another matter, maintain the codists. Agreed that the job is not like falling off a log. Agreed, it must be further, that the task might simplify itself if special interests were broadgauged enough to relinquish part of what they term their inalienable rights. By special interests reference is made not merely to distributors themselves, but to their lawyers who have to keep busy to keep their jobs. The disciples of Blackstone choked off the famous 5-5-5 agreement after almost two years of deliberation. Today, they are doing a mighty good job in keeping clearance a hope instead of a fact. . . .

▼

One of the inside angles of the product settlement between Loew's and RKO in the metropolitan area is supposed to be agreement on the part of the latter not to build for the next two years. An RKO executive describes this as applesauce in one breath. In the next, he asks where would the money for new construction come from, pro vided the intention to so do were there? . . . Preparing for next season and prompted by a desire not to be caught on the short end of film availabilities, nevertheless, the RKO circuit is dickering already with Fox. A three-year-franchise idea is being advanced with the sparring running full blast both on the side of buyer and seller. . . .

▼

If John F. Meek, operator of the Princess, Topeka, has what he thinks he has, which is a plan for elimination of the debated flywheel device in sound reproducers, it won't be long before Erpi sends a representative calling. . . . If the local unions get together under the plan already broached, the dove of peace will circle amicably for the next ten years, picketing will come to an abrupt stop and probably the regime of theatre outrages as well. . . . Charlie Skouras flew west yesterday for a second time without his management contract. The understanding now is it won't be until F. W. C. is reorganized. . . .

KANN

## *Eastman Drops Two on Big Board*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 39⅝ | 38¾ | 38¾ | ..... | 200 |
| Consolidated Film Industries | 4⅜ | 4¼ | 4¼ | ..... | 200 |
| Consolidated Film Industries, pfd | 18⅜ | 18¼ | 18⅜ | ..... | 700 |
| Eastman Kodak | 109⅞ | 108⅜ | 108⅜ | —2 | 400 |
| Loew's, Inc. | 35½ | 35 | 35½ | + ½ | 4,300 |
| M-G-M, pfd | 27⅝ | 27⅝ | 27⅝ | + ⅜ | 100 |
| Paramount Publix, cts | 3¾ | 3⅝ | 3¾ | ..... | 1,400 |
| Pathe Exchange | 1⅛ | 1⅛ | 1⅛ | + ⅛ | 300 |
| Pathe Exchange "A" | 13½ | 13½ | 13½ | — ⅛ | 100 |
| RKO | 2¼ | 2⅛ | 2⅛ | + ⅛ | 2,900 |
| Warner Bros. | 4¾ | 4½ | 4⅝ | ..... | 1,900 |
| Warner Bros., pfd | 23 | 22¾ | 22¾ | — ¼ | 130 |

## *Technicolor Only Listed Curb Issue*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13⅛ | 13 | 13 | ..... | 400 |

## *Keith Bonds Jump 1½ Points*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Keith B. F. 6s '46 | 67 | 65½ | 67 | +1½ | 6 |
| Loew's 6s '41, ww deb rights | 105 | 104⅞ | 105 | + ⅛ | 8 |
| Paramount Publix 5½s '50 | 65 | 64½ | 64½ | — ½ | 3 |
| Warner Bros. 6s '39, wd | 59¾ | 59¼ | 59¾ | + ½ | 12 |

## *Boston Dual-Vaude Bills Are Big Drau*

BOSTON, Dec. 16.—The situation i Scollay Square finds the M. & P Scollay Square hauling in audience with a twin-feature policy augmente by seven acts of vaudeville, the Rialt turning into an all-night grind house and the Strand in the process of becoming a haven for beer.

Manager Joe Brennan has returne the State, Loew first run, to doubl features, a policy first put into effec temporarily several months ago.

## *Fox Men Shift Jobs*

SALT LAKE CITY, Dec. 16.—Clyd Blasius, office manager of the Fo Butte office, has been transferred t the local exchange as ad sales head Robert Dauquin, who has been a sales head here, takes over Blasius former job.

## *Mayer Off for India*

BOSTON, Dec. 16.—Charles Mayer, formerly a salesman here for Fox, sailed Friday night to join the company's branch in Bombay, India.

# Films Skidded In 1930, Tax Figures Prove

(*Continued from page* 1)

for 1929, 101 of which had taxable income, their total gross receipts being $280,303,000 and their net $50,238,000. After deduction of $2,202,000 for prior year loss, they had a tax liability of $5,330,000. There were also 142 returns showing no tax, the gross income being $63,142,000 and the deficit $5,838,000; and 48 returns from inactive corporations.

The following year the total number of returns dropped to 246 and taxable returns to 84, but the gross income of the taxable companies rose to $357,137,000. Expenses, however, were far heavier in proportion, and the net income was but $31,835,000 and, after deduction of $871 for prior year loss, the tax liability was $3,690,000. Returns of 124 untaxable companies showed gross income of $53,563,000 and a deficit of $8,447,000. Inactive returns were filed by 38 corporations.

The 1931 record shows 234 returns, of which 54 were taxable with gross income of $29,696,000 and net of $2,698,000. After prior year loss deductions of $44,000, the tax liability was $318,000. Returns of 145 corporations showed gross income of $412,252,000 and a deficit of $11,372,000, while 35 concerns filed inactive reports.

### Only 218 Returns for 1932

For 1932, only 218 returns were filed, but 44 of which were taxable, the gross income having been reduced to $14,349,000 and net to $1,145,000. Prior year losses were $181,000, leaving a tax liability of but $135,000. Returns of 151 corporations showed gross income of $176,446,000 and a deficit of $31,344,000, while 23 inactive corporations were reported.

Among the film theatre corporations, 1929 returns were filed by 2,407, 1,293 of which were taxable, their gross income being $378,663,000, net $41,044,000, prior year loss $1,972,000 and tax $4,105,000; non-taxable returns were filed by 1,046 corporations with gross income of $129,775,000 and deficit of $18,650,000, while 68 inactive returns were received.

In 1930, the number of returns filed dropped to 2,387 but 1,295 were taxable, having gross income of $394,681,000, net of $43,133,000, prior year loss of $2,218,000 and tax of $4,613,000; 1,025 non-taxable returns were filed, showing gross income of $118,423,000 and deficit of $13,390,000, and 67 inactive returns were received.

The total number of returns filed remained unchanged for 1931 at 2,387, but the taxable returns dropped to 1,167, showing gross income of $276,519,000 and net of $26,005,000, with prior year losses of $2,365,000 and tax of $2,638,000, a drop of nearly $2,000,000 from 1930. Non-taxable returns increased to 1,148, with gross income of $208,133,000 and deficit of $21,582,000, and inactive corporations increased to 72.

For 1932, reflecting the efforts of the circuits to divest themselves of houses, the total number of returns jumped to 2,662, but only 587 were taxable, or about half as many as in 1931. Gross income was but $180,374,000 and the net $13,683,000. Prior year losses were $257,000, and the tax declined to $1,814,000. The number of non-taxable returns jumped to 1,995, showing gross income of $325,116,000 and a deficit of $73,109,000, while 80 concerns were reported inactive.

A steady decline in the number of theatres other than straight film houses is shown by the bureau's records. The high point for the legitimate and vaudeville stage was in 1928, when 1,073 returns were filed, 433 of which were taxable, having gross income of $137,014,000, net of $9,595,000, prior year losses of $591,000 and tax liability of $1,022,000. Non-taxable returns were filed by 503 corporations, showing gross income of $67,742,000 and deficit of $11,443,000, and 137 inactive returns were received.

For 1929, 882 returns were filed, 323 of which were taxable, with gross income of $63,007,000, net of $7,986,000, prior year loss of $1,402,000 and tax of $694,000; 443 non-taxable returns showed gross income of $40,802,000 and deficit of $8,485,000, and 116 returns were filed by inactive corporations.

### Returns Down to 778 by 1930

By 1930, the number of returns had dropped to 778 and taxable returns to 239 showing gross income of $28,898,000, net of $3,679,000, prior year loss of $485,000 and tax of $330,000; 403 non-taxable returns were filed, showing gross income of $38,693,000 and deficit of $8,236,000; inactive returns numbered 136.

A further decline in 1931 brought the total returns to 669 and taxable returns to 182 with gross income of $18,764,000, net of $1,398,000, prior year loss of $112,000 and tax of $130,000, while 343 non-taxable returns showed gross income of $33,147,000 and deficit of $7,532,000; inactive returns jumped to 144.

The 1932 report showed but 536 returns only 78 of which were taxable. Gross income had declined to $9,740,000 and net to $1,307,000, while prior year loss jumped to $230,000 and tax increased to $147,000. Inactive returns filed by 341 corporations showed gross income of $27,664,000 and deficit of $22,009,000, while 117 inactive returns were filed.

# Warners to Rename Officers Tomorrow

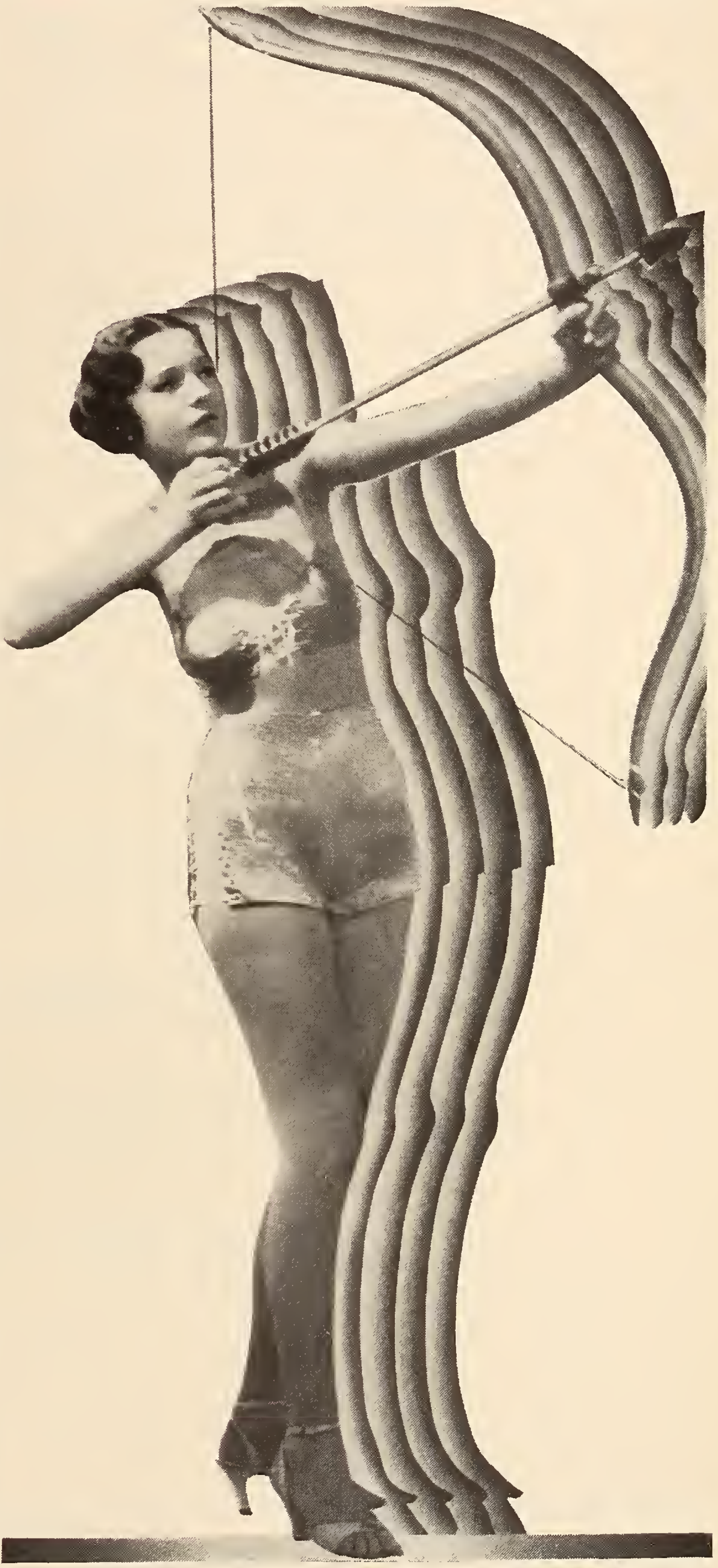
(*Continued from page* 1)

Warner, Sam E. Morris and Herman Starr, vice-presidents; Albert Warner, treasurer; Samuel Carlisle, W. Stewart McDonald and Cyril H. Wilder, assistant treasurers; Abel Cary Thomas, secretary and general counsel; Harold S. Bareford, Paul A. Chase and Edward K. Hessberg, assistant secretaries; Samuel Carlisle, comptroller, and Thomas J. Martin, auditor.

While Warners, through United Research Corp., wholly owned subsidiary, have developed and completed a new home talking machine, there is no indication when the company will start manufacturing, Thomas stated Saturday, verifying MOTION PICTURE DAILY'S story of Dec. 10.

# *Resume B.&K. Dividends*

CHICAGO, Dec. 16.—For the first time in almost two years Balaban & Katz will resume dividend payments on the seven per cent preferred stock. Three quarterly payments of $1.75 each have been authorized covering the first three quarters of 1933.



IT TAKES A GAL LIKE THIS TO MAKE "NIGHT LIFE OF THE GODS" A GAL-A EVENT! . . . *You'll see IRENE WARE and plenty of others in Lowell Sherman's Universal Colossus of Comedies!*

# ◂ Purely Personal ▸

MRS. SAM HOROWITZ, Al Lichtman's former secretary and now wife of the U. A. Chicago branch manager, is spending a few days in New York visiting her folks and former co-workers.

Hunter Perry, who operates theatres in West Virginia and Charlotte, has returned to his headquarters in the south after visiting here for several days.

Cortland Fitzsimmons is en route to Hollywood to assist with the preparation of "Crimson Ice" for Paramount.

Henri Elliman has returned to Chicago after several days here conferring with Harry H. Thomas of First Division.

Florence Browning, J. Robert Rubin's assistant at the M-G-M home office, is en route to the coast, where she will pass the Christmas holidays.

Edward G. Robinson, with Mrs. Robinson and their son, will come to New York this week for a short vacation.

J. H. Hoffberg has acquired foreign distribution rights to seven Showmen pictures and five previously produced by Willis Kent.

William J. Kupper has returned from a tour of Fox exchanges in Detroit, Chicago, Des Moines and Omaha.

Boris Moross is back in his office after being confined to bed for a number of days with a bad cold.

Al Lichtman is now in New Orleans on business. He is scheduled to return Wednesday.

Ted Lewis goes into the Capitol with "Forsaking All Others" on Christmas Day.

Sidney Samuelson, president of Allied, returned Saturday from New Orleans.

Harry Ballance, Fox southern district manager, was in town last week.

Buddy Rogers sails on the *Paris* Saturday to appear in British pictures.

Paul Burger plans to hit the road again within the next few days.

Y. Frank Freeman is back from Chicago tomorrow.

Nicholas M. Schenck arrives from the coast tomorrow.

## Pawtucket Demands Retraction by Loew

Providence, Dec. 16.—Incensed because E. M. Loew, owner of the recently bombed Capitol in Pawtucket, is quoted by a Boston newspaper as saying that officials in Rhode Island were "corrupt," the city of Pawtucket threatens to suspend the license of the house unless Loew explains or retracts the reported crack.

If Loew fails to come through, City Clerk Kaveny says the house will go dark after Saturday night. Kaveny communicated with the Boston and Pawtucket theatre owner and invited him to tell his side.

Investigation of the bombing of the Capitol, which nearly resulted in loss of life for the janitor, shows that dynamite was the explosive used.

# Goldwyn and Lichtman Are For Sending Up Admissions

### By AL LICHTMAN

(*Continued from page 1*)

corrected, this will seriously impair sufficient revenue for good pictures which is so vital if better pictures are to be made.

Competition among theatres in the big cities is so keen it has resulted in the reduction of admission prices to a point where neither exhibitors nor producers are earning enough money for the industry to feel safe in its effort to continually provide better entertainment.

This condition more than any other needs correction if the industry is to continue its forward march. Either production costs will have to be reduced very extensively or admission prices must be increased.

## Reade Considering Deals for Mayfair

Walter Reade is considering dropping the operation of the Mayfair and is negotiating with several parties who want the house for various types of shows. Arthur Mayer, Gus Edwards, I. Herk and Robert Ripley are among those bidding, but so far no one has put up any money. At least, Reade says so.

Each has a different idea for the theatre.

"Babes in Toyland" is expected to run three to four weeks at the Astor which Reade is operating and will be followed by Radio's "The Silver Streak."

## Bonds in St. Louis Brought $2,272,430

St. Louis, Dec. 16.—Nelson Cunliff, who, as a special master for the Federal Court, last July sold the Ambassador, Missouri and Grand Central at a foreclosure sale, in his final report filed with the U. S. District Court here reveals that the holders of bonds received a total of $2,272,430 cash and credits on their bonds which had a total face value of $5,955,400. The properties were bought in by the bondholders' protective committees.

## Restore K. C. Autonomy

Kansas City, Dec. 16.—The I. A. T. S. E. has restored local autonomy to the operators' union after more than two years of probation. John Nick, vice-president, acted for President Brown in making the transfer.

### By SAMUEL GOLDWYN

(*Continued from page 1*)

change its policy. Not only will they show two features on one bill but they are going to cut their prices as well.

The Criterion is only one example. Every day, I read that prices are being cut in an effort to stimulate business at the box-office, a business that has been dropping off with alarming consistency.

This means, of course, that the pictures produced are also being patterned according to the lower prices charged. On the face of it, this may look like good business but the truth of the matter is that it is the beginning of the most vicious circle we have ever encountered in the industry.

We have been trying to bring into the theatre a better and more intelligent element of people. But, with policy of doubl billing—pictures produced purposely for double bill showings and even labelled "B" pictures—we have been driving this same group away from the shows.

The cut in admissions will not entice these people we have lost by inferior product back into the theatres. They go to the picture show to be entertained by good pictures and bargaining with them, by cutting prices, is definitely not the answer. The answer is good films again.

These people have lost the picture-going habit that took up so long to build up in them. They have been fooled so often by worthless and deliberately mediocre films that they are wary and canny and, like the man from Missouri, want to be shown before they believe any more.

If the producers would realize that 50 per cent of the pictures made really belong in the ash-can and not on the screen, and if they go in for quality instead of quantity, the exhibitors throughout the country will then also see what I mean by the possibility of increased returns at the box-office—that the present procedure of double bills is gradually killing the entire business.

Of course, such a change might temporarily hurt the receipts, for a week or two or three, but unless they are willing to sacrifice something today in preparation for tomorrow—unless they are willing to give a thought to the future—I see dark days ahead for our industry.

## Hollywood Personals

**Hollywood, Dec. 16.—Walter Wanger arrived from New York by plane and went straight home to bed with a bad cold. . . . Sidney Skolsky back from Broadway this week. . . . Laurel and Hardy's next for Roach is titled, "Tit For Tat." . . . Toby Wing entertained with a big dinner party for her brother-in-law, W. Hoggen Perry. . . . Francis L. Sullivan and Claude Rains off to London this week for vacations. . . . Norman Houston, scenarist, cast in "Great God Gold" which he adapted for Monogram. . . . Carol Coombe on her way to England to visit her mother. . . . Doris Malloy and Harry Clork have finished their treatment of "The Milky Way" for Paramount and have returned to M-G-M. . . . Etienne Girardot cast in "Roberta" at Radio. . . . Casey Robinson is adapting "Captain Blood" for Warners. . . . Joseph Schildkraut leaves New York Dec. 19 for a role in Paramount's "Crusaders." . . . Margaret Lindsay gets the feminine lead in "The Florentine Dagger" for Warners.**

# Para. Groups Desire Naming Of Full Board

(*Continued from page 1*)

membership to the success of the plan and of Paramount, the creditors' committees declare that, regardless of their approval of the plan in its present form, they will not finally adopt it until the completed board has been selected and given their approval.

This stand of the creditors' committee is interpreted by some reorganization factors as being favorable to the selection of a larger representation of industry men for the board than has been indicated up to now.

## New Film Council To Meet Thursday

(*Continued from page 1*)

it is thought that the meeting will be merely for the purpose of organization, leaving plans to be formulated at later dates.

The new council was appointed last week by Cardinal Hayes for the purpose of advising the local clergy in their drive on objectionable films and to devise some method of gathering the large number of pledgers to stay away from unclean pictures which have been distributed among Catholic churchgoers in the archdiocese.

All counties in the archdiocese are represented on the council, whose members are:

Manhattan—James A. Farrell, former president of the U. S. Steel Corp.; George MacDonald, former Mayor John P. O'Brien; Martin Quigley, publisher of *Motion Picture Herald* and Motion Picture Daily; John J. Raskob, former chairman of the National Democratic Committee, and Alfred Talley, former judge of the Court of General Sessions.

Bronx—James Donnelly.

Richmond—William T. Fetherston, former justice of the Court of Special Sessions.

Westchester—Supreme Court Justice William F. Bleakly.

Dutchess and Putnam—John E. Mack of Poughkeepsie, former Supreme Court justice.

Orange and Rockland—Arthur O'Leary.

Sullivan—George Cook.

Ulster—James Dwyer.

## Strand Dark a Week For Fire Repairing

(*Continued from page 1*)

at the Warner home office Saturday. Alterations now being made will delay the opening until that time. New equipment is being installed in the booth and the ventilating system. Hundreds of balcony seats are being replaced, the chandelier is being repaired and the roof of the theatre is receiving a new coat of paint.

## Acquitted in Fox Case

Maurice Monnier has been acquitted in Federal Court here on a charge of having sought $50,000 of Mrs. William Fox on threat of kidnapping her grandchildren.

THE MOST EAGERLY
AWAITED PRODUCTION
IN YEARS COMES THIS
HOLIDAY SEASON TO
GLORIFY THE SCREEN
AND GLADDEN THE
HEARTS OF MILLIONS!

Hep

More thrilling, more disturbing, more fascinating than ever . . . the screen's supreme star brings you the story that made Sir James M. Barrie great . . . the stage play that made Maude Adams famous . . . . the romance that has touched the hearts of millions . . .

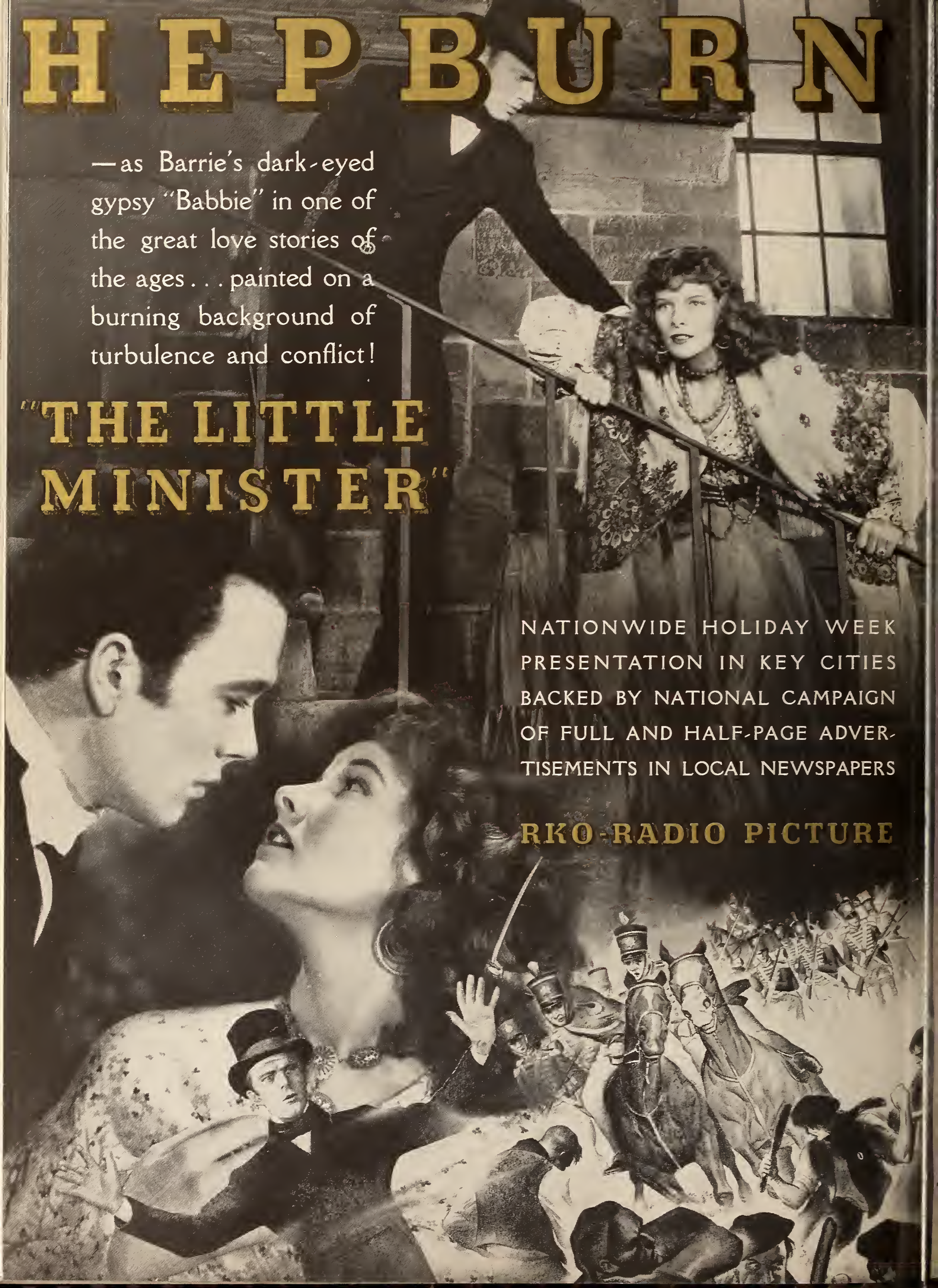
NOW THE PICTURE THAT CROWNS THE CAREER OF THE IDOL OF ALL AMERICA

SIR JAMES M. BARRIE'S

# THE LITTLE MINISTER

JOHN BEAL WITH ★ ALAN HALE

DIRECTED BY RICHARD WALLACE ★ A PANDRO S. BERMAN PRODUCTION



# HEPBURN

—as Barrie's dark-eyed gypsy "Babbie" in one of the great love stories of the ages . . . painted on a burning background of turbulence and conflict!

## "THE LITTLE MINISTER"

NATIONWIDE HOLIDAY WEEK PRESENTATION IN KEY CITIES BACKED BY NATIONAL CAMPAIGN OF FULL AND HALF-PAGE ADVERTISEMENTS IN LOCAL NEWSPAPERS

**RKO-RADIO PICTURE**

# Philadelphia Top Is Grofe And "Heavens"

PHILADELPHIA, Dec. 16.—Business slipped into the pre-Christmas slump about a week ahead of time with no outstanding films. The Fox, with "Hell in the Heavens" on the screen and Ferde Grofe on the stage, was the only house to do much better than the average. It took $14,500.

Several holdovers were on the list, not so much as the result of top-notch business as a desire of several theatres to slip into a Tuesday opening policy for the Christmas and New Year season.

"Evelyn Prentice," with a fair $11,500 at the Boyd, was held over until Tuesday on the same basis.

Total first run business was $55,800. Average is $58,100.

Estimated takings for the week ending Dec. 13:

**"KID MILLIONS" (U.A.)**
ALDINE—(1,200), 35c-40c-55c, 6 days, 3rd week. **Gross:** $6,000. (Average, $7,000)

**"LITTLE FRIEND" (Gaumont British)**
**(2nd run)**
ARCADIA—(600), 25c-30c-40c, 4 days. **Gross:** $1,100. (Average, 6 days, $2,400)

**"EVELYN PRENTICE" (M-G-M)**
BOYD — (2,400), 35c-40c-55c, 6 days. **Gross:** $11,500. (Average, $12,000)

**"IT'S A GIFT" (Para.)**
EARLE—(2,000), 40c-55c-65c, 6 days. Stage: Paul Ash revue. **Gross:** $12,500. (Average, $12,000)

**"HELL IN THE HEAVENS" (Fox)**
FOX—(3,000), 40c-55c-65c, 6 days. Stage: Ferde Grofe and orchestra, Betty Barthell, Arons and Broderick, the Randalls. **Gross:** $14,500. (Average, 6 days, $12,000)

**"GREAT EXPECTATIONS" (Univ.)**
KARLTON—(1,000), 25c-35c-40c, 6 days. **Gross:** $2,600. (Average, $23,500)

**"FLIRTATION WALK" (Warners)**
STANLEY—(3,700), 35c-40c-55c, 4 days, 2nd week. **Gross:** $6,000. (Average, 6 days, $12,000)

**"FIRST WORLD WAR" (Fox)**
STANTON—(1,700), 35c-40c-50c, 2 days, 2nd week. **Gross:** $1,600. (Average, 6 days, $6,000)

# "Limehouse Blues" Omaha's Best Draw

OMAHA, Dec. 16. — "Limehouse Blues" on a dual program with "Strange Wives" was the money-getter here last week. The take at the World was $4,300, up by $800.

"The St. Louis Kid" and "Bachelor of Arts" went to $8,200, over par by $700, at the Orpheum. "College Rhythm" in four days of its second week took $3,200 at the Paramount, and a combination of "The Captain Hates the Sea" and "I Sell Anything" was weak at the Brandeis.

Total first run business was $18,950. Average is $22,500.

Estimated takings:

### *Week Ending Dec. 12:*

**"LIMEHOUSE BLUES" (Para.)**
**"STRANGE WIVES" (Univ.)**
WORLD—(2,200), 25c-40c, 7 days. **Gross:** $4,300. (Average, $3,500)

**"COLLEGE RHYTHM" (Para.)**
PARAMOUNT—(2,800), 25c-40c, 4 days, 2nd week. **Gross:** $3,200. (Average, $8,000)

### *Week Ending Dec. 13:*

**"THE CAPTAIN HATES THE SEA" (Col.)**
**"I SELL ANYTHING" (Warners)**
BRANDEIS—(1,200), 20c-25c-35c, 7 days. **Gross:** $3,250. (Average, $3,500)

**"THE ST. LOUIS KID" (Warners)**
**"BACHELOR OF ARTS" (Fox)**
ORPHEUM — (3,000), 25c-40c, 7 days. **Gross:** $8,200. (Average, $7,500)

# "Flirtation" Twin Cities' Top, $11,500

MINNEAPOLIS, Dec. 16.—Heavy takings here and in St. Paul last week went to "Flirtation Walk." At the Orpheum here it went $1,000 over average for a take of $6,500, and in the St. Paul Orpheum it was the same amount over the line with a take of $5,000, a total of $11,500 for the two cities.

"Transatlantic Merry-Go-Round" was also a good draw on both sides of the river. It garnered $6,000 at the State here and the same amount in the St. Paul Paramount. "The Painted Veil" was not outstanding. It was only $200 over the line on a $4,200 gross at the Century.

Total first run business in Minneapolis was $23,900. Average is $21,000. In St. Paul the total was $18,500. Average is $16,500.

Estimated takings:

### *Minneapolis:*
### *Week Ending Dec. 12:*

**"THE PAINTED VEIL" (M-G-M)**
CENTURY — (1,650), 25c-40c, 7 days. **Gross:** $4,200. (Average, $4,000)

**"HELL IN THE HEAVENS" (Fox)**
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,700. (Average, $1,500)

### *Week Ending Dec. 13:*

**"FLIRTATION WALK" (F.N.)**
ORPHEUM—(2,900), 25c-50c, 7 days. Stage: "Salici Varieties." **Gross:** $6,500. (Average, $5,500)

**"TRANSATLANTIC MERRY-GO-ROUND" (U.A.)**
STATE—(2,300), 25c-40c, 7 days. Stage: Irving Aaronson and his Commanders. **Gross:** $6,000. (Average, $5,500)

**"THE HELL CAT" (Col.)**
TIME—(300), 20c-30c, 7 days. **Gross:** $2,500. (Average, $2,500)

**"ONE NIGHT OF LOVE" (Radio)**
WORLD—(300), 25c-75c, 7 days. **Gross:** $3,000. (Average, $3,000)

### *St. Paul:*
### *Week Ending Dec. 12:*

**"TRANSATLANTIC MERRY-GO-ROUND" (U.A.)**
PARAMOUNT—(2,300), 25c-40c, 7 days. Stage: "Spices of 1935." **Gross:** $6,000. (Average, $5,500)

**"WHAT EVERY WOMAN KNOWS" (M-G-M)**
RIVIERA — (1,200), 25c-40c, 7 days. **Gross:** $4,000. (Average, $3,500)

**"FLIRTATION WALK" (F.N.)**
ORPHEUM—(2,000), 25c-40c, 7 days. **Gross:** $5,000. (Average, $4,000)

**"GAMBLING" (Fox)**
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

**"POWER" (Gaumont-British)**
WORLD—(300), 25c-75c, 7 days. **Gross:** $2,000. (Average, $2,000)

# *"Veil" at $35,000 Light for Capitol*

Greta Garbo's first week at the Capitol in "The Painted Veil" fared mildly as the pre-holiday slump took effect on Broadway grosses.

Intake for the picture was $35,000 At the Paramount, the first seven days of "The President Vanishes" hit $25,000, while "The Gay Divorcee" in its second week at the Palace chalked up a take of $8,500, which is good for a holdover film at this house. "Flirtation Walk" at the Strand for a second stanza garnered $18,935.

Last of three weeks of "Imitation of Life" at the Roxy netted $18,500.

First week's take of "The Private Life of Don Juan" at the Rivoli was $21,675.

## *End Loew Landmark*

**Cincinnati, Dec. 16.—When the Star, 300-seat house, is remodeled shortly after Jan. 1, to be occupied by a retail establishment, it will remove an industry landmark with a sentimental background.**

**It was on this Fountain Square site that the late Marcus Loew received his start many years ago, having operated a nickelodeon and museum in the building.**

# "Veil" Leads Seattle with Heavy $8,400

SEATTLE, Dec. 16.—Most of the box-office excitement here last week centered around "The Painted Veil" at the Fifth Avenue where the $8,400 take went over normal by $1,400.

"One Night of Love" was still a fine draw in its sixth week at the Liberty with a take of $4,100. Christmas shopping hit the rest of the houses.

Total first run business was $35,500. Average is $36,500.

Estimated takings for the week ending Dec. 11:

**"ANNE OF GREEN GABLES" (Radio)**
BLUE MOUSE—(950), 25c-40c-55c, 7 days. (Extended run from Music Hall.) **Gross:** $3,700. (Average, $4,000)

**"THE PAINTED VEIL" (M-G-M)**
FIFTH AVENUE—(2,500), 25c-40c-55c, 7 days. **Gross:** $8,400. (Average, $7,000)

**"ONE NIGHT OF LOVE" (Col.)**
LIBERTY — (1,800), 15c-25c-35c-50c, 7 days. 6th week. **Gross:** $4,100. (Average, $4,000)

**"THE FIRE BIRD" (Warners)**
MUSIC BOX—(950), 25c-35c-50c, 7 days. **Gross:** $3,200. (Average, $3,500)

**"IMITATION OF LIFE" (Univ.)**
MUSIC HALL—(2,275), 25c-40c-55c, 7 days. **Gross:** $5,500. (Average, $6,500)

**"BABBITT" (Warners)**
ORPHEUM—(2,450), 25c-35c-50c, 7 days. Vaudeville headed by Clyde Hagar. **Gross:** $5,200. (Average, $5,500)

**"LEMON DROP KID" (Para.)**
**"THE GAY BRIDE" (M-G-M)**
PARAMOUNT—(3,050), 25c-35c, 7 days. Stage: Revue featuring Glen Dale and Rhythm Ramblers Band. **Gross:** $5,400. (Average, $6,000)

# "Gables," $2,200, Best Lincoln Take

LINCOLN, Dec. 16.—"Anne of Green Gables" got off to a slow start at the Lincoln due to an advertising mixup, but even so it was the only downtown attraction to reach normal last week. The take was $2,200.

"College Rhythm" was weak at $2,900 in the Stuart.

Total for the four first run spots was $8,000. Average is $9,100.

Estimated take:

### *Week Ending Dec. 12:*

**"COLLEGE RHYTHM" (Para.)**
STUART—(2,000), 10c-25c-40c, 7 days. **Gross:** $2,900. (Average, $3,100)

**"ANNE OF GREEN GABLES" (Radio)**
LINCOLN—(1,600), 10c-15c-25c, 7 days. **Gross:** $2,200. (Average, $2,200)

**"ONE EXCITING ADVENTURE" (Univ.)**
**"GREAT EXPECTATIONS" (Univ.)**
ORPHEUM—(1,200), 10c-15c-25c, 7 days. **Gross:** $1,900. (Average, $2,300)

**"CAPTAIN HATES THE SEA" (Col.)**
VARSITY—(1,100), 10c-25c, 7 days. **Gross:** $1,000. (Average, $1,500)

# "Millions" Is 2nd Week Hit, San Francisco

SAN FRANCISCO, Dec. 16. — "Kid Millions" was Frisco's best comparative draw in its second week at United Artists. The $10,000 take was over par by $2,000.

"Flirtation Walk" got off to a fine start at the Warfield, piling up $24,500, over the line by $1,500, in its second week.

"Imitation of Life" garnered a fine $10,500 at the Orpheum, but elsewhere, with the exception of "Anne of Green Gables," at the Golden Gate, business was only fair.

Total first run business was $83,000. Average is $83,000.

Estimated takings:

### *Week Ending Dec. 4:*

**"ANNE OF GREEN GABLES" (Radio)**
GOLDEN GATE—(2,800), 25c-35c-40c, 7 days. Stage: Band. **Gross:** $13,000. (Average, $13,000)

### *Week Ending Dec. 5:*

**"I SELL ANYTHING" (Warners)**
**"MENACE" (Para.)**
FOX—(4,600), 15c-30c-40c, 7 days. **Gross:** $7,500. (Average, $11,000)

**"IT'S A GIFT" (Para.)**
**"THE GAY PRIDE" (Warners)**
PARAMOUNT—(2,670), 25c-35c-55c-65c, 7 days. **Gross:** $10,500. (Average, $11,000)

**"FLIRTATION WALK" (Warners)**
WARFIELD—(2,700), 25c-35c-55c-65c, 7 days. Stage: Band. **Gross:** $24,500. (Average, $23,000)

### *Week Ending Dec. :*

**"IMITATION OF LIFE" (Univ.)**
ORPHEUM—(3,000), 15c-30c-35c-40c, 7 days. **Gross:** $10,500. (Average, $9,000)

**"EVELYN PRENTICE" (M-G-M)**
ST. FRANCIS—(1,400), 15c-35c-55c, 7 days. **Gross:** $7,000. (Average, $8,000)

**"KID MILLIONS" (U. A.)**
UNITED ARTISTS—(1,200), 15c-35c-55c, 7 days. 2nd week. **Gross:** $10,000. (Average, $8,000)

# "Captain," Revue Providence Leader

PROVIDENCE, Dec. 16.—Despite the appearance of Lawrence Tibbett in a concert that drew tall millinery, and several hockey games, business in town among the first runs held up surprisingly well. High take was scored by the RKO Albee with a revue and "The Captain Hates the Sea." This house garnered $9,100, which is $2,000 over average.

Loew's State failed to do much with "Student Tour" and "Babes in Toyland," catching around $8,000.

Total first run business was $43,200. Average is $40,500.

Estimated takings for the week ending Dec. 14:

**"BEHOLD MY WIFE" (Para.)**
**"FLIRTING WITH DANGER" (Monogram)**
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $9,000. (Average, $6,500)

**"PORT OF LOST DREAMS" (Invincible)**
FAY'S—(1,600), 15c-40c, 7 days. Stage: "Sidewalk Cafe" on stage. **Gross:** $8,300. (Average, $7,000)

**"IMITATION OF LIFE" (Univ.)**
MAJESTIC — (2,400), 15c-40c, shorts, news. **Gross:** $7,700. (Average, $7,000)

**"THE CAPTAIN HATES THE SEA" (Col.)**
RKO ALBEE—(2,300), 15c-40c, 7 days. Stage: Revue headed by Don Cummings. **Gross:** $9,100. (Average, $7,000)

**"STUDENT TOUR" (M-G-M)**
**"BABES IN TOYLAND" (M-G-M)**
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $8,000. (Average, $12,000)

**"GRIDIRON FLASH" (Radio)**
RKO VICTORY—(1,600), 10c-25c, 4 days. Shorts, news. **Gross:** $1,100. (Average, $1,000)

# "Behold" Is Boston Smash With $33,000

Boston, Dec. 16.—"Behold My Wife" garnered the big money of the week here, going to $33,000 at the Metropolitan, with Mal Hallett and his orchestra on the stage. This leaves par about $5,000 astern.

"Imitation of Life" was one of the big attractions of the period, garnering $19,000, up by $3,000, at Keith's. A dual, "Evelyn Prentice" and "The Gay Bride," pulled a fine $20,000 at Loew's State, and "Kentucky Kernels" was $2,000 up on an $18,000 take at the Boston.

Total first run business was $110,500. Average is $94,000.

Estimated takings for the week ending Dec. 13:

**"KENTUCKY KERNELS" (Radio)**
BOSTON—(2,900), 25c-50c, 7 days. Vaudeville. **Gross:** $18,000. (Average, $16,000)

**"HELL IN THE HEAVENS" (Fox)**
**"GENTLEMEN ARE BORN" (F. N.)**
FENWAY—(1,800), 30c-50c, 7 days. **Gross:** $10,500. (Average, $9,000)

**"IMITATION OF LIFE" (Univ.)**
KEITH'S—(3,500), 25c-65c, 7 days. **Gross:** $19,000. (Average, $16,000)

**"EVELYN PRENTICE" (M-G-M)**
**"THE GAY BRIDE" (M-G-M)**
LOEW'S STATE—(3,700), 35c-50c, 7 days. **Gross:** $20,000. (Average, $16,000)

**"BEHOLD MY WIFE" (Para.)**
METROPOLITAN—(4,350), 30c-65c, 7 days. Stage: Mal Hallett and orchestra. **Gross:** $33,000. (Average, $28,000)

**"HELL IN THE HEAVENS" (Fox)**
**"GENTLEMEN ARE BORN" (F. N.)**
PARAMOUNT—(1,800), 30c-50c, 7 days. **Gross:** $10,000. (Average, $9,000)

# "Imitation" Hits $14,200, Buffalo

Buffalo, Dec. 16.—"Imitation of Life" drew $14,200, or more than twice normal at the Lafayette, which usually is a double feature house.

"Limehouse Blues" was slightly over average at the Buffalo, but near-zero temperatures and the holiday doldrums killed business everywhere else.

Total take was $43,100. Normal is $42,800.

Estimated takings for the week ending Dec. 14:

**"LIMEHOUSE BLUES" (Para.)**
BUFFALO—(3,500), 30c-55c, 7 days. Stage: Nick Lucas; Diamond Bros.; Three Cossacks; Rogers & Wynne. **Gross:** $15,100. (Average, $14,300.)

**"GAMBLING" (Fox)**
**"365 NIGHTS IN HOLLYWOOD" (Fox)**
CENTURY—(3,000), 25c, 7 days. **Gross:** $4,800. (Average, $6,000.)

**"KID MILLIONS" (U. A.)**
GREAT LAKES—(3,000), 25c-40c, 4 days, 2d week. **Gross:** $4,000. (Average, $8,000.)

**"THE PURSUIT OF HAPPINESS" (Para.)**
**"THE LEMON DROP KID" (Para.)**
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $6,000. (Average, $8,000.)

**"IMITATION OF LIFE" (Univ.)**
LAFAYETTE—(3,300), 25c, 7 days. **Gross:** $14,200. (Average, $6,500.)

## *Move to Open in Sharon*

Sharon, Pa., Dec. 16.—Coincident with the arrest of three managers for opening Sunday, City Council has approved on first reading a new ordinance which would end the Sunday ban. Final approval of the measure is assured in two weeks.

The managers arrested are Thomas Whyte, Columbia; Harry Stahl, Nuluna, and John Muller, Gable.

# *Looking 'Em Over*

## *"Roadhouse"*

*(Gaumont British)*

London, Dec. 4.—Chiefly designed as a vehicle for the talents of Violet Loraine, star of the British vaudeville and revue stage in war and pre-war days, "Roadhouse" offers also some good comedy by the chief interpreter of "Cockney" roles, Gordon Harker, and amusingly reminiscent scenes of the cruder forms of flesh and blood entertainment which went out after the war. The flavor of past times is deepened by very realistic scenes of a London music hall entertainment bravely carrying on to the crash of bombs from German aircraft overhead.

The plot, not to be taken too seriously, concerns a barmaid who becomes a variety singer after she realizes that her employer, whom she loves, does not want to marry her. Later, as an officer on leave from the front, he meets her as a stage star, and they are married. In love with the girl all the time is the potman of the inn, who becomes its proprietor and turns it into a roadhouse, with swimming pool, dance floor, etc., with the aid of associates who, unknown to him, are crooks.

The girl's voice gives out and she learns at the same time of her husband's death on his way back to England. She leaves her young daughter with her husband's family and goes abroad. Years pass and her old lover finally goes in search of her, finds that she is penniless and working as a hotel maid, and brings her back to sing again at his roadhouse.

His associates, who have been using the roadhouse as a cover for criminal activities, fall out and one is shot. The singer's daughter is accused, but cleared by the ingenuity of the ex-potman.

The rendition of favorite song numbers and the realism with which the atmosphere of the pre-war music hall is reproduced are chief assets. Production values are good, with a final swimming pool sequence which shows that London has learned a lot from Hollywood. Running time, 75 minutes. "G." British Censor's Certificate: "A." ALLAN

## *" 'Neath Arizona Skies"*

*(Monogram)*

This, the latest of the Lone Star series, starring John Wayne, should satisfy audiences that go for western thrillers. It is up to the usual standard set by previous releases in this series and has the customary fights, shooting and hard riding over the landscape. Wayne plays his usual role, that of the lone cowboy fighting the cause of a friend and for universal justice at the same time.

The plot centers around young Shirley Ricketts, who has inherited oil lands from her Indian mother. Her white father must be found before she can claim her money and this is the job Wayne takes on himself. A gang of renegades led by Yakima Canutt try to abduct the child and take the money for themselves. Foiled time and again by Wayne, they finally corral the hero and his ward at the ranch of a dead pal. Here they discover the child's father, only to have him killed in a gun fight. This paves the way for Wayne to take complete charge of the little girl. When the sheriff has finally arrived near the end of the last reel, as is the usual case, and has arrested the outlaws, everything ends satisfactorily.

Sheila Terry supplies the romantic interest in attractive manner. Harry Fraser's direction is all right, but he allowed the action to drag in several spots. The photography by Archie Stout is particularly good on the outdoor shots. Reviewed without production code seal. Running time, 51 minutes. "G."

## *"The Trail Beyond"*

*(Monogram)*

All the stock tricks used to provide thrills in action films have been resorted to in putting together this picture, one of the Lone Star series topspotting John Wayne. "The Trail Beyond" goes a bit far in its efforts to create excitement and emerges as an attraction acceptable for the youthful. The best thing about the production is the beauty of its exteriors.

The action transpires in the north country. It is again the story of villainy over a gold mine. In this instance Wayne holds the map to it and Robert Fraser is the fellow trying to get hold of it. Once the battle starts there is never a moment of inaction. In his fight for the right Wayne finds time to squeeze in a bit of romancing with Verna Hillie, whom he wins despite the competition offered by his buddy (Noah Beery, Jr.).

The senior Beery is also in the cast, in a non-villainous role, however. Other players include Iris Lancaster, Earl Dwire and Ed Parker. R. N. Bradbury directed this James Oliver Curwood tale. Archie Stout's photography is creditable. No code seal. Running time, 55 minutes. "G."

*(Additional review on page 12)*

# "Imitation" Detroit Wow; Gets $22,500

Detroit, Dec. 16.—"Imitation of Life" was a knockout at the Fox last week. It ran up to $22,500, topping average by $7,500. Six acts of vaudeville made up the stage show.

The only other draw that amounted to anything was a dual bill made up of "Great Expectations" and "Dangerous Corner" at the Adams, which went over normal by $1,500 for a gross of $6,500.

Total first run business was $66,000. Average is $70,000.

Estimated takings for the week ending Dec. 14:

**"GREAT EXPECTATIONS" (Univ.)**
**"DANGEROUS CORNERS" (Radio)**
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $6,500. (Average, $5,000)

**"IMITATION OF LIFE" (Univ.)**
FOX—(5,100), 15c-65c, 7 days. Stage: Six acts vaudeville. **Gross:** $22,500. (Average, $15,000)

**"CLEOPATRA" (Para.)**
**"WAGON WHEELS" (Para.)**
FISHER—(2,975), 10c-40c, 7 days, (2nd run). **Gross:** $8,300. (Average, $10,000)

**"ST. LOUIS KID" (Warners)**
MICHIGAN—(4,100), 15c-65c, 7 days. Stage: Buddy Rogers, Lanot & White, Florence & Alverez. **Gross:** $18,400. (Average, $20,000)

**"CASE OF THE HOWLING DOG" (Warners)**
**"I SELL ANYTHING" (F. N.)**
STATE—(3,000), 10c-65c, 7 days. **Gross:** $3,200. (Average, $5,000)

**"BEHOLD MY WIFE" (Para.)**
UNITED ARTISTS—(2,070), 25c-50c, 7 days. **Gross:** $7,100. (Average, $10,000)

# "Divorcee" $7,000 Up; Denver's Lead

Denver, Dec. 16.—"The Gay Divorcee" came near to bowling over a few records at the Denham last week. The take went up to $11,000, over average by $7,000.

"The St. Louis Kid" was also in the money, going over the line by $1,000 for a total of $7,000.

Total first run business was $28,000. Average is $20,500.

Estimated takings for the week ending Dec. 13:

**"WE'RE RICH AGAIN" (Radio)**
ALADDIN—(1,500), 25c-35c50c, 7 days. **Gross:** $2,500. (Average, $2,500)

**"THE GAY DIVORCEE" (Radio)**
DENHAM—(1,500), 25c-35c-50c, 7 days. **Gross:** $11,000. (verage, $4,000.)

**"IMITATION OF LIFE" (Univ.)**
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $5,500. (Average, $6,000)

**"THE ST. LOUIS KID" (Warners)**
ORPHEUM—(2,600), 25c-35c-50c, 7 days. **Gross:** $7,000. (Average, $6,000)

**"FLIRTATION WALK" (F. N.)**
PARAMOUNT—(2,000), 25c-40c, 7 days. Moved after a $11,000 week at the Denver. **Gross:** $2,000.

## *Shift Seattle Openings*

Seattle, Dec. 16.—In the tightly-drawn battle for first run supremacy downtown, John Hamrick's four houses and Evergreen State's two are now indulging in an orgy of switching of opening days.

During the past three weeks, Evergreen's Fifth Avenue has changed from Friday to Thursday. This was followed by a similar change by Hamrick's Music Hall. Following this, Mamrick's Blue Mouse and Music Box have adopted Wednesday as a change day, with more or less regularity. And now comes Evergreen's Paramount with Tuesday as the regular weekly change day.

FRED J. DOLLE

Operates
20 theatres,
spends upward
of $500,000
annually for film.
He reads

**MOTION PICTURE**
**DAILY**

The Industry Buying Power Reads
MOTION PICTURE DAILY

# Selective Buy Ruling Stirs Interest Here

(Continued from page 1)

allowing for 10 per cent cancellations, means that the theatre is underbought, Kutinsky claims.

The local board granted a decision on the total amount of pictures tied up, stating that Schwartz must release 73 pictures.

Campi holds that a distributor can sell any way he wants to, according to the code, unless it is unfair. Schwartz has appealed and when the hearing comes up this week, it will be interesting to exhibitors as well as distributors.

The code says that on selective contracts, the exhibitor must release pictures within 21 days of availability so that the competitive situation can book without delay.

## *Chicago Conspiracy Charge Up Tomorrow*

(Continued from page 1)

heard before the Chicago grievance board, the exhibitor held that the distributors' restricting of product to single attractions had seriously affected his business in the past two years and that insistence on this policy this season is an attempt to put him out of business.

The exhibitor claimed that no major exchange would sell him unless he subscribed to the single feature program. Representatives from all companies will attend the hearing as well as Bertram Mayer, New York attorney, for the complainant.

Edward Golden, sales manager of Monogram, will make an effort to sit on the committee as one of the judges. He was a member of the committee when the hearing was originally scheduled last Tuesday, but because of a mixup on notifying counsel of various companies, the matter was put over. Golden felt the move was an attempt to shunt him off the committee and noted this on the record.

I. Levinson of Warners objected to Golden's stand after having previously consented to have him sit without prejudice.

## *Radio's Free Shows Up at Meeting Soon*

(Continued from page 1)

radio Code Authority members on free radio shows.

About three months ago, Ed Kuykendall and several other film men met with the radio committee on the free admissions to radio shows. The radio committee was to have drawn a report for Campi, analyzing the free shows, but since the meeting there has been no word from the broadcasters.

With the practice spreading, some code members figure it is high time for another meeting between the two groups.

## *Dent Not Coming Here*

London, Dec. 16.—Arthur Dent of B. I. P. plans no trip to America at this time, despite reports to the contrary.

## *Cochrane, Grainger Hold Chicago Meet*

Chicago, Dec. 16.—R. H. Cochrane, eastbound from the coast, met James R. Grainger, westbound from the east, for several hours here today and discussed the arrangement made in Hollywood late last week whereby the company's laboratory work reverts to Consolidated for the next two years.

Later in the day, Cochrane, together with Willard McKay, Universal's attorney, resumed his trip to New York. Grainger, who arrived Saturday, leaves for Kansas City Monday night.

Also eastbound are Herbert J. Yates and Ralph Poucher of Consolidated.

## *Golden Favors Bank Nights as Stimulus*

Because he feels the practice in most instances helps exhibitors make money, Edward Golden, alternate for W. Ray Johnston on Campi, is in favor of bank nights.

In several cases where he has sat on appeal committees, Golden has voted in favor of the bank night idea with the proviso that if it helps exhibitors it should not be abolished.

## *Rosenblatt Cancels Trip*

Although he was expected to come in over the week-end, Compliance Director Sol A. Rosenblatt remained in Washington preparing for the public hearings on code amendments next Wednesday and Thursday.

As soon as the NRA fact-finding committee on the local operators' basic wage scale completes its second report, Rosenblatt will again confer with the men at Campi. The meeting was planned for the latter part of the week, but will probably be postponed until early next week.

## *Petrie Shines*

**By BRUCE ALLAN**

**London, Dec. 16.—A sensational performance by Hay Petrie as Quilp makes British International's "The Old Curiosity Shop" interesting for America. His makeup and characterization equal the best of the Lon Chaney roles and Hollywood probably will scramble for him as a result.**

**The picture is a faithful interpretation of Charles Dickens and is good entertainment despite uneven casting and some staginess in the treatment.**

## *Coast Production Gains; 41 in Work*

(Continued from page 1)

there are 15 features and nine shorts in the final stages of preparation. In the cutting rooms there are 41 features and 20 shorts in the process of editing.

M-G-M, Fox and Warners are the most active, M-G-M has seven features before the cameras, one preparing and nine editing: Fox has seven, two and four; Warners, seven, one and six; Paramount, six, two and two; Universal, three, one and four; Columbia, three, zero and eight; Century, two, zero and one; Radio, one, five and three; Goldwyn, one, zero and zero, while the independents show four, three and four.

In the short subject division all major producing organizations report none before the cameras. The independents' have four in work, three preparing and four editing. M-G-M has zero, two and four; Roach, zero, three and three; Columbia, zero, zero and four, and Radio, zero, one and five.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Biography of a Bachelor Girl"*

*(M-G-M)*

Hollywood, Dec. 16.—For his sensational magazine, a young radical, Robert Montgomery, importunes a girl of many loves, Ann Harding, to write her amorous biography.

Her first small town sweetheart, Edward Everett Horton, learning of the publication and intrigued by the worldliness of his old flame, contrives to meet her on the eve of his running for the Senate.

The action involves Horton, whose prospective father-in-law demands the abandonment of Miss Harding's biography for political reasons, while Horton becomes attracted again and Montgomery is hurtled into love with Miss Harding. The essential clash is between Miss Harding's so-called tolerance versus Montgomery's outspoken views against social parasites whose smug callousness has embittered him. A series of sophisticated situations smartly played for laughter holds the interest, although some stretches lack briskness.

The adaptation from Sam Behrman's stage play and Anita Loos' screen play with additional dialogue by Horace Jackson translated this adult stage entertainment with a minimum of spice yet retaining enough flavor of the original. Edward Griffith's direction is adequate and is geared in one key, although smouldering emotions are implied.

Besides Miss Harding, Montgomery and Horton, Una Merkel, Edward Arnold and Charles Richman perform well.

With marquee names for lure, comedy lines seem safest for exploitation. Previewed without production code seal. Running time, 85 minutes. "A."

# FWC Hearing Comes Up in Court Today

(Continued from page 1)

which alleges conspiracy and breach of contract by F.W.C. in a claim for $1,500,000 triple damages. The theatre involved here is the Orpheum, San Francisco. Harry L. Hartman, San Diego exhibitor, also has a claim for damages pending.

Charles Skouras and Edward Zabel left for the coast by plane yesterday, they will arrive in Los Angeles this morning in time for the hearing.

## *K. C. Uncertain on New Midwest Setup*

Kansas City, Dec. 16.—Since reorganization details are being worked out in New York, no verification can be obtained here of the report that Fox Midcontinent Corp. will supersede Fox Midwest Theatres Corp.

Fox Midcontinent was organized some time ago to purchase certain Fox Midland assets involved in the Woolf-Shanberg litigation on which a compromise was reached.

It is believed here that National Theatres Corp. purchased the Midcontinent stock, but in the present reorganization status it is said to be uncertain whether Midcontinent or Midwest will be the parent company.

While Elmer C. Rhoden is non-committal on the reports that he will be president of the new company, it was stated that Spyros Skouras is most likely to head the new company with Rhoden as vice-president.

## *Lightman Dominant In Memphis Section*

Memphis, Dec. 16.—M. A. Lightman moved into a dominant position in the urban as well as territory field here with acquisition of the Orpheum, Memphis' largest Main St. theatre, built in 1928 by local bondholders for RKO operation.

Details of the deal between Lightman and the Goldberg-Courshon-Solomon interests of Chicago are still being worked out, with Lightman in New York, but it is understood that eventually Lightman will take complete control. For the present, he and the Chicago company are acting as partners.

Acquisition of the Orpheum puts Lightman interests ahead even of Loew in this territory. Lightman now has three downtown theatres, all on Main St., the recently remodeled Strand which shows Universal first runs and second runs from other companies; the grind Princess featuring westerns and adventure subsequent runs, and the Orpheum. In addition, he has six suburban spots, the Linden Circle, Lamar, Capitol, Rialto, Memphian and Joy, and nearly 30 out in the territory.

## *Chicago Operators' Contracts End Soon*

Chicago, Dec. 16.—Current contracts for both circuit and Allied exhibitors with the operators' union expire Jan. 11. The present set up appears satisfactory to both sides and indications are that there will be no issues of moment brought up when conferences begin shortly on a new deal for 1935.

The Leading
Daily
Newspaper
of the
Motion
Picture
Industry

# MOTION PICTURE DAILY

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Branches

OL. 36. NO. 143 NEW YORK, TUESDAY, DECEMBER 18, 1934 TEN CENTS

# Equity Gives Its Approval To Guild Move

### Few Dissenting Votes at Quarterly Meeting

The proposed contract between Actors Equity Ass'n. and the Screen Actors Guild, awarding the latter juisdiction over motion picture actrs, was approved by the regular uarterly meeting of Equity at the Hotel Astor yesterday.

The meeting was attended by 486 Equity members and the oral vote on he Guild contract passed with only wo or three dissenting votes.

The subject of Sundav shows in New York legitimate theatres was not mentioned at the meeting. It was tated earlier by Frank Gillmore,

(Continued on page 2)

## Say Operators Paid To Pass Examination

Charges have been placed before Accounts Commissioner Paul Blanhard that the last city administration resorted to graft in the issuance of operator licenses, it was learned yesterday. The accusations followed a wo-month investigation of the licensing bureau of the Department of Water Supply, Gas and Electricity, which licenses electricians and projectionists.

Many applicants for licenses are said o have paid $500 to $1,000 for passing he required examinations.

## Boettiger, Tribune Man, on Hays Staff

John Boettiger, formerly with the Washington bureau of the *Chicago Tribune*, yesterday took over his dues as an assistant to Will H. Hays

(Continued on page 5)

### Ampa Goes Deluxe

**Ampa has inaugurated a new service.**

**Stars arriving at the Newark airport from the coast are met and brought to their hotels gratis.**

**Yesterday Karen Morley was met by an Ampa car and chauffeur, saving both the star and M-G-M the expense of bringing the actress to the city.**

*The show must go on time—Ship via ational Film Carriers, Inc.—Adv.*

# *Schenck Long on Optimism; Grainger Sees Cheer Ahead*

By JAMES R. GRAINGER
*General Manager, Distribution, Universal*

KANSAS CITY, Dec. 17.—In view of the fact that all companies have released a very fine quality of pictures the last few months, which is reflected in increased box office receipts, every indication points to a healthy increase in business for distributors and theatres in 1935.

I feel the producing companies, because of the close contact they maintain with their sales organizations, are able to give careful thought to the type of pictures

(Continued on page 5)

By NICHOLAS M. SCHENCK
*President, Loew's, M-G-M*

CHICAGO, Dec. 17.—The outlook for 1935 is "very cheerful," Nicholas M. Schenck told MOTION PICTURE DAILY today as he passed through en route from Hollywood to New York.

"Business is now on the upgrade all over the world with the exception of France and Germany," he declared.

The Loew circuit business currently is about 15 per cent over last year. Schenck is returning east after spending a short visit to the M-G-M studios where he

(Continued on page 5)

# U.A.'s Lineup Is Cut to 18, Says Schenck

CHICAGO, Dec. 17.—United Artists will release 18 this season, or four less than the number announced, declared Joseph M. Schenck today. He is heading toward New York from Hollywood.

Nine will come from 20th Century, he added, and a total of nine from Samuel Goldwyn, Reliance and London Films. The latter is expected to supply two. Others, however, may be added later in the year.

Schenck said the Chaplin picture is

(Continued on page 5)

## RKO Radio Board Is Summoned for Today

Merlin H. Aylesworth, president of RKO-Radio, has called a meeting of the board of directors for today to discuss "general reports." On Sunday he met Pandro Berman and yesterday afternoon conferred with J. R. McDonough.

Aylesworth, who planned to leave for Hollywood last month, may leave around the middle of January. McDonough and Berman return west next week.

# M-G-M Studio Setup Stays Sans Change

HOLLYWOOD, Dec. 17.—After 10 days of conferences with production executives, Nicholas M. Schenck is now speeding toward New York apparently leaving operation of the M-G-M plant to continue as it did prior to his arrival here, insofar as associate producers on the lot are concerned.

David O. Selznick, who for some time has been reported ready to leave when his contract runs out in February to join John Hay Whitney and

(Continued on page 6)

## Brandt, O'Reilly to Tour for New Setup

Harry Brandt, president of the I. T. O. A., and Charles L. O'Reilly, head of the T. O. C. C., expect to make a tour shortly to line up independent exhibitor units on the plan to form a new national organization along Congressional lines.

The plan has been discussed by the three local units, including Allied of New Jersey, and each have gone on record favoring it. The I. T. O. A.'s

(Continued on page 6)

# NRA Hearings Will Air Code Change Needs

### Study of Amendments to Begin on Jan. 9

By CLARENCE LINZ

WASHINGTON, Dec. 17.—Operation of major code provisions and the advisability of their amendment or continuation will be considered at a series of hearings to be held by the National Industrial Recovery Board beginning Jan. 9, it was said today.

The first of the hearings, each of which, it is hoped, will not last more than a week, will be devoted to price control, but thereafter the board will take up a number of subjects, including the employment situation under the codes, the small business and

(Continued on page 5)

## Skouras-RKO Deals To Be Signed Soon

George Skouras' deal with RKO to take over the Embassy, Port Chester, and Strand, Rockville Center, L. I., is expected to be signed next week and calls for a five-year arrangement. The papers are now being drawn.

The two theatres, like the William White group on upper Broadway, will bring the number of theatres operated by Skouras aside from the Fox Metropolitan group up to 10.

RKO acquired the upstate and Long Island houses recently when it was

(Continued on page 6)

## "U" Is Seen Seeking Services of Breen

HOLLYWOOD, Dec. 17.—Universal is understood to be seeking the services of Joseph I. Breen as story chief, Carl Laemmle, Sr., weighing the possibility of having him serve at the same time as a sort of overlord of the company's coast activities who would help to harmonize the various studio interests. No decision is understood to have been arrived at.

### Retain Oil Name

**Under the terms of the agreement reached between the Hays office and the Standard Oil Co. of New Jersey the title of the show, "The Esso Marketers," will be retained until the complete schedule has been carried out, it has been learned.**

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*Advertising Manager*

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## *Warner, Einfeld to Line Up New Films*

HOLLYWOOD, Dec. 17.—H. M. Warner and S. Charles Einfeld's trip here at this time is for the purpose of lining up next season's production schedule, they say.

Einfeld is working on a campaign for "Sweet Music," now being completed.

The first Cosmopolitan production will go into work about Jan. 1, but the details have not been set.

## *Preferred in Phila.*

PHILADELPHIA, Dec. 17.—Preferred Pictures, Inc., a Pennsylvania corporation, has opened offices here. Officers of the corporation are: President, Herbert L. Taylor; Charles Donahue will manage the Philadelphia office, and Taylor will have charge of the Washington office.

## *James W. Hanlon Ill*

ATLANTA, Dec. 17.—James W. Hanlon, Atlantic branch manager for M-G-M, is seriously ill of double pneumonia, following flu. He has been at home for three weeks.

## *Jules H. Michael Sick*

BUFFALO, Dec. 17.—Illness of Jules H. Michael, chairman, has delayed the scheduled meeting of the Buffalo zone M. P. T. O.

## *G. B. Selling Staff To Meet in Chicago*

Mid-western and western sales representatives of Gaumont British will meet in Chicago in about 10 days to screen and discuss sales plans for "Unfinished Symphony," "My Heart Is Calling," and "The Iron Duke." The meeting will follow along the lines of a similar conference held in New York over the week-end at which Arthur Lee and George Weeks spoke to the selling crew.

The G. B. executives plan to be present at the forthcoming session as well.

Those who attended the New York meeting were: Arthur A. Lee, vice-president; George W. Weeks, general sales manager; Clinton W. White, assistant sales manager; M. A. Mekelburg, Albany, John Scully, Ben Rogers, and Milton J. Hill, Boston; Howard F. Bring and Basil Brady, Buffalo; Harry Skirboll and Manning J. Glick, Cleveland; Irving Gomberg, Harold J. Carlock, Charles Penser, Walter Pratt and Sol Kravitz, New York; Harry Noble, New Haven; Herbert Given, Joseph Singer, Eli Ginsberg and Joseph Toner, Philadelphia; Mark Goldman, Lou J. Engel and George Wheeler, Pittsburgh; Joseph Kaliski and George Dillon, Washington.

## *W. A. Ryan Quits G. B.*

BUFFALO, Dec. 17.—W. A. ("Tony") Ryan has resigned his selling post here with Gaumont British.

Howard F. Brink is Ryan's successor.

## *Molly O'Day Married*

HOLLYWOOD, Dec. 17. — Molly O'Day, sister of Sally O'Neill, revealed here today that she and Jack Durante, of the stage, were married four months ago at Tia Juana.

## *State Will Pay $2*

BOSTON, Dec. 17.—The State Theatre Co. has declared a quarterly dividend of $2 payable Jan. 2 to stockholders of record Dec. 21.

## *Son Born to Clara Bow*

SANTA MONICA, Dec. 17.—A boy was born here yesterday to Clara Bow, wife of Rex Bell.

## *Loew Sails for Home*

HAVRE, Dec. 17.—Arthur Loew sails on the *Ile de France* tomorrow for New York.

## *Report Chesterfield Merger; Is Denied*

LONDON, Dec. 14. — Chesterfield Pictures is reported to be involved in a proposed formation of a new producing, distributing and exhibiting organization for Great Britain which would also include Julius Hagan and Twickenham Prod., the Sound City Producing unit of Shepperton, and Oscar Deutch, theatre builder and operator.

Capitalization of the combined companies would approximate $18,000,000, it is estimated. Deutch has opened approximately 50 houses in England during the past year and, while none of them are of large seating capacity, it is believed the circuit would be used to form the nucleus of a larger one if the project under discussion should be realized.

George Batcheller, Jr., Chesterfield sales manager, said yesterday that the London report was unfounded insofar as his company was concerned.

"Chesterfield is not involved in any merger move in England or elsewhere," he said. "I have no idea where or how the story originated."

## *Feldstein to St. Louis*

ST. LOUIS, Dec. 17.—William Feldstein, has succeeded Harry Scott as sales manager of the local United Artists exchange.

DETROIT, Dec. 17.—Sydney Bowman replaces Clive Waxman as office manager of the United Artists office here.

## *Piazza With Paramount*

HOLLYWOOD, Dec. 17.—Ben Piazza, former caster at M-G-M, has joined Paramount as an assistant to Emanuel Cohen. He succeeds Mel Shauer, who will become an advisor for sales factors on pictures for the foreign market.

## *Raynor Joins Warners*

William H. Raynor, formerly with RKO and Publix, has joined Warners as manager of the Memorial, McKeesport, Pa.

## *Curtis Due Friday*

John Curtis, First Division vice-president, arrives from the coast Friday.

## *Warner Pfd. Off 1⅛ on Big Board*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 39 | 39 | 39 | + ¼ | 600 |
| Consolidated Film Industries | 4½ | 4⅛ | 4⅛ | — ⅛ | 300 |
| Consolidated Film Industries, pfd | 18¾ | 18 | 18¼ | — ⅛ | 2,000 |
| Eastman Kodak | 109¼ | 108¼ | 108½ | + ⅛ | 1,500 |
| Fox Film "A" | 13½ | 13¼ | 13¼ | — ¼ | 1,400 |
| Loew's, Inc. | 36 | 35¾ | 35⅞ | + ⅜ | 5,300 |
| M-G-M, pfd. | 27¾ | 27¾ | 27¾ | + ⅛ | 100 |
| Paramount Publix, cts | 3⅝ | 3⅜ | 3½ | — ¼ | 4,700 |
| Pathe Exchange | 1⅛ | 1 | 1 | — ⅛ | 2,700 |
| Pathe Exchange "A" | 14½ | 14 | 14⅜ | + ⅞ | 1,500 |
| RKO | 2⅜ | 2¼ | 2¼ | + ⅛ | 6,000 |
| Warner Bros. | 4¾ | 4½ | 4½ | — ⅛ | 3,900 |
| Warner Bros., pfd. | 23½ | 21½ | 21⅝ | —1⅛ | 8,000 |

## *Technicolor Only Stock on Curb*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13 | 13 | 13 | ..... | 100 |

## *Trading on Bond Market Spotty*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 8½ | 8½ | 8½ | ..... | 8 |
| General Theatre Equipment 6s '40, ctf | 8½ | 8¼ | 8¼ | ..... | 3 |
| Keith B. F. 6s '46 | 67 | 67 | 67 | ..... | 6 |
| Loew's 6s '41, ww deb rights | 104¾ | 104¼ | 104¼ | — ¾ | 8 |
| Paramount Broadway 5½s '51 | 43½ | 43½ | 43½ | + ½ | 1 |
| Paramount F. L. 6s '47 | 64¾ | 64½ | 64¾ | — ¼ | 5 |
| Paramount Publix 5½s '50 | 65 | 64½ | 64½ | ..... | 25 |
| Pathe 7s '37, ww | 99 | 98⅜ | 98⅜ | — ⅝ | 7 |
| Warner Bros. 6s '39, wd | 60¼ | 59½ | 59⅞ | + ⅛ | 54 |

# Equity Gives Its Approval To Guild Move

(*Continued from page 1*)

Equity president, that this issue may be settled within the next few months, however. A bill legalizing the Sunday legitimate performances will be introduced in the State legislature by Senator Julius Berg next month and is expected to pass. Equity will oppose the bill, it was said, but in the event of its passage and in view of the failure of the quarterly meeting to instruct Gillmore yesterday, the Equity president will have three courses open to him. Equity may acquiesce to the new law; reject it for its members by continuing to prohibit them from engaging in Sunday performances, or accept it with specified reservations.

Subjects recommended to the Equity council for future consideration and action included payment for rehearsals; social, unemployment, accident, health and life insurance for members and the raising of the minimum pay for junior members now fixed by the legitimate code at $25 per week.

## *New Wisconsin Unit Plans Quick Start*

MILWAUKEE, Dec. 17.—The new Independent Theatres Protective Ass'n., of Wisconsin and Upper Michigan, plans for the formation of which are expected to be adopted Wednesday at a meeting at the Hotel Plankinton, hopes to file articles of incorporation and begin functioning shortly after this meeting.

One of the first aims of the new group, according to present plans, will be to hold a two or three-day convention in January at which directors and officers will be elected.

The committee in charge of entertainment for the Dec. 19 meeting, which has been called by the original organization committee of four M.P.T.O. of Wisconsin, four Allied and two unaffiliated members, consists of Al Kvool, George Fischer, Ray Tesch, A. C. Gutenberg and James J. Boden.

## *Columbus Variety Club Adopts a Baby*

COLUMBUS, Dec. 17.—Emulating the action of the Pittsburgh tent, the Columbus Variety Club has assumed legal guardianship of a three-months-old baby girl, abandoned on an ash heap in an alley areaway 30 days ago.

The foundling, known as "Baby Ruth," was formally given into custody of the club by Judge E. V. Mahaffey of the Juvenile Court and will be cared for in the Children's Hospital until the club later places it in a suitable private home.

## *Back from Hollywood*

R. H. Cochrane, vice-president of Universal, and Ralph Poucher, vice-president of Consolidated, arrived from Hollywood yesterday.

Herbert J. Yates, president of Consolidated, and Willard McKay, general counsel of Universal, flew in from Kansas City and arrived Sunday.

*A prediction*

# 'DAVID COPPERFIELD'

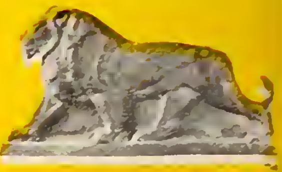
*will be the best-loved picture of 1935*

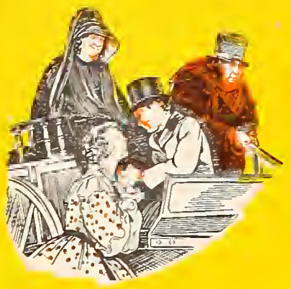
**—AND THE BEST ADVERTISED!**
Watch for details of the greatest national magazine campaign in film history!

(OVER)

# MEET "David Copperfield"

## An introductory to the proudest offering in the history of Metro-Goldwyn-Mayer





"Farewell!" Heart-stabbing scenes between David and his mother

IF Charles Dickens could look down at his favorite child's rebirth and know of the reverence and love with which it is being attended, we believe that David Copperfield's creator himself could hardly withhold his blessing.

"David Copperfield"—a name which spells magic to millions...a story that has cast a haze of enchantment over all who read it... now becomes a motion picture that will live long in your heart. Produced by Metro-Goldwyn-Mayer, it is but natural that one of its most interesting features is the authenticity of its background.

When David O. Selznick and his associates decided to make a picture of "David Copperfield" their first step was to go to England where, with Mr. Walter Dexter, internationally known Dickens' authority, they visited the scenes made famous by the original story. They photographed the house where David lived, the Hungerford Stairs leading down to the Thames near where the Micawbers lodged — Highgate, where Dora and David had their cottage — and Windsor Terrace where David lived with the Micawbers after his mother's death.

Then they went down to Putney where David and Dora were married—and out to Gravesend where David saw old Mr. Peggotty off to Australia. Then to Yarmouth, the scene of little Em'ly's tragedy. They photographed Blunderstone Rookery — the little country lane — Mrs. Copperfield's room and David's little room next to it. Then to Dover where Aunt Betsey Trotwood lived and where poor Mr. Dick flew his kite.

W. C. FIELDS

LIONEL BARRYMORE

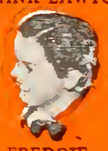
MADGE EVANS

MAUREEN O'SULLIVAN

EDNA MAY OLIVER

LEWIS STONE

FRANK LAWTON



FREDDIE BARTHOLOMEW

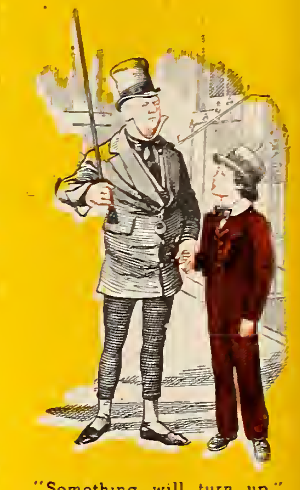
ELIZABETH ALLAN

ROLAND YOUNG

Throughout the past century one great romance has lived to fascinate each new generation . . . "David Copperfield". An immortal among books, it comes to the screen vivid with life and romance. What love is . . . what lovers feel . . . that is the story of "David Copperfield."

Here indeed is a motion picture which justifies the prediction that it will rank among the Great and certainly will be the best loved picture of 1935—a moving and faithful adaptation of one of the great stories of all time.

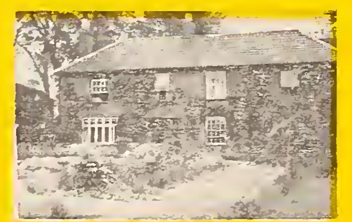
Produced after two years of the most painstaking research work from an adaptation supervised by Hugh Walpole, the noted English novelist. Directed by George Cukor, who transferred "Little Women" from the pages of Louisa M. Alcott's novel, this sincere and moving dramatization is given life and beautiful realism by a notable cast of 65 including:



"Something will turn up." Touching is the friendship of Micawber (W. C. Fields) and David.

**W. C. FIELDS**
**MADGE EVANS**
**EDNA MAY OLIVER**
**FRANK LAWTON**
**ELIZABETH ALLAN**

**LIONEL BARRYMORE**
**MAUREEN O'SULLIVAN**
**LEWIS STONE**
**FREDDIE BARTHOLOMEW**
**ROLAND YOUNG**



*Blunderstone Rookery* where David was born. Just one of many beloved landmarks that come to life on the screen

DICKENS HOUSE

M-G-M Production Staff in England inspects *Aunt Betsey Trotwood's* cottage, faithfully reproduced in every detail on the screen.

# NRA Hearings to Air Code Change Needs

(*Continued from page 1*)

minority situation and code and general NRA administration.

Determination of the board to undertake its own investigation was reached after a lengthy meeting which resulted in the adoption of resolutions pointing out that the recovery administration "has accumulated considerable experience with respect to the functioning of our industrial system under codes and the appropriate relationship of government thereto" and holding that "any policy should not be finally modified or confirmed until a full opportunity has been afforded all interested parties to supplement existing information."

Announcement of the hearings, coming as it did on the heels of disclosures that the new industrial recovery legislation might make possible the dropping of some of the codes, is seen as an effort on part of the board to ease the codes so as to forestall any determined attempt to bring about a return of the old unrestrained competitive situation.

From the standpoint of the film industry, the hearings on the minority situation is apt to bring fireworks, since it will permit interests which assailed the code at the Darrow hearings again to air their grievances.

## *Brandt Hits Setups On Code Complaints*

Objecting to the local code board setup and protection granted Warners and Loew's over independents, Harry Brandt, president of the I. T. O. A., yesterday declared that the code had done nothing after a year and one week except set up machinery to regulate the filing and hearing of complaints.

Brandt recently took over the Broad, Newark, and when he learned Warners' Regent had 38 days' protection over the house, he filed a complaint with the local board. Warners tried to postpone the hearing scheduled for yesterday, but Brandt refused because of the situation on bookings. When the case was called yesterday, a distributor's representative on the New Jersey advisory board could not be located and as a result the hearing was adjourned. Brandt stated that the postponement means it will take from three to four months before the case is finally adjudicated, since it must go to the main board after the local committee gets through with it and from there to a Campi appeal committee and finally to Code Authority.

Brandt said he was cooperating with the NRA, having opened 17 theatres in the last three years. The Broad has an overhead of more than $700 a week and he said he will keep it open regardless of Warners or any other circuit.

Loew's protection in New York has been opposed by independents for some time. Unaffiliates claim that the "spread eagle" system of Loew's milks pictures dry by the time they are ready for the small house.

Both the Loew and Warner situations will be discussed at the regular I. T. O. A. session tomorrow at the Astor. Measures against the protection by circuits will be recommended, Brandt stated.

# *Schenck Long on Optimism; Grainger Sees Cheer Ahead*

By JAMES R. GRAINGER

(*Continued from page 1*)

that will please the theatre-going public.

The proof of the pudding is in the eating. The results obtained so far this season on the fine quality of pictures released indicate we are all on the right path toward improvement.

By NICHOLAS M. SCHENCK

(*Continued from page 1*)

discussed production. His visit west was in the nature of an annual trek to confer with production executives.

## *Two More Drawings Are Ended by Campi*

Lucky Bucks and Bank Night have been ordered discontinued by Campi at the Granada, Bakersfield, Cal., and the Rivoli, Monmouth, Ill., respectively. Dick Lemucchi of the Rialto, Bakersfield, Cal., filed the first complaint and W. R. McLaren of the Ada registered the second. In both instances it was found that the tendency was to reduce admissions.

Frank Panoplos of the State, Clairton, Pa., complained of the 28-day clearance maintained by Warners' Harris-Memorial and Victory at McKeesport. Code Authority has ruled that the clearance is not excessive, but that if the Harris-Memorial waives clearance over the Victory, then the State may receive a like advantage.

Although the Atlanta grievance board dismissed the overbuying complaint of Gonzalo Benzanilla and Arthur Gomez of the Palace, Key West, Fla., against Juan Carbonell, Monroe, same city, Campi awarded the complainants 90 pictures on the ground that the six-change-a-week policy of the Monroe was unfair.

Decision of dismissal by the Portland grievance board in the complaint of Bob White, Portland, Ore., against the Liberty and Hollywood, same city, was upheld by Campi. White objected to the defendants getting prior runs with admissions lower.

## *First Appeal Heard On RKO Cancellation*

First instance of an alleged refusal by Radio to grant cancellation of three pictures in connection with the 10 per cent provision of the code came up before an appeal committee yesterday composed of Harold S. Bareford, Charles Rosenzweig and William Yoost.

J. Steel of the Apollo, Oberlin, O., is the complainant. He contends that the distributor offered him an option of 51 to 52 films and he accepted the 51 on 1933-34 schedule. Radio argues that no such option was offered and since the exhibitor did not buy all the films he was not entitled to cancellation benefits.

## *Lightman Adds Another*

MEMPHIS, Dec. 17.—M. A. Lightman has leased the Central, Hot Springs, Ark., for 15 years, starting Jan. 1. The house, now operated by Sidney Nutt, makes Lightman's 41st.

### *Just Ducky*

**Goo Goo, who appeared with Joe Penner, returned from the coast yesterday, well crated and well fed.**

## *Golden to Preside At Hearing Today*

Edward Golden, general sales manager for Monogram, will be chairman of an appeals committee which today hears the conspiracy complaint of the Rosewood, Chicago, against Essaness circuit and distributors.

Golden was chairman of a committee which was scheduled to hear the complaint last week, but a mixup in notifying attorneys of the various companies resulted in several being absent and a postponement of the hearing. Golden noted on the record at the close of the session that he should be delegated to sit when the case should come up and Campi upheld the Monogram sales official.

John C. Flinn, who met with the Buffalo code board and exhibitors yesterday in an effort to get a workable clearance schedule drawn, returned late last night to be on hand this afternoon for the session. He attended the last hearing when the adjournment was effected.

# U. A. Lineup Cut to 18, Says Schenck

(*Continued from page 1*)

expected to be completed by April, but release will be set back until Sept., 1935. All of Darryl Zanuck's releases were promised on a big scale by Schenck, who cited "Richelieu" and "Clive of India" on the list of those to come.

The U. A. president plans to remain in New York two months on production and sales.

## *Boettiger, Tribune Man, on Hays Staff*

(*Continued from page 1*)

in a public relation capacity at M. P. P. D. A. headquarters here.

Boettiger was mentioned in a United Press despatch from Washington yesterday as the subject of rumors about the Capitol that he would marry Anna Dall, daughter of President and Mrs. Roosevelt. The despatch added that Boettiger declined to comment on the rumors before leaving for New York Sunday.

Boettiger has covered political assignments for the *Chicago Tribune* for the past 10 years, including President Roosevelt's 1932 campaign. He had the White House assignment for that paper at the time of his resignation.

## *Discuss Codes at Topeka*

KANSAS CITY, Dec. 17.—Grace Gannon, local code boards secretary, will attend a meeting of code representatives at Topeka tomorrow. An NRA representative from Washington will attend the meeting.

*Economical* HIGH INTENSITY ILLUMINATION FOR THE SMALLER THEATRES

**A.C.** National High Intensity A. C. Projector Carbons for the new A. C. High Intensity lamps. Designed for arc currents up to 80 amperes.

**D.C.** National SUPREX Carbons for the new D. C. High Intensity lamps. Designed for arc currents of 40-65 amperes.

ATTRACT NEW PATRONAGE WITH SNOW WHITE, HIGH INTENSITY SCREEN ILLUMINATION.

NRA CODE

NATIONAL CARBON COMPANY, INC.
Carbon Sales Division, Cleveland, Ohio
Unit of Union Carbide UCC and Carbon Corporation
Branch Sales Offices:
New York · Pittsburgh · Chicago · San Francisco

# M-G-M Studio Setup Stays Sans Change

(*Continued from page* 1)

Pioneer Pictures, is now believed ready to re-sign.

Irving Thalberg denies reports he planned to take a nine months' vacation in Europe.

### "Selznick Stays"—Schenck

CHICAGO, Dec. 17.—Nicholas M. Schenck today expressed his confidence that David O. Selznick will continue with M-G-M. Reports have had him joining John Hay Whitney. "Metro has not lost an executive since I have been president. That record speaks for itself. Selznick definitely will remain with us. We like him and he likes us. He can be with us as long as the association is mutually satisfactory," added Schenck.

The M-G-M president also took occasion to deny reports Irving Thalberg planned a trip to Europe in February, indicating the latter had four or five pictures in preparation which would prevent making any extended trips for some time.

### Blames Fuss on RKO

KANSAS CITY, Dec. 17.—The local first run fracas on price was started by RKO, Nicholas M. Schenck stated here Sunday night as he passed through, New York-bound.

He charged RKO with failing to maintain the price schedule agreed upon for a combination picture and vaudeville policy and stated Loew's Midland cut its scale in retaliation. While he gave it as his opinion that downtown price stabilization depended upon whether or not RKO will raise tariffs at its Mainstreet, Schenck, at the same time, expressed confidence that the situation will adjust itself shortly.

He said he viewed it as unfair for suburbans to protest the Midland's 15-25 cent balcony price because they held many advantages over downtown operations.

Schenck spent much of his time on the train playing backgammon.

### Stebbins in Party

Arthur W. Stebbins arrives in New York from Hollywood today. He is in the same party with Nicholas M. and Joseph M. Schenck.

# Cleveland Dividend Fails to End Slump

CLEVELAND, Dec. 17.—Although approximately $14,000,000 has been released locally within the past two weeks by a 10 per cent payment on deposits of the closed Union Trust Co., and rebates from the East Ohio Gas Co. in compliance with state regulations, theatres, especially those in the suburban area, report they are experiencing a heavy pre-holiday slump.

Downtown theatre business has held up to about normal.

It is figured that the recently released money is being poured into department and gift stores.

# Brandt, O'Reilly to Tour for New Setup

(*Continued from page* 1)

plan to join a national organization is out. The move on the new country-wide association gets under way after the first of the year.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"The Band Plays On"*

*(M-G-M)*

HOLLYWOOD, Dec. 17.—This embodies all the ingredients for sure-fire entertainment and has rich, faithful blending of action, drama, comedy, romance and heart interest expertly handled by all departments with much credit due to Producer Ned Marin's wise selection of the story and his follow through to appealing results.

The story concerns four young boys, at the mischievous age of 14, checked in a career of crime and placed in a reform school where athletics predominate under the direction of Preston Foster, who later becomes football coach at a large university. He molds the four ruffians, Robert Young, Stuart Erwin, Russell Hardie and William Tannen, to respectable manhood, where they become a quartet of sensational football players on his team and identified as the "Four Bombers," paralleling the "Four Horsemen of Notre Dame."

True friendship, loyalty of all five, plus Betty Furness, cleverly injected for romance by administering sisterly and paternal advice through a series of hardships, evoke sympathy, laughter and heart interest. Tempting offers for the boys to turn professional furnish unusual plot suspense to an effective climax. Most of the action takes place in the college dormitory and on the gridiron with a series of hair-raising football games executed under the able direction of Russell Mack. The comedy element, woven throughout, is well done by Leo Carrillo and Ted Healy, abetted by Erwin portraying the dumb guy always talking at the wrong time. Production Code Seal No. 457. Running time, 90 minutes. "G."

## *"The County Chairman"*

*(Fox)*

HOLLYWOOD, Dec. 17.—Will Rogers, as a cracker-barrel politician as native as homespun, will set audiences howling as his earthy humor unrolls from the screen in this Edward W. Butcher production for Fox.

Showmanship consists of varied entertainment, of romance more than is usual for a Rogers film and of plenty of comedy philosophy blended with yesterday's political tactics still used today, plus heart interest and action.

The film is set in Wyoming at the time when women first voted. Will, intent on beating his rival (Berton Churchill), who lied to Louise Dresser years before and married her, nominates and elects his youthful law partner (Kent Taylor) over Churchill. Evelyn Venable, Churchill's daughter, in love with Nominee Taylor, complicates things, which Rogers clears up.

The entire cast is splendid, with Miss Venable particularly appealing a la Gibson girl and Stepin Fetchit's articulation enhancing the comedy. It is a clean, wholesome, swiftly paced film. All hands merit kudos for producing a fine, tongue-clucking showman's show.

John Blystone's direction is flavorsome and topnotch. Hal Mohr's photography is inspired.

It looks like an assured cleanup in all spots. Production Code Seal No. 486. Running time, 85 minutes. "G."

# Penn-Federal Shows 1934 Net of $7,700

PITTSBURGH, Dec. 17.—For the fiscal year ending Aug. 31, the Penn-Federal Corp., which operates the Penn, showed earnings of $7,700 after all charges, including 87 cents a share on 8,900 shares of preferred stock. This contrasts with a net loss of $11,977 a year ago.

Gross income was $809,021, or a gain of roughly $100,000. The net before interest and depreciation, items which were practically the same both years, was $157,017, compared to $134,931 in 1933. The management also secured a $10,000 annual reduction in rental. Funded debt was reduced $24,000 to $837,000 and 200 shares of preferred stock were retired. The cash available from depreciation permitted the repayment of a $50,000 loan to Loew's and United Artists.

# Purely Personal

HERBERT J. YATES braved plane from Kansas City to New York, all for the sake of seeing tha new grandson and first child of hi daughter, MRS. TITUS.

JEFF MCCARTHY wrenched his back the other day and now is in the Medical Arts Sanitarium for a few days Reported not serious.

JOHN MCGEEHAN is in Reading and Harrisburg to prepare exploitation on "The Mighty Barnum."

KAREN MORLEY and her husband CHARLES VIDOR, have arrived at the Warwick to spend the holidays.

BOB GILLHAM is flying east from Hollywood and is due in today.

TED SCHLANGER was in Philadelphia yesterday.

GRAD SEARS is in Chicago. Back Wednesday.

# Skouras-RKO Deals To Be Signed Soon

(*Continued from page* 1)

actively engaged in a campaign for additional units.

Spyros Skouras will head west abou the middle of next month, he stated yesterday, to look over the Fox Wes Coast situation under reorganization Charles Skouras and Edward Zabel who planned to return to Los Angeles by plane Sunday, were forced to take a train because of bad flying weather

Minor details have to be worked ou before the 10-year joint operating contract is signed by the Skourases. Spyros will sign it here and Charles wil affix his signature on the coast. The procedure is now regarded as routine

# Skowhegan Has 6th N. E. Theatre Fire

SKOWHEGAN, ME., Dec., 17.—The sixth major theatre disaster in New England within five days took place yesterday when a $10,000 fire damaged the interior of the Strand here

Defective wiring is believed to have caused the blaze, which was discovered after a hot air explosion blasted open the exits.

Exceptionally Fine For Holiday Bookings

POWERS COMICOLOR CARTOONS

Real Headline Attractions

"JACK AND THE BEANSTALK"
"ALADDIN AND WONDERFUL LAMP"
"THE QUEEN OF HEARTS"
"THE HEADLESS HORSEMAN"
"DON QUIXOTE"

"THE BRAVE TIN SOLDIER"
"THE LITTLE RED HEN"
"PUSS IN BOOTS"
"VALIANT TAILOR"
"JACK FROST"

CELEBRITY PRODUCTIONS, Inc., 723 7th Ave., New York City

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

OL. 36. NO. 144 NEW YORK, WEDNESDAY, DECEMBER 19, 1934 TEN CENTS

# ight on FWC ale Delays Case 2 Days

## riefs Are Ordered on Anti-Trust Suits

Los Angeles, Dec. 18.—Opposition approval of the proposed Fox West oast sale to National Theatres Corp. ok up several hours yesterday and nally resulted in a two-day postponeent to allow both sides to file briefs.

U. S. District Judge George Cosrave is then expected to render an rly decision upon the plan of reoranization approved by Referee Earl Moss.

The only two opponents are Marall Square Theatre Corp., operator the Orpheum, San Francisco, and arry I. Hartman, operator of the rpheum, San Diego. They have antiust suits pending in which they seek

(Continued on page 8)

## nly 15 Lease Cases Out of 1,689 Filed

Of the 1,689 combined cases filed ith the 64 local boards, only 15 inolved leases, Tyree Dillard, Jr., ated yesterday before leaving for ashington. He will present these cts to Compliance Director Sol A. osenblatt at the public hearing today n elimination of the leasing clause.

Changes in the vaudeville clauses as ell as an extension from 15 to 30 ays for handing down decisions by ampi will be discussed.

A number of circuit heads left for e capital last night to listen in on e vaudeville hearing.

## hiladelphia Plan For Clearance Off

Plans for promulgating a clearance nd zoning schedule in Philadelphia ave been held up pending word from ampi, Leonard Schlesinger, Warer zone manager in that territory nd a member of the local clearance nd zoning board, stated yesterday.

No meetings have been scheduled by e local board, he stated. The I.E. A. has held a meeting to draw up schedule, but such action is regarded s unofficial in view of the Code uthority order.

## hicago Conspiracy Case Is Withdrawn

Excitement over conspiracy charges gainst major distributors by George . Gering of the Rosewood, Chicago, izzled yesterday when the adjourned

(Continued on page 8)

# Sarnoff and Laemmle Join Optimism Ranks for 1935

### By DAVID SARNOFF
*Chairman of Board, RKO*

Improvements in program material, methods of production and reproduction, and in audience taste came hand-in-hand in the last year in the industry. They give definite promise of better business in 1935. This motion picture development was paralleled in the related art of broadcasting, where advances in programs, the technique of transmission, and in receiving set design added greatly to the

(Continued on page 8)

### By CARL LAEMMLE, SR.
*President of Universal*

Hollywood, Dec. 18.—What about 1935? Personally, I think it is going to be a splendid year for all of us. We have learned so much during the past three years, and the prospects for returning prosperity are so bright, that I feel confident the business will benefit doubly. More people have money, more people feel like spending money. We have learned how to economize and we have learned how to

(Continued on page 8)

# Amalgamation Of G. B. Units Now Expected

### By BRUCE ALLAN

London, Dec. 18.—Amalgamation of all Gaumont British interests, including absorption of Gainsborough Pictures, a subsidiary, is expected by many observers of industry developments. It is felt that increased revenue would result from Gaumont's American distribution outlet.

This impression was strengthened at the annual meeting of Gainsborough shareholders when C. M. Woolf, replying to a shareholder's question, admitted that a Gainsborough-Gaumont British amalgamation was being considered.

Developments are also looked for

(Continued on page 11)

## Smalley-Schine Row Goes to Washington

Hearing before the NRA Compliance Board in Washington on the leasing argument between William C. Smalley and Meyer Schine, upstate New York circuit operators, is slated for tomorrow with principals involved on hand as well as Tyree Dillard, Jr., Campi legal head.

The leasing complaint first went before the Albany board. It was referred to Campi, which has certified it

(Continued on page 8)

# Kansas City's Price Battle Outlook Hazy

Kansas City, Dec. 18.—A statement Nicholas M. Schenck made to Motion Picture Daily while in Kansas City en route to New York, to the effect that there is a class of patrons which cannot afford more than 15 or 25 cents for entertainment, may indicate a price policy for Loew's Midland here precluding an early cessation of the price war among Kansas City downtown first runs.

Discussing the local situation, Schenck said any move by Loew's to increase the Midland's tariffs would have to be preceded by restoration of the 50-cent top set at the start of this season by RKO for stage shows and

(Continued on page 11)

## Louisiana Bills to Affect Film Firms

New Orleans, Dec. 18.—Three corporation bills affecting the industry are being rushed through the third special session of the Louisiana Legislature.

One increases the corporation franchise tax from $1.50 per $1,000 of capitalization to $2 per thousand and provides that the 50-cent raise shall go to Louisiana State University.

Another makes it mandatory for

(Continued on page 8)

# Predict New Court Fights On Dual Bans

## Actions Hinge on Ruling In Philadelphia Case

Court attacks on contractual restrictions against double featuring wherever they are in force will be launched by independent producers and distributors in the event of a Federal court decision in Philadelphia declaring such restrictions to be illegal, spokesmen for the independents said yesterday.

Chicago, Cleveland and Los Angeles, all committed to single feature programs at present, will probably be the next centers for court tests of the validity of double feature bans, it was stated. Different situations are presented in these cities, which adopted single feature programs through exhibitor agreement, whereas in Philadelphia the restrictive measures were initiated by distributors. Some question exists, as a result, as to whether

(Continued on page 8)

## Chicago Scoffs at Invasion by Loew's

Chicago, Dec. 18.—Reports that Loew's would invade the neighborhood field here are denied by Aaron Jones and scoffed at by exhibitor organizations. Certain circuits are bitter over M-G-M's insistence upon percentage and Saturday and Sunday playing time, but Jones says he negotiated no Loew tieup while in New York.

This statement was made as a denial to a report that he had closed a deal to operate houses for Loew here.

The opinion here is that Loew would find it difficult to break into the field unless it should build new houses.

## Warners Hold All Principal Officers

All officers of Warners were continued in their present posts at the company board of directors' meeting yesterday, except for one minor change that resulted in an exchange of positions between Cyril H. Wilder, who

(Continued on page 8)

## Ohio Showmen Look For Pickup in 1935

Columbus, Dec. 18.—Although first run exhibitors, as well as subsequents, in practically every Ohio situation, report decreased pre-holiday attendance, they are hopeful for a decided pickup

(Continued on page 8)

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

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## *RKO Radio Board Meets*

The quarterly meeting of the board of RKO Radio Pictures was held yesterday with a routine schedule of financial and corporate reports slated to be acted upon, according to M. H. Aylesworth, president, prior to the close of the session which extended into the late evening. J. R. McDonough, chairman of the RKO Radio board, who came east for the meeting, returns to the coast late this week.

## *Roxy Invites Governor*

Governor-Elect George H. Earle of Pennsylvania and chief executives of nearby states will attend the opening of the Mastbaum under management of S. L. (Roxy) Rothafel on Sunday night, Leonard Schlesinger, Warner Philadelphia zone manager, stated yesterday. In addition, sales executives from New York and nearby territories will be on hand, he says.

## *Paramount in Rush*

HOLLYWOOD, Dec. 18.—Paramount is in a production rush with six features in work and six going into production this week. It is estimated that 2,600 persons will be on the studio payroll during the holiday period.

## *Ludington Going West*

Nicholas S. Ludington, president of First Division, will leave for the coast about the end of the month to link distribution activities with the new studio program.

# *Insiders' Outlook*

BEHIND Ben Schulberg's plan to crash into the independent market with both feet and a greater measure of independence than has marked many, if not all, of similar and earlier plans, lurks considerable courage. Only Schulberg doesn't view it that way. He thinks the scheme is practical, definitely of potential profit and so he is mentally poising a decision to make at a moderate cost, but of enough cost to make them good, a series of eight pictures with no commitment as to distribution. That will come through the highest bid from the best distributor when the studio job is completed. . . .

▼

It runs like this, Schulberg talking:

> "A question of a producer's mettle. No assurance aforesaid that I would have a distributor will turn me more cautious in seeing to it that I do a better job. Isn't it obvious that this would be a prerequisite? What I am considering is production of three pictures at the same time and the application of straight merchandising tactics in their sale. It is common practice for all distributors, at some time or another through the season, either to be short of pictures or shy of a particular type of picture. That sort of difficulty always crops up. I think I can turn out what the distributor can use and sell it at a better price than I might get, were I to make a deal prior to production."

▼

Whether or not he goes ahead ties in directly with several other matters. There is rumored pending—it looks like fifty-fifty chance now with scale dipping either way shortly—a deal by which he would again head Paramount production. There is in the offing, and not nearly so far removed from fact as the geographical distance between New York and London, a deal to make five big pictures a year in England. In the meantime, Ben placidly smokes his long, black and excellent cigars, catches up on his sleep, goes to the theatre and enjoys his liberty for the first time in years. "Behold My Wife" was his last for Paramount. He actually doesn't know which studio will house his hat-rack next and moreover doesn't give much a hoot anyway. . . .

▼

Episode something or other in the Paramount serial: Reorganization groups, although in agreement on provisions of the plan, are splittiing into two camps over the inclusion of company and industry men on the board. One camp, apparently headed by the stockholders' committee, is advocating a directorate which would include four or five men of wide industry experience in addition to Adolph Zukor, already named. This coterie looks with favor on nominees such as George Schaefer, Austin Keough and Walter B. Cokell. . . .

▼

A heavy representation of company men, they contend, would make of it a "rubber stamp" body, inclined to give unquestioning approval to anything bearing an executive recommendation. They add that men of film experience from outside the company, carrying the desired qualifications, would be welcomed—if they could be found. Meanwhile, the reorganization groups move no nearer to an agreement on selection of new board members. . . .

▼

In the opposing trench or in in the opposite camp, which seems to include the bondholders' committee and the creditor bank group, the viewpoint prevails that the advice of company executives will be available always to the board and, therefore, that body might just as well be comprised entirely of men of wide financial, corporate and, even, of literary experience. These groups contend that such a board would be best fitted by individual qualifications and viewpoint, when augmented by an advisory committee of company executives, to serve the new company. . . .

▼

Candidates in plenteous number have been mentioned during the past few weeks, but none has succeeded in attracting sufficient support to be considered a probability. And still the hope remains in reorganization circles of three to five additional directors named in advance of the Federal court hearing, now a mere eight days away. In the meantime, the stockholders' committee and other creditors' committees, are withholding their final approval of the plan until the directorate has been given some indication of finality. Lacking this by Dec. 27, indications now are that the plan may go before Federal Judge Coxe on that date without support of some creditors' groups which may be essential to its acceptance by the court. . . .

▼

Added to this division within the ranks of the creditors who are really agreed upon the plan's provisions but not on the directorate, are objections of minority creditor groups who oppose not only the directorate but the provisions of the plan itself. Insiders say these objectors could be overcome only by a solid front of the large creditor groups in support of the plan when it goes before the court. Which would indicate that an agreement on the make-up of the new board will play a leading part in Paramount developments during the next week. And so it goes. On and on. . . .

▼

Will Loew invade the Chicago neighborhoods? Off hand and based on general knowledge, you understand, completely unfortified by facts to support the contention, this watchtower would describe the reports as a lot of noise. It seems that Metro is insisting that Windy City suburbans play a number of Leo's choicest on percentage and preferred playing time as well; that some of the exhibitors there have informed Metro to fly a kite or something perhaps less polite. . . .

▼

It also seems Metro is circulating the yarn it proposes invading the city by acquisition of theatres more or less in the wholesale manner. This cynical

(*Continued on page 9*)

## *Big Board Stocks Have a Good Day*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 39 | 38¾ | 39 | ..... | 600 |
| Consolidated Film Industries | 4½ | 4¼ | 4⅜ | + ¼ | 500 |
| Consolidated Film Industries, pfd | 18⅞ | 18 | 18⅞ | + ⅝ | 2,000 |
| Eastman Kodak | 109¾ | 108½ | 109¾ | +1¼ | 600 |
| Fox Film "A" | 13⅜ | 13 | 13¼ | ..... | 1,000 |
| Loew's, Inc. | 36⅛ | 35⅝ | 36 | + ⅛ | 4,500 |
| Loew's Inc., pfd. | 104⅜ | 104⅜ | 104⅜ | + ⅜ | 100 |
| Paramount Publix | 3⅝ | 3⅜ | 3⅝ | + ⅛ | 7,500 |
| RKO | 2¾ | 2¼ | 2¾ | + ½ | 27,500 |
| Warner Bros. | 4¾ | 4½ | 4½ | ..... | 3,300 |
| Warner Bros., pfd. | 22 | 22 | 22 | + ⅜ | 3,000 |

## *Technicolor Advances Half on Curb*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13½ | 13 | 13½ | + ½ | 600 |
| Trans Lux | 2 | 2 | 2 | — ⅛ | 300 |

## *RKO Bonds Make 3-Point Gain*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9 | 8½ | 9 | + ½ | 4 |
| General Theatre Equipment 6s '40, ctf. | 8 | 8 | 8 | — ¼ | 5 |
| Keith B. F. 6s '46 | 67 | 67 | 67 | ..... | 1 |
| Loew's 6s '41, ww deb rights | 105 | 104¼ | 105 | + ¾ | 12 |
| Paramount Broadway 5½s '51 | 44 | 44 | 44 | — ⅛ | 1 |
| Paramount F. L. 6s '47 | 64¾ | 63¼ | 64½ | — ¼ | 30 |
| Paramount Publix 5½s '50 | 65⅜ | 64 | 65⅜ | + ⅞ | 75 |
| RKO 6s '41, pp | 39 | 37 | 39 | +3 | 5 |
| Warner Bros. 6s '39, wd | 60½ | 60 | 60½ | + ⅝ | 55 |

*An unusual tribute to an unusual hit!*

---

104

important theatres are playing it day and date on the most important date of the show season

DEC. 27th

WARNER MYRNA

**BAXTER • LOY**

in FRANK CAPRA'S production

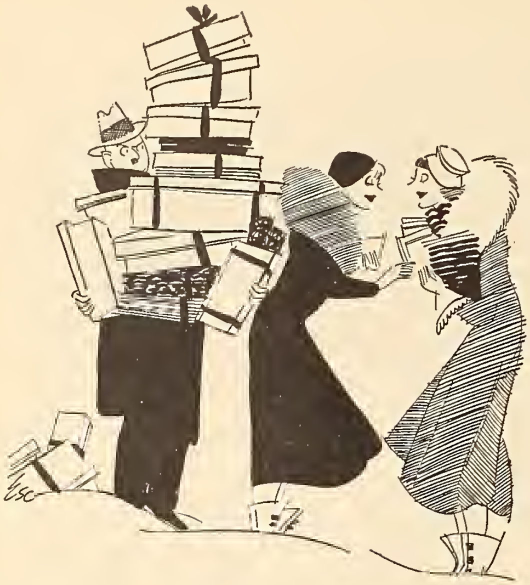
# BROADWAY BILL

*By Robert Riskin—Based on the story by Mark Hellinger*

A COLUMBIA PICTURE

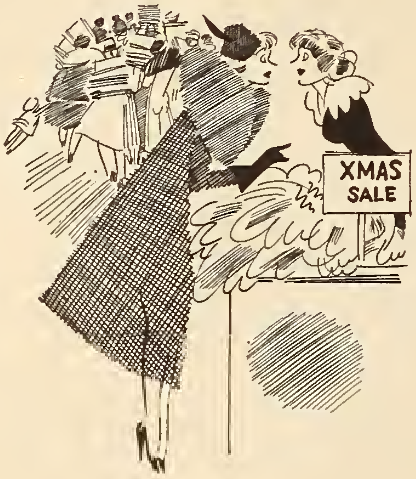
---

*Direct from two successful weeks at Radio City Music Hall*



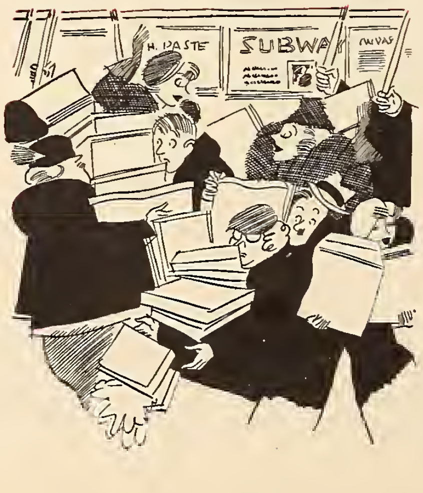
"My dear, you *must* see Irene Dunne in 'Sweet Adeline'."

"I hear Bette Davis gives a simply marvelous performance with Paul Muni in 'Bordertown'."



"Have you seen Irene Dun
in 'Sweet Adeline'?"

# Seasons



"I can hardly wait to see Rudy Vallee's new picture, 'Sweet Music'!"

"See — what a grand directio
job Mervyn LeRoy's done i
'Sweet Adeline'!"

# Greetings

## Overheard by Warner Bros.

"Have you heard that Warners are going to film 'A Midsummer Night's Dream'?"

"Let's get together next Tuesday and see 'Sweet Adeline'."

"They say 'Bordertown's' the best thing Paul Muni has ever done."

"If you call *that* a thrill, mister, just wait till you see Jimmy Cagney and Pat O'Brien in 'Devil Dogs of the Air'."

"Don't miss 'Sweet Adeline'. It's the swellest musical yet."

# THE BEST ARE YET TO COME!

*You kn*

**Margaret Sullavan**
in
**"THE GOOD FAIRY"**

**Lowell Sherman's**
**"NIGHT LIFE OF THE GODS"**

**Claude Rains**
**Joan Bennett**
in
**"THE MAN WHO R**
**CLAIMED HIS HE**

**Claude Rains**
**Douglass Montgomery**
**Heather Angel**
in
**"THE MYSTERY of EDWIN DROOD"**

**Damon Runyon's**
**"PRINCESS O'HARA"**

**Howard Hawks'**
**"SUTTER'S GOLD"**

# *hat* "IMITATION OF LIFE"

**is doing everywhere . . . Now watch UNIVERSAL step out again, and again, and again with these smashing money-coiners!**

**Edna Ferber's**

## "SHOWBOAT"

**James Whale's**

## "THE RETURN OF RANKENSTEIN"

**Dashiell Hammett's**

## "MR. DYNAMITE"

**illiam Powell in**

## 'HE GREAT IEGFELD"

**John M. Stahl's**

## "THE MAGNIFICENT OBSESSION"

# Predict New Court Fights On Dual Bans

(*Continued from page 1*)

legal action could be brought in Federal courts to upset a trade system adopted by local exhibitors.

The Cleveland double feature prohibition has been upheld by the Ohio state court following an attack on its enforcement last summer. Edward Golden, Monogram sales manager, said that the independents' attack would be launched in Federal court there immediately after the first of the year. He stated that the action there would be taken regardless of the outcome of the Philadelphia case.

## *Warners Hold All Principal Officers*

(*Continued from page 1*)

had been serving as an assistant treasurer, and Paul A. Chase, who had been an assistant secretary.

The other officers are: Harry Warner, president; Albert and Jack Warner, Sam E. Morris and Herman Starr, vice-presidents; Albert Warner, treasurer; Samuel Carlisle, W. Stewart McDonald, assistant treasurers; Abel Cary Thomas, secretary and general counsel; Harold S. Bareford, Edward K. Hessberg, assistant secretaries; Samuel Carlisle, comptroller, and Thomas J. Martin, auditor.

Albert Warner presided.

## *Louisiana Bills to Affect Film Firms*

(*Continued from page 1*)

foreign corporations to keep in this state records of their stock transfers. A third makes it mandatory for foreign corporations to keep in their principal offices in this state a full set of books and other records. This will open details of exchange business here to the State Tax Commission.

## *"U" Agency Is Bombed*

The Midtown Agency, Universal's representative in Cuba, was bombed Monday night, according to word received yesterday by N. L. Manheim, foreign sales manager for the company. Forty establishments, covering a wide range of businesses, were submitted to terroristic tactics that night.

## *Para. to Open Friday*

The Paramount will open its next week's program Friday, instead of on Christmas day as planned. Stage shows will be resumed with Fred Waring and his Pennsylvanians as the attraction. "Here Is My Heart" will be on the screen.

## *Wing to Make Color Film*

Director Ward Wing, recently here from London, will make "The Great White Rajah" for CineColor, the British company. The film will be shot in Borneo, he says.

## *Grace Moore to Coast*

Hollywood, Dec. 18.—Grace Moore is expected back here for the holidays. She has been on a concert tour. She will start work early next year on a new musical for Columbia.

# *Sarnoff and Laemmle Join Optimism Ranks for 1935*

By DAVID SARNOFF

(*Continued from page 1*)

size of the listening audience and to its pleasure in radio.

Public interest in motion pictures is not limited alone to the story presented. Audiences are becoming more and more aware of the fact that good sound is necessary to make a good motion picture. The popularity of musical productions has given impetus to this trend.

Research into motion picture technique still continues. Within the period under review a remarkable new system of noiseless recording using a double sound track and making possible the utmost in realism of reproduction was developed in the Camden laboratories. This new system completely eliminates all noise which previously resulted from the unused portion of the sound track. A number of important feature productions are to be recorded by this means in the new year. The new system will at first be used for making the master sound negative in the studios and later on will be applied to improving the reproduction in the theatre.

By CARL LAEMMLE, SR.

(*Continued from page 1*)

make our money go further. This is an unbeatable combination, if we remember the lessons we have learned so dearly.

One thing which seems most certain is that the grosses on big pictures are going to be bigger than ever before and the grosses on unimportant pictures are not going to be any greater. The productions which are carefully made and which can be easily exploited are going to be the pictures on which we must rely to make our profits. I have an idea that there will be fewer pictures next year, that there will be a greater proportion of these important pictures and that these important pictures will occupy more time in preparation and more time in production, in order to make them as exceptional as possible.

Personally, I am watching the so-called decency drive with a great deal of interest. The thing I want to find out particularly is whether these well-meaning people who have demanded a higher type of moving picture, will patronize that type themselves, or will do anything aggressive to impel theatre-goers to patronize them.

## *Ohio Showmen Look For Pickup in 1935*

(*Continued from page 1*)

with the turn of the year. Their optimism is based on generally improved conditions in all lines.

An Associated Press survey among retail merchants in 18 Ohio cities and towns shows increased Christmas buying ranging from "slight" to 50 per cent over the corresponding period of last year. Some situations report the greatest volume since 1928.

Increased farm prices and government compensation for crop curtailment and other media of relief are bringing the rural population into the spending channels of the cities, while industrial centers are reflecting the increase in employment.

## Brandt-Roth Near Fight at Hearing

Harry Brandt, part owner of the Rialto, Newark, N. J., and Morgan Roth, manager of Warners' Goodwin, same city, almost came to blows yesterday at the New York grievance board when the former became incensed at Roth because he called evidence by Brandt and Dave Weinstock "flimsy." When Roth made the remark, Brandt jumped up and rushed over to the Warner manager and exchanged fiery words until Henry Randell, Paramount Brooklyn exchange manager and chairman of the session, yelled that he would throw the premature advertising case out if the litigants couldn't calm themselves. Warners charged that the Rialto, after previously consenting to stop premature advertising, repeated the practice on "Age of Innocence." Roth said he and his assistant, B. Edelstein, saw a lobby card in the defendant's theatre. Both Brandt and Weinstock denied this. Decision was held over until this morning.

Frank Samerelli's conspiracy charges against Vitagraph, M-G-M, RKO Radio, Fox and Paramount didn't get far. At first Louis Nizer, attorney for the distributors, claimed the complaint not within the jurisdiction of the board, but this was overruled. After presenting his case, Harry Suchman, representing the Royal, Port Jervis, N. Y., asked that the managers of the companies involved be called for cross examination, to which Nizer again objected.

Ex-Senator George Thompson, impartial representative, insisted that the men be called and asked that notices be sent out. Nizer stated he would not guarantee their presence today on the grounds that "one cannot impeach his own witness."

## *Norfolk Clearance Complaints Denied*

Washington, Dec. 18.—The clearance and zoning board today dismissed complaints brought by Jeff Hoffheimer, in behalf of his Byrd, Park and Grand, Norfolk, Va., in protest against protection of four and six months enjoyed by William S. Wilder's Newport.

The three cases were heard as one, with Alan J. Hoffheimer acting as attorney. Those who testified for Wilder were Hunter Perry, Newport News operator; Langborne Weiford, manager of the Wells; Carter T. Barron, Loew district manager; Robert Smeltzer, Vitagraph district manager, and Sidney Gates, manager of the Gates, Portsmouth.

Sidney B. Lust was chairman of the hearing, with Prof. Robert Maurer of Georgetown University Law School sitting as the newly appointed impartial alternate.

## *Liberty Sets Dallas Deal*

Liberty Pictures has closed with James G. Tomlin of Special Pictures for the distribution of the Liberty program in the Dallas territory.

# Fight on FWC Sale Delays Case 2 Days

(*Continued from page 1*)

$1,500,000 and $2,250,000, respectively Their attorneys insist the reorganization plan should provide for assumption of any possible judgment by th new company.

Attorneys for the reorganization interests point out they already hav agreed to assume all the administration expenses of the bankruptcy an that this would be included automatically as an obligation of the new company, in the event of a court victor for the plaintiffs.

After listening to the arguments fo several hours Judge Cosgrove calle for briefs.

F. W. C. interests backing the ne company pointed out that their 30-da offer for the sale expires tomorrow but gave no indication of an intentio to withdraw it in case the proceeding are dragged out.

## *Chicago Conspiracy Case Is Withdrawn*

(*Continued from page 1*)

complaint came up for appeal befor Campi.

After causing quite a stir at th Code Authority appeal hearing las Tuesday, the case was called agai yesterday and withdrawn in less tha one minute. Harold J. Sherman o Feitelson & Mayer represented Gerin and asked that the action be withdrawn.

When the appeal came up last wee on the three-to-one decision agains Gering, Edward A. Golden, sales manager of Monogram, and I. Levinso of Warners exchanged remarks fo the record which indicated firework This, however, failed to materializ The complainant charged that h couldn't buy pictures without restrictions on dual bills.

The same committee which sat las week also was ready to act yesterday. It included Golden, Roy I Haines of Warners and Nathan Vingrad, independent exhibitor.

With Dan Michalove substitutin for Haines, a clearance and zonin appeal by the Ambassador, Philadelphia, against Warners' Benn, sam city, was heard. Arthur Arnold represented the complainant while Jo Sloane acted for Warners.

## *Smalley-Schine Row Goes to Washington*

(*Continued from page 1*)

to Washington. Because of the complexity of the matter, Campi member have been unable to agree.

Official listing of the complaint i William C. Smalley, Smalley's Hamilton, Hamilton, N. Y., against Glov City Amusement Co., Inc.

## *Revamp Inspiration*

Reorganization plans for Inspiration are under way with a new company expected to be formed shortl with a capital of $750,000. Intentio is to make three specials a year. Th company has 31 stories to draw fron In 15 years of operation it produced 6 pictures. Walter Camp will be financially interested in the new compan

# Purely Personal

EONARD SCHLESINGER, Ben Amsterdam, Sam Schwartz, I. evy, Jerry Wilhelm, George Schorr, arle and Joe Forte, Basil Zeigler, rthur Arnold, Albert M. Cohen, ck Greenberg and Joe Sloane, all hiladelphians, were in town yester-y.

Harold S. Bareford, who is sched-ed to make a periodic trip to the ast next month, is forsaking New ork for the Miami sun. He'll leave r the south around Jan. 15 for a ree-week basking.

Joe Vergesslich and his wife, who ill, leave for Miami on Dec. 27 for ree months. Phil Meyer succeeds ergesslich as manager of the New ork Gaumont British exchange.

Harry Armstrong and Dick Ger-d, composer and lyric writer for weet Adeline," will be guests of nor tonight at a dinner in the otel Roosevelt.

Ben Schulberg is awaiting the re-rn of his children from school. en he, together with Mrs. S., will t sail for Bermuda on the 26th. st a short hop.

Austin Keough, Gus Eysell, yree Dillard and John C. Flinn t for Washington last night to be hand for the code amendment hear-gs today.

James P. Clarke, president of the ational Film Carriers Ass'n, arrives om Philadelphia and will stay over r the Ampa party tomorrow.

Marguerite Wallman, Austrian llet dancer signed by M-G-M, ar-ved yesterday on the *Conte di voia.*

L. J. Schlaifer arrived in Dallas om Oklahoma City yesterday. He as in Omaha before hitting Okla-ma.

Nat Holt, Cleveland RKO district anager, was in town yesterday for me office conferences on bookings.

Leslie Howard returns to the New ork stage as star of "The Petrified orest" early in January.

Bert Nayfack, attorney, arrived om the coast yesterday. He was in e Schenck party.

John Cosentino, special represen-tive for Amity Pictures, has arrived om the midwest.

Jack Skirball, Educational sales anager, returned yesterday from icago.

Dan Michalove will accompany S. Kent west next month.

Pat Garyn has lost 35 pounds with-the last few months.

Morton Downey starts work today a Vitaphone short.

Bill Sussman is heading for the ast via the Canal.

## Mrs. Klitzsch Dies

Berlin, Dec. 18.—Mrs. Ludwig litzsch, wife of the president and neral manager of Ufa, died sud-nly here today.

## $173,356 in Chest Drive

Hollywood, Dec. 18.—Of its $225,-0 quota the industry has subscribed 73,356 to the Community Chest, it as reported today.

# Tough on the Santa Fe

**Kansas City, Dec. 18.—The Santa Fe dining service was deprived of considerable revenue by the enterprise and foresight of Jake Wilk, Warners eastern story editor, who acted as quartermaster of the Warner party traveling to the coast.**

**Before boarding the Chief at Chicago, Wilk went on a foraging expedition and stocked up on certain gustatory delights well known in some places but not obtainable on the train. As the Chief thundered toward Kansas City, the Warner legion, seven in number and including Harry M. and Mrs. Warner and members of the family, Andy Smith, Charlie Einfeld and Wilk, filed into the dining car and awaited service.**

**"Pickled herring and pumpernickel for all," was Wilk's order when the steward came around. "You'll find them both in my compartment."**

**The steward's eyes popped, but he fetched the pungent delicacy and served the party.**

**"Next course is corn beef, peppered," announced Quartermaster Wilk when the herring had been finished, and the steward made another trip to the private commissary.**

**The corn beef annihilated, Wilk, still acting as master of ceremonies, pronounced: "Now we'll buy some coffee."**

**And that's probably the reason the railroads are in the red.**

# Variety Club Chatter

## Albany

Albany, Dec. 18.—Kings for a Day, Jack Bullwinkle and Bernie Mills played host to a large gathering of barkers and their guests at a noon-day luncheon held under the big top.

Assistant District Attorney J. J. Casey of Albany County was guest speaker—his subject dealing with the present rounding up of public enemies in the Empire State. Casey's name was added to the list of associate members.

Al Mamux, newly appointed manager of the Albany ball club, was introduced and was extended a hand of welcome and a splendid reception.

## Detroit

Detroit, Dec. 18.—New officers have been elected by Variety Club as follows: President, Edward Kirchner; first vice-president, Maurice Caplan; second vice-president, J. O. Brooks; treasurer (re-elected), Carl H. Shalit; secretary (re-elected), David Newman; directors, Otto Bolle, Max Smitt, Ray Moon, H. M. Richey, Harold C. Robinson, J. D. Idzal.

The annual ball will be held Feb. 23.

## Columbus

Columbus, Dec. 18.—Marmaduke R. Clark was reelected chief barker (president) of Columbus Tent No. 2 of the Variety Club for his fourth term at the club's annual meeting in its Deshler- Wallick quarters. Clark is Paramount manager.

William M. James and Robert S. French were named vice-presidents and H. E. Cherrington and Thomas W. Lawson were reelected secretary and treasurer, respectively.

These six directors complete Clark's cabinet: Max Stearn, Leo Haenlein, James V. Peppe, Kline L. Roberts, P. J. Wood and A. Haft. William S. Cunningham is the new house committee chairman. All officers assume their posts Jan. 1. A testimonial dinner was tendered Sheriff Ross Anderson preceding the meeting. Anderson is a Variety Club member.

At a recent banquet, tendered to new members of Variety, Frank Crumit, who is shepherd of the Lambs in New York, was elected to honorary membership. Frank was in Columbus with his wife, Julia Sanderson, visiting his brother-in-law, Barker George Trautman.

## Reade Offers Spots For "Sweet Adeline"

Walter Reade has offered Warners the Astor or the Mayfair for the Broadway showing of "Sweet Adeline" inasmuch as the Strand is not expected to open for the next four weeks. Warners yesterday definitely decided to keep the Warner closed. The house was being considered for "Sweet Adeline."

"Hell in the Heavens" at the Mayfair grossed $13,500 for the first week and is being held a second. "Babes in Toyland" took in $13,000 in the first six days at the Astor and will be held another week and will be followed by "Wicked Woman." "Silver Streak," slated to follow "Babes in Toyland" at the Astor may follow "Wicked Woman" or be shunted into the Mayfair after the first of the year.

Leo Justin of the Reade offices leaves Saturday for a two weeks' West Indies' cruise. Reade leaves for the south upon Justin's return.

# Insiders' Outlook

(Continued from page 2)

outpost, for perhaps peculiar reason, reminds itself of the time, not long since, when Metro couldn't see it eye to eye with Bob McNeill of Golden States Theatres and threatened to build in Bob's exclusive Northern California territory. Whereupon McNeill made a deal and Ed Schiller, forgetting theatres for the pleasures of Waikiki, proceeded to Honolulu. Or do we make ourselves clear? . . .

KANN

## Dance Floors Spread In Down East Houses

Boston, Dec. 18.—The Platinum Salon of the Metropolitan, M. & P.-Publix house and the largest in New England, has been redecorated and enlarged. Free dancing is offered patrons nightly, often with name bands alternating from the stage to furnish music.

Portland, Me., Dec. 18. — The Strand, recently an M. & P.-Publix house and now operated by Abe Goodside who ran the house for seven years before it was taken over by Publix five years ago, is being joined to Goodside's Empire in the same building by a dance hall which, when completed, will be available to audiences of both houses after final evening performances.

Woonsocket, R. I., Dec. 18.—A new project by C. M. Williams to attract fans to the Laurier is installation of a dance floor. At the close of the show, two hours of dancing follows. An Old-Timer's Night is a weekly feature.

## Work on Bombing Clue

Boston, Dec. 18. — The Boston police are working on what is said to be the most promising clue to date to the bombing Wednesday morning of the Tremont and Majestic here. A New Yorker, known as a professional bomber, is believed to have spent the night before the bombing at a local hotel. Also regarded as important is the belief that fuse bombs, not time bombs, were employed.

## Small Back on Coast

Hollywood, Dec. 18. — Edward Small arrived today after three months east, prepared to start Reliance's group of six films for United Artists. The first will be "The Melody Lingers On"; the second, a Louis Weitzenkorn original tentatively called "Washington Correspondent".

MUNITION EXPOSE
WAR IS A RACKET!
The Truth At Last
WE DARE TO SHOW IT
The True Story of the Munitions
Racket Brought to the Screen
TWO BIG WEEKS ON BROADWAY
EUREKA PRODUCTIONS, INC., 723 7th Avenue, N. Y. City

# "Millions" Is Chicago's Hit With $25,000

CHICAGO, Dec. 18.—Despite a two-day blizzard, Loop spots grossed heavily. "Kid Millions" packed 'em in at the United Artists and grabbed $25,000 on the week. This is $8,000 over average.

"Wednesday's Child," with the "Folies Bergere Revue" as a big help, ran the Palace gross $9,000 over the line for a take of $31,000.

Total first run business was $131,000. Average is $131,600.

Estimated takings:

***Week Ending Dec. 12:***

**"FLIRTATION WALK" (F.N.)**
ROOSEVELT—(1,591), 25c-35c-50c, 2nd week, 7 days. **Gross:** $11,000. (Average, $11,000)

***Week Ending Dec. 13:***

**"THE WHITE PARADE" (Fox)**
CHICAGO—(4,000), 25c-50c-68c, 7 days. Stage: George Givot, El-Meres Dancers, Harlem High Life. **Gross:** $25,000. (Average, $34,600)

**"LEMON DROP KID" (Para.)**
ORIENTAL—(3,940), 25c-40c, 7 days. Stage: Platinum Blonde Revue & vaudeville. **Gross:** $16,000. (Average, $15,000)

**"WEDNESDAY'S CHILD" (Radio)**
PALACE—(2,509), 25c-35c-50c, 7 days. Stage: "Folies Bergere Revue." **Gross:** $31,000. (Average, $22,000)

**"BEHOLD MY WIFE" (Para.)**
GARRICK—(900), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

***Week Ending Dec. 14:***

**"KID MILLIONS" (U.A.)**
UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days. **Gross:** $25,000. (Average, $17,000)

**"WHAT EVERY WOMAN KNOWS" (M-G-M)**
APOLLO—(1,400), 25c-35c-50c, 3rd week, 7 days. **Gross:** $5,000. (Average, $12,000)

***Week Ending Dec. 15:***

**"RED HEAD" (Monogram)**
STATE-LAKE — (2,776), 20c-25c-35c, 7 days. Stage: Larry Rich & Co., Dolores, Andre & Dmitri. **Gross:** $13,000. (Average, $15,000)

# "Lady by Choice" Indianapolis Lead

INDIANAPOLIS, Dec. 18.—"Lady by Choice," with Ted Lewis on the stage, grabbed the big money here last week. It ran up to $8,500 at the Circle.

Business elsewhere went into its pre-Christmas slump. "Anne of Green Gables" was extremely weak at $4,000 in the Indiana, and "Babbitt," with a stage show, didn't do very well at the Lyric.

Total first run business was $24,500. Average, without the Apollo and Circle, is $18,500.

Estimated takings for the week ending Dec. 15:

**"MADAME DUBARRY" (Warners)**
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $2,500.

**"LADY BY CHOICE" (Col.)**
CIRCLE—(2,800), 25c-40c, 7 days. Stage: Ted Lewis. **Gross:** $8,500.

**"ANNE OF GREEN GABLES" (Warners)**
INDIANA—(3,133), 25c-40c, 7 days. **Gross:** $4,000. (Average, $7,000)

**"BABBITT" (F. N.)**
LYRIC—(2,000), 25c-40c, 7 days. Stage show. **Gross:** $6,000. (Average, $7,000)

**"WICKED WOMAN" (M-G-M)**
PALACE—(3,000), 25c-40c, 7 days. **Gross:** $3,500. (Average, $4,500)

## *Gables Will Come East*

HOLLYWOOD, Dec. 18.—Clark Gable will make a trip to New York with his wife for the Christmas holidays following completion of "Town Talk" for M-G-M.

# "Flirtation" $8,900 Wow, Kansas City

KANSAS CITY, Dec. 18.—In a week that reflected the pre-Christmas slump earlier than usual, "Flirtation Walk" captured gross honors with a take of $8,900 at the Mainstreet. This is $1,900 above average for straight films. The attraction was held over four days.

Elsewhere business sagged, and the Midland's $3,200 for five days of "Wicked Woman" hit an all-time low. The week's aggregate gross at first runs was one of the low points of the year. Bad weather, several days of grand opera and Christmas shopping put a crimp in ticket sales.

Total first run business was $25,800. Average is $29,900.

Estimated takings:

***Week Ending Dec. 11:***

**"WICKED WOMAN" (M-G-M)**
MIDLAND—(4,000), 15c-25c-40c, 5 days. **Gross:** $3,200. (Average, 5 days, $6,500)

***Week Ending Dec. 12:***

**"CHU CHIN CHOW" (G. B.)**
UPTOWN—(2,000), 25c-40c, 8 days. **Gross:** $3,400. (Average, 8 days, $3,900).

***Week Ending Dec. 13:***

**"FLIRTATION WALK" (F. N.)**
MAINSTREET—(3,100), 15c-25c-40c, 7 days. **Gross:** $8,900. (Average, films only, $7,000)

**"BEHOLD MY WIFE" (Para.)**
NEWMAN—(1,800), 25c-40c, 7 days. **Gross:** $4,000. (Average, $6,000)

**"WHITE LIES" (Col.)**
TOWER—(2,200), 25c, 7 days. Stage: "Bandwagon Brevities," with Three Fonzelles, Keene Twins, Vic & LaMarr, Gene Straub, Flo Mayo, others. **Gross:** $6,300. (Average, $6,500)

# "Happiness" with Show Montreal Top

MONTREAL, Dec. 18.—Observance of the Feast of Conception as a bank holiday in the Province of Quebec helped theatres in the face of Christmas shopping. Bebe Daniels and Ben Lyon on the stage with "The Pursuit of Happiness" gave Loew's $12,500.

The second week of "We Live Again" at the Princess was accorded a boost with the addition of the pictures of the Royal wedding in London and the take was $7,500, as against $8,500 for the first week without the Princess Marina shots.

Total business was $41,500. Average is $40,500.

Estimated takings for the week ending Dec. 15:

**"THE WHITE PARADE" (Fox)**
**"BACHELOR OF ARTS" (Fox)**
CAPITOL—(2,547), 25c-35c-40c-50c-60c, 7 days. **Gross:** $8,500. (Average, $9,500)

**"CHEATING CHEATERS" (Univ.)**
IMPERIAL—(1,914), 15c-25c-35c, 7 days. Stage: Vaudeville unit show. **Gross:** $3,000. (Average, $3,500)

**"THE PURSUIT OF HAPPINESS" (Para.)**
LOEW'S—(3,115), 30c-40c-45c-57c-75c, 7 days. Stage: Bebe Daniels and Ben Lyon; Condos Bros.; Hunter & Percival; 4 Albee Sisters; Will Ritchie & Co.; Mann, Robinson & Martin. **Gross:** $12,500. (Average, $10,500)

**"EVELYN PRENTICE" (M-G-M)**
**"LOVE TIME" (Fox)**
PALACE—(2,600), 30c-34c-40c-50c-65c, 7 days. **Gross:** $10,000. (Average, $11,000)

**"WE LIVE AGAIN" (U. A.)**
**"THAT'S GRATITUDE" (Col.)**
PRINCESS—(2,272), 30c-35c-50c-65c, 7 days, 2nd week. Added: Wedding of Duke and Duchess of Kent. **Gross:** $7,500. First week: $8,500. (Average, $6,000)

## *Calls for Gun*

Toronto, Dec. 18.—During the course of his visit in Toronto recently, Ned Sparks was entertained by Premier M. F. Hepburn of Ontario, both having been residents of St. Thomas, Ont.

As Sparks was being taken on a tour of the Provincial Parliament Buildings, the party passed a door which was labeled "Ontario Motion Picture Censor Bureau." Without cracking a smile, Sparks called loudly for a shotgun and buckshot.

# "Prentice" Is Cleveland Top With $12,000

CLEVELAND, Dec. 18. — "Evelyn Prentice" was the only important box-office attraction in a dull week here. Its $12,000 take at Loew's State topped normal by $2,000.

"Flirtation Walk" fell off to $5,700 in its second week at Warners' Hippodrome. "Imitation of Life," which has been stirring up excitement elsewhere, failed to click in a big way. It took only $8,500 at the RKO Palace.

Total gross was $31,600. Average is $34,000.

Estimated takings for the week ending Dec. 14:

**"THE SILVER STREAK" (Radio)**
ALLEN—(3,300), 20c-30c-40c, 5 days. **Gross:** $1,400. (Average, $3,000)

**"FLIRTATION WALK" (F. N.)**
WARNERS' HIPPODROME—(3,800), 30c-35c-44c, 7 days, 2nd week. **Gross:** $5,700. (Average, $6,000)

**"IMITATION OF LIFE" (Univ.)**
RKO PALACE—(3,100), 30c-35c-44c, 7 days. **Gross:** $8,500. (Average, $10,000).

**"EVELYN PRENTICE" (M-G-M)**
LOEW'S STATE—(3,400), 30c-35c-44c, 7 days. **Gross:** $12,000. (Average, $10,000)

**"MENACE" (Para.)**
LOEW'S STILLMAN—(1,900), 20c-30c-40c, 7 days. **Gross:** $4,000. (Average, $4,000)

## *Seeks Foreign Deals*

BOSTON, Dec. 18.—William Shapiro, president of Franklin Prod., is abroad seeking distribution right here, and possibly nationally, on British product. At the local offices, where his sister, Celia Shapiro recently has become booker, it is said that no definite word has been received from across. B. I. P. is said to be one concern in which the Hub exchange executive is interested.

## *Chambers-Higgens Wed*

BOSTON, Dec. 18.—Marion Higgens, for some years on the house staff of the Metropolitan, and Donald Chambers, assistant to Harry Browning, publicity mentor, have married.

## *Col. Signs Byron Morgan*

HOLLYWOOD, Dec. 18.—Columbia has placed Byron Morgan, scenarist, under contract. His first will be the adaptation of "Two for One."

## *Dave Chatkin Is Ill*

CLEVELAND, Dec. 18.—Dave Chatkin circuit head, is ill in his apartment at Wade Park Manor.

# "Rhythm" Is Pittsburgh's Single Draw

PITTSBURGH, Dec. 18.—Pre-Christmas shopping hit theatres with vengeance. Last week was one of th poorest of the season, not a singl house going above par and only th Penn touching it. That was wit "College Rhythm," and its $12,000 ca be attributed principally to the presence in the cast of Joe Penner, wh has always been a big favorite locally

The Fulton had one of the wors weeks of the year with "Littl Friend," getting only $2,800, whil "Imitation of Life," for which record breaking business had been predicted was a disappointment at the Stanley doing only $8,000. The Alvin and th Warner also slipped, the former t $9,000 with "Bachelor of Arts" and stage show, and the latter to $3,75 with "Du Barry."

Total grosses in six first runs wer $40,350. Average is $46,500.

Estimated takings for the week ending Dec. 13:

**"BACHELOR OF ARTS" (Fox)**
ALVIN—(2,000), 25c-40c, 6 days. Stag Johnny Perkins, Sally Gay, Peter Higgin Three Little Words, Streamline Alvinette Jerry Mayhall's orchestra. **Gross:** $9,00 Average, $10,000)

**"LITTLE FRIEND" (G. B.)**
FULTON—(1,750), 15c-40c, 6 days. **Gros** $2,800. (Average, $4,500)

**"COLLEGE RHYTHM" (Para.)**
Penn—(3,300), 25c-50c, 6 days. **Gros** $12,000. (Average, $12,000)

**"AGAINST THE LAW" (Col.)**
PITT—(1,600), 15c-35c, 6 days. Stag Raynor Lehr's "Show of Shows," with N (Chic) Haines, The LaFons, Joe Robert Blenders Quartet, June Burnett, Frazi Brothers and Betty Lawrence. **Gros** $4,800. (Average, $6,000)

**"IMITATION OF LIFE" (Univ.)**
STANLEY—(3,600), 25c-50c, 6 day **Gross:** $8,000. (Average, $9,000)

**"DU BARRY" (Warners)**
WARNER—(2,000), 25c-40c, 6 days. **Gros** $3,750. (Average, $5,000.)

# "Flirtation" Good Draw in Oklahom

OKLAHOMA CITY, Dec. 18.—"Flirtation Walk" knocked the Christma slump loose from the Midwest with take of $4,700, over the line by $700.

"It's a Gift" was the only other a traction in town to demonstrate it drawing power in the face of the shopping rush. It took $2,400 at the Cap tol, which tops par by $400.

Total first run business was $12,60 Average is $13,500.

Estimated takings for the week ending Dec. 15:

**"WE LIVE AGAIN" (U. A.)**
WARNER—(1,900), 10c-20c-36c-41c-56c, days. **Gross:** $3,000. (Average, $5,000)

**"FLIRTATION WALK" (F. N.)**
MIDWEST—(1,500), 10c-26c-36c-56c, days. **Gross:** $4,700. (Average, $4,000)

**"IT'S A GIFT" (Para.)**
CAPITOL—(1,200), 10c-20c-26c-36c-41c, days. **Gross:** $2,400. (Average, $2,000.)

**"MENACE" (Para.)**
LIBERTY—(1,500), 10c-15c-26c-36c, 4 day "Circus Days" on stage. **Gross:** $1,90 (Average week, $2,500)

**"HAVE A HEART" (M-G-M)**
LIBERTY—(1,500), 10c-15c-26c-36c, 3 day **Gross:** $600. (Average week, $2,500)

## *Del Ruth for Tibbett*

HOLLYWOOD, Dec. 18.—Darryl Za nuck has assigned Roy Del Ruth t direct Lawrence Tibbett's first fo 20th Century, "Sing, Governor, Sing.

# Amalgamation Of G. B. Units Now Expected

(Continued from page 1)

hortly in connection with General Theatres, as a result of the stormy scenes which developed recently at the annual meeting and the proposed probe of its affairs, to which Isidore Ostrer consented.

As a result of the uncertainties connected with this probe Jeffrey Bernerd has delayed his departure for the United States and is not certain when he will leave.

A drop in Gaumont British ordinary shares to a low of eight shillings and six pence (about $2.12) compared with 14 shillings and 10¼ pence (about $3.70) early in the year, accompanied by a decline in preference stock from 20 shillings and nine pence (about $5) to 15 shillings and one and a half pence (about $3.75), is giving rise to adverse rumors and emphatic press comment from such important papers as the *Sunday Times, Daily Mail* and *Financial Times,* calling for a statement from the directors.

The last-named publication speaks of rumors that all is not well with the organization, asserting in a leading article that the slump is inexplicable if the company's prospect is as it was outlined at the recent Gaumont British general meeting and that directors "must make a statement at the earliest possible moment which will render clear the essential facts of the situation."

### Rumor of Statement After Xmas

It is rumored that there will be a statement after Christmas. There are also rumors of a capital consolidation scheme.

The ordinary shares rallied today to nine shillings and six pence (about $2.30), the gain being ascribed to a year closing.

It is believed that only £165,000 (about $825,000) of the recent £500,000 (about $2,500,000) debenture issue has been placed, but whether this is due to the antagonism of the City or to the fact that the sum obtained is considered sufficient for the cash needs of the company is not known.

Supporting hints given by Maurice Ostrer at the Gaumont British annual meeting. It is stated in the report of the General Theatres Corp. that a plan of capital reduction is being prepared.

The figures of the report show a net profit for the year of £193,934 or £53,776 less than the previous year. This sum is insufficient, by £23,826, to pay the amount called for to meet debenture stock interest and sinking fund.

The preference dividend has again been passed and there is nothing on the ordinary shares.

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## *Fox Gets Tito Guizar*

Tito Guizar, radio tenor, has been signed by Fox. He will start his first picture, "Adios, Argentina," early in the spring. Lou Brock, Fox producer, handled the deal.

Fox also has signed Oscar Bradley, musical director. He will leave for the coast early next month.

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# *Looking 'Em Over*

## *"Bella Donna"*

*(Twickenham-Gaumont British)*

London, Dec. 6.—This adaptation of the James Bernard Fagan play, from the equally well-known novel by Robert Hichens, is a product of the independent Twickenham studio, which has a good reputation in England for box-office material. Over and above the fact that it uses established plot material, "Bella Donna" has a very strong cast including Conrad Veidt, Mary Ellis, Cedric Hardwicke and John Stuart. These names and the title value are distinct assets.

The story is that of an adventuress, Mona Chepstow ("Bella Donna") who tricks into marriage Nigel Armine, a young engineer, and goes with him to Egypt. There she is fascinated by, and surrenders herself to, a wealthy Egyptian, Mahmoud Baroudi, and at his instigation begins to administer slow poison to her husband. Dr. Isaacson, a friend of Armine's, comes from England, saves him, and reveals Bella Donna's guilt. She goes to Baroudi, but he turns her away.

There is a flavor of the theatre about the central idea; the degenerate white woman's infatuation for a slightly more polished "sheik," which is proof against the discovery that she is only one of many houris. So far as one can, nowadays, take this plot seriously there is definite interest in the clash of wills between the infatuated woman and the cool medico. The acting of Mary Ellis and Hardwicke in these roles is admirable. John Stuart is the husband, and adequate in the part, but Veidt is worthy of better material than the somewhat highly colored Eastern debauchee, Baroudi.

It is a picture that will appeal most to women patrons. They may not like the belly dances which Baroudi is fond of contemplating in his moments of ease, but the exotic lover is still an audience asset and the finale, with Bella Donna shut out of her own home and rejected by her lover, is theatrically effective.

Running time, 85 minutes. Classification, "A." (British Censor's Certificate, "A.") ALLAN

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*"Babbitt," now playing at the Palace, was reviewed by wire from Hollywood on Nov. 8.*

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## *Short Subjects*

### *"Going Places with Lowell Thomas, No. 5"*

*(Universal)*

A diverting short that takes the audience to Algiers and Nassau. The West Indies scenes have been captured by the camera in beautiful fashion. The rest of the short pictures a burglar-proof showcase for jewels and strange ships that serve as other than sea-going craft. No code seal. Running time, 9 1/4 mins. "G."

### *"Stranger Than Fiction, No. 5"*

*(Universal)*

There is plenty of entertainment in this short. Among the amazing items and personalities are a slingshot expert, an American diamond mine, a fire company that answers the call on skiis, a machine that dissipates fog, a tame humming bird, an armless ball player and a fellow who makes a specialty of catering to dogs. No code number. Running time, 9 mins. "G."

### *"In the Dog House"*

*(Columbia)*

Here is a two-reeler, with Andy Clyde, Vivian Oakland and Delmar Watson, that should prove satisfactory fare any place. It has a story through which is woven comedy on the part of Clyde and Miss Oakland and pathos on the part of Watson, an orphan continually threatened with return to the orphanage. The performances of all three characters are natural. Code seal, No. 404. Running time, 20 mins. "G."

### *"The House Where I Was Born"*

*(Educational)*

A light, fairly entertaining short that serves as a medium for several pleasant songs by Sylvia Froos and Frank Luther. The two, sweethearts, live in a theatrical boarding house and are trying to sell some songs they have written, but with little success. They are both homesick for Indiana, from whence they came to New York, and the final scenes show them on their way back home. The vocal numbers are especially good. Production code seal, No. 0180. Running time, 8 mins. "G."

### *"The Hollywood Movie Parade"*

*(Educational)*

This one takes the audience behind the scenes of what is obviously the Fox lot. Jackie Cooper, George O'Brien, Irene Hervey, Director Eddie Cline and Guy Kibbee are all shown in informal shots. Production code seal, No. 243. Running time, 7 mins. "G."

### *"Rugby"*

*(M-G-M)*

Hollywood, Dec. 18.—Pete Smith takes you through the history of rugby, comparing the game to present day football, with interesting results. Ray McCarey directed. Harry Rapf produced. Production Code Seal No. 175. Running time, 9 mins. "G."

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# Kansas City's Price Battle Outlook Hazy

(Continued from page 1)

pictures at the Mainstreet. The Midland lowered its balcony prices after the Mainstreet cut to a top of 40 cents.

While he declared Loew's dropped the Midland's scale to "punish" RKO for scrapping the agreement subscribed to by the circuits and establishing prices at the five first runs, he added that Loew's was meeting a demand for low-priced entertainment when it cut the Midland's balcony to 15 cents matinees and 25 cents nights. The Midland is maintaining its 40-cent price for lower floor seats at night.

Despite present indications that the price war will be extended, it is considered not unlikely that Loew's and RKO will agree on upward revisions some time after the first of the year. Protests by Fox Midwest and Paramount, as well as independent exhibitors, may have a bearing. In the meantime, reports that Loew's and RKO will restore former scales by Jan. 1 are denied by the local managers.

### Mainstreet Resumes Shows Soon

What makes those reports, widely circulated by independent exhibitors, seem improbable is that the Mainstreet resumes stage shows New Year's eve and no price hike has been scheduled.

The problem is made difficult to straighten out because the three first runs involved in the price war each insists that the opposition make the first move to raise admissions. They blame one another for the necessity of cutting. While Loew's claims RKO started the fight, RKO answers it dropped the Mainstreet's balcony scale for straight pictures to the Midland's level only because the latter took the initiative.

The Tower, independent first run, in turn explains its 10-cent cut by the slashes at the other two. The agreement was the Tower would keep a 35-cent top if the circuits would charge 40 cents top for pictures only and 50 cents for combination bills. Barney Joffee, Tower manager, says he will raise if the others restore former scales, but makes no secret of the fact the present 25-cent scale price for all seats at the Tower is better for business than 35 cents.

Publix and Fox Midwest are hopeful the situation will soon adjust itself, and for this reason are maintaining regular prices despite the advantage this gives to the cut-rate theatres.

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## *Hall in Radio Series*

Mordaunt Hall, until recently film reviewer for the *New York Times,* has been engaged for a series of NBC broadcasts, with WEAF the local outlet. He will speak every Monday at 1:30 P. M. on "Screen Players and Plays."

---

## *Harry Goetz Delayed*

Storms delayed arrival of the *Paris* and Harry Goetz from Europe. The boat is scheduled to dock tonight.

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# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 145 NEW YORK, THURSDAY, DECEMBER 20, 1934 TEN CENTS

## New Fox Met Plan Selects Board of Five

### *Kent on List; Goes to Court in Few Days*

An initial board of directors of five members for Fox Metropolitan Playhouses is proposed in the plan of reorganization for the company just completed by the bondholders' committee and scheduled to be presented to Federal Judge Julian W. Mack within the next few days.

Members of the initial board are Sidney Kent, president of Fox Film; Frederick M. Peyser of Hallgarten & Co.; Harry O. King, managing director of the copper industry code authority; Richard C. Hunt, attorney, of Hunt, Jaeckel & Brown, and Ivor B. Clark, head of the real estate firm of that name, and a trustee of the Union Dime Savings Bank. Provision is made in the plan for the

*(Continued on page 2)*

## *B. & K. Franchise Is Held Blocking Loew*

Chicago, Dec. 19.—The improbability of an invasion of the neighborhood field here by Loew's is emphasized by the fact that B. & K. has the M-G-M first run franchise here for several years to come, it is held by those familiar with the local situation. This leaves only last run product for any Loew houses.

B. & K. officials scoff at the idea of a Loew invasion here.

## *J. L. & S. in Court On Paramount Case*

Jones, Linick & Schaefer, operators of the McVickers, Chicago, initiated anti-trust litigation against Paramount yesterday with the filing of an order in U. S. District court here to show cause why Paramount and the trustees of the company should not be joined as defendants in a contemplated action for alleged violations of the

*(Continued on page 2)*

## *Attendance Holding Gains, Taxes Prove*

Washington, Dec. 19.—Theatrical attendance is continuing well ahead of last year, the Internal Revenue Bureau indicated today in its monthly report.

November collections on admissions were $1,443,214, against $1,230,691 in the same month last year.

*Ship film by National Film Carriers, Inc., and be certain of on time delivery.—Adv.*

# Protest End of Lease Clause; May Retain It

### *Farnsworth, Samuelson, Kuykendall Declare It Is Helpful*

By CLARENCE LINZ

Washington, Dec. 19.—Determined opposition to the elimination of code provisions prohibiting interference with leases was offered today before Deputy Administrator William P. Farnsworth during argument on amendments proposed by Campi with indications that the provisions will be retained, probably with an amendment providing that, after an administrative finding, relief is to be sought through court action.

The fight against deletion of the clause was led by Norman Samuelson of New York, attorney for William C. Smalley, whose complaint against the Schine circuit over the Hamilton (N. Y.) theatre wil be heard tomorrow by the NRA Compliance Board.

Samuelson's position was supported

*(Continued on page 4)*

## *Conspiracy Charge Is Dismissed Here*

After listening to conspiracy charges by Frank Samerelli of the Royal, Port Jervis, N. Y., against Fox, M-G-M, RKO, U. A., Warners and Paramount for two days, the New York grievance board, by a vote of three to one, yesterday dismissed the complaint.

Louis Geller, independent exhibitor, was the only dissenting voter. George Thompson, impartial representative,

*(Continued on page 4)*

## *Strand Fire Shifts Warners' Bookings*

Enforced closing of the Strand because of fire damage finds the Warners shifting bookings in order to maintain their representation on Broadway. First deal is for "Sweet Adeline" which goes into the Paramount Jan. 4.

The company will not reopen the now darkened Warner, although the plan is understood to have been under consideration. Repairs at the Strand probably will take about three weeks.

## *Court Sets Date on Tri-Ergon's Action*

Federal Judge Marcus B. Campbell yesterday gave American Tri-Ergon until 20 days after the Supreme

*(Continued on page 2)*

## British Move To Tip Quota Picture Cost

By BRUCE ALLAN

London, Dec. 19.—A revision of the British quota act to meet the problem of "pound-a-foot quickies" either through addition of a minimum cost clause or the establishment, by law, of a quality standard now appears certain.

G. R. Hall Caine, M.P., and chairman of the Board of Trade advisory committee under the act, in a speech before the City Conservative Ass'n. last night, said his group had examined the act and thought certain provisions of the law now were out of date. He also revealed his report had been completed for Walter Runciman, president of the Board of Trade, who is expected to introduce amendments in the House of Com-

*(Continued on page 2)*

### *May Extend Act*

**London, Dec. 19.—The British quota law, into which will be injected more and sharper teeth, jumps to 20 per cent next year.**

**The present act, which is to remain in effect 10 years, terminates in 1938 but its extension now seems likely.**

## Golden Says 7,000 Houses Have Duals

More than 7,000 theatres are double billing throughout the country, Edward A. Golden, general sales manager of Monogram, stated yesterday. The figure, compared with the 12,000 houses now operating, is conservative, he said.

In key centers like New York, Los Angeles, St. Louis, New Haven, Detroit, Boston, Kansas City, and Milwaukee practically all of the houses are twin billing, Golden holds.

## *Smith Wants End of Duals; Pettijohn for Tight Lips*

By CHARLES C. PETTIJOHN
*General Counsel, M.P.P.D.A.*

This year instead of "hazarding a guess" or "taking a peep" or "looking around the corner," may I make a wish instead of a prophecy.

My wish is that 1935 may be recalled in the history of the business, as the year of "fewer and shorter interviews." If we could all get on or off trains and boats and go through Kansas City without being interviewed, what a wonderful business this would be! It would be only a question of time until "our public" could understand us.

By A. W. SMITH, JR.
*Eastern Sales Manager, Warners*

It is my belief that more pictures of box-office merit will be placed in distribution during 1935 than ever before. This is due to the fact that production has become more cognizant of box-office values because of its closer contact with distribution and exhibition.

Most of the dirty linen in the laundry has been washed clean. Progress is sure to follow.

It is my prediction that during 1935 the industry as a unit will eliminate the showing of two feature pictures on the same bill at one admission price.

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## Columbia Tops List Of B. O. "Champions"

Columbia heads the list of "Box-Office Champions" for November compiled by *Motion Picture Herald,* out today, with two entries, "One Night of Love" and "Lady by Choice."

The other champions are M-G-M's "The Merry Widow," Radio's "The Gay Divorcee," Fox's "The White Parade," United Artists' "Kid Millions" and Paramount's "Mrs. Wiggs of the Cabbage Patch."

## Film Parties Planned

Warners' New York exchange force will hold a Christmas party tomorrow afternoon. M-G-M's Pep Club holds its annual dinner and dance at the New Yorker Saturday.

## Pick "Man of Aran"

"Man of Aran," Gaumont British feature produced by Robert J. Flaherty, has been picked as the best picture of the year by the National Board of Review.

2 WEEKS ON BROADWAY
WAR IS A RACKET!
FOR BOOKINGS AND RIGHTS
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## New Fox Met Plan Selects Board of 5

(*Continued from page* 1)

addition of other members in the future when deemed advisable.

The completed plan differs in few respects from the original plan of reorganization for Fox Met developed by the committee last spring and first published in MOTION PICTURE DAILY May 22. The most important changes are those which have been made in the directorate and in the operating agreements with Skouras and Randforce, whose contracts are now cancellable after May 1, 1936, as reported in MOTION PICTURE DAILY of Nov. 28.

The original board named only Kent, Hunt and Herbert P. Howell, president of the Commercial National Bank & Trust Co., who also were to comprise a voting trust for the common stock for a period of three years. In the completed plan, Howell is not on the board, while Peyser, King and Clark have been added. The voting trust has been abandoned.

### Terms of Revised Agreements

The revised Skouras and Randforce operating agreements provide for operation of 44 New York, Long Island and New Jersey houses by Skouras and 36 Brooklyn houses by Randforce. Skouras Bros. will receive $75,000 per year and Samuel Rinzler and Louis Frisch, $44,200, total. If a satisfactory offer for the circuit, approved by two-thirds in amount of the bondholders, is received prior to May 1, 1936, and a sale consummated which vests operation of the circuit in new hands, then Skouras and Randforce are to receive 75 per cent of all net profits from Nov. 1, 1934, to May 1, 1936; 50 per cent of all undistributed net profits up to Nov. 1, 1934, and 25 per cent of all undistributed net profits from that date to May 1, 1936.

If Fox Met is not sold by May 1, 1936, Skouras Bros. thereafter will receive total salaries of $52,000 per year, and Frisch and Rinzler total salaries of $39,780 per year. The Fox Film franchise held by Skouras and Randforce is to be assigned by them to the new Fox Met company after May 1, 1936, if a sale has not taken place. Thereafter, if a change of theatre management occurs which is not satisfactory to Fox Film, the franchise is cancellable by that company. Fox Film will receive 10 per cent (27,000 shares) of the common stock of the new Fox Met company as a consideration for agreeing to the transfer of the film franchise to the new company of Skouras and Randforce.

The issuance of this stock is also made a consideration in the settlement of Fox Film's claim of $288,691 against Fox Met. The settlement also provides for the payment of $25,000 in cash to Fox Film.

The new Fox Met company will own 50 per cent of the outstanding stock of the two operating companies to be organized by Skouras and Randforce and the latter will own the remaining 50 per cent which will be subject to options held by the new company in the event of a sale of the circuit. The operators will also subscribe at par for $650,000 of debentures of the new company if no sale has occurred by May 1, 1936, and will pay for these within five years after that date out of dividend income from their stock interest.

## J. L. & S. in Court On Paramount Case

(*Continued from page* 1)

Sherman Act. A hearing was set for Dec. 26.

The action was brought by McVickers Theatre, Inc., and if granted would make Paramount and Charles D. Hilles, Eugene W. Leake and Charles E. Richardson, trustees, defendants in the anti-trust suit to be brought in Federal court at Chicago against Balaban & Katz and major distribution companies. The action, according to Aaron Jones, Sr., head of Jones, Linick & Schaefer, will allege restraint of trade and inability to procure product for the McVickers.

## New Group Set to Start

MILWAUKEE, Dec. 19.—Articles of incorporation of the Independent Theatre Protective Ass'n. of Wisconsin and Upper Michigan were approved today. The initial meeting will be here Jan. 3-4, when officers will be named.

## Majestic Closes Deal

Majestic has just closed a deal with Celebrity Prod. for distribution of the second series of ComiColor cartoons in greater New York and New Jersey.

## Many on Big Board Drop

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc. | 38½ | 38½ | 38½ | — ½ | 100 |
| Consolidated Film Industries | 5⅜ | 4½ | 5 | + ⅝ | 6,600 |
| Consolidated Film Industries, pfd. | 19⅝ | 18⅞ | 19⅜ | + ½ | 7,800 |
| Eastman Kodak | 111 | 109⅞ | 110¾ | +1 | 1,800 |
| Eastman Kodak, pfd. | 140 | 140 | 140 | —2½ | 7,000 |
| Fox Film "A" | 13⅜ | 13⅛ | 13⅛ | — ⅛ | 300 |
| Loew's, Inc., | 35⅞ | 35⅛ | 35⅝ | — ⅜ | 9,900 |
| Paramount Publix, cts. | 3⅝ | 3½ | 3½ | — ⅛ | 4,700 |
| Pathe Exchange | 1 | 1 | 1 | — ⅛ | 300 |
| Pathe Exchange "A" | 14¾ | 14⅜ | 14⅝ | + ⅛ | 500 |
| RKO | 2¾ | 2½ | 2½ | — ¼ | 7,800 |
| Warner Bros. | 4½ | 4¼ | 4¼ | — ¼ | 2,900 |
| Warner Bros., pfd. | 21½ | 21 | 21½ | — ½ | 5,000 |

## Technicolor Declines ⅝ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 12⅞ | 12⅞ | 12⅞ | — ⅝ | 200 |

## Pathe Bonds Climb 1⅝ Points

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9⅛ | 8¾ | 8¾ | — ¼ | 32 |
| General Theatre Equipment 6s '40, ctf. | 8¼ | 8 | 8 | ..... | 10 |
| Keith B. F. 6s '46 | 67¼ | 67 | 67¼ | + ¼ | 5 |
| Loew's 6s '41, ww deb rights | 105 | 104⅝ | 104⅝ | — ⅜ | 8 |
| Paramount Broadway 5½s '51 | 44½ | 44½ | 44½ | +1 | 1 |
| Paramount F. L. 6s '47 | 63¾ | 63½ | 63½ | —1 | 2 |
| Paramount Publix 5½s '50 | 64¼ | 63 | 63 | —2¼ | 8 |
| Pathe 7s '37, ww | 100 | 100 | 100 | +1⅝ | 18 |
| RKO 6s '41, pp | 41½ | 40⅝ | 40⅝ | — ⅜ | 4 |
| Warner Bros. 6s '39, wd | 60 | 59¼ | 59⅝ | — ⅞ | 15 |

## British Move to Tip Quota Picture Cost

(*Continued from page* 1)

mons early in the new year. Opposition to the proposals is held unlikely.

Caine's further allusions to loopholes and what he described as the damaging effect in the Dominions of films costing approximately a pound-a-foot make it obvious that the intention is to force Americans to make or buy British films fit for exhibition in line with the policy consistently urged by the Federation of British Industries film group and recent representations of the Cinematograph Exhibitors' Ass'n.

## U. A. Sales Meet Is Set Here Saturday

Three mid-season sales meetings will be held by United Artists within the next three weeks. The first takes place Saturday at the home office when branch managers from Philadelphia, Pittsburgh, Washington, Buffalo, New Haven, Boston and New York meet with Al Lichtman and other executive personnel. This session may extend to Sunday.

On Dec. 29, the second meeting will be held in Chicago and on Jan. 5, western sales heads will gather in San Francisco. Lichtman returned yesterday from New Orleans and Harry Gold and Charles Stern from Cincinnati.

## Trans-Lux Meeting Will Resume Friday

Fight for control of the Trans-Lux Daylight Pictures Screen Corp. failed to terminate yesterday. Tellers were unable to count the proxies held by the two conflicting factions and the meeting was adjourned until Friday.

It was revealed at the meeting by Percy N. Furber, president, however, that the company earned a net profit of $168,985 for the 10 months ended Oct. 31, sufficient to warrant another 10 cents dividend, bringing total payments for this year to 20 cents. In the full calendar year of 1933 the company's net was $114,926.

## Court Sets Date on Tri-Ergon's Action

(*Continued from page* 1)

Court's decision on the pending review in which to furnish Warners and Vitaphone a bill of particulars in connection with the complaint filed against those companies alleging infringement of the double print patents. The defendants will have 20 days threafter in which to file an answer to Tri-Ergon's bill of particulars, Judge Campbell directed.

The Supreme Court hearing on a review of Tri-Ergon's litigation against Paramount is expected to be held the week of Jan. 14 with a decision probably being handed down a month later.

## Stanley Co. Loss Rises

Stanley Co. of America reports a net loss, after depreciation, amortization and other charges, of $2,590,296 for the year ending Aug. 25. Last year the loss was $2,439,104.

## Hays to Talk with Breen

Will Hays and Maurice McKenzie, his assistant, left for the coast yesterday to confer with Joseph I. Breen on rumors he might quit the Production Code Administration.

YOU'RE GOING PLACES WITH

THE
BIG
SHOTS

## End of Code Lease Clause Is Protested

(*Continued from page 1*)

by Ed Kuykendall, Campi member, while John C. Flinn, executive secretary, and Tyree S. Dillard, counsel, made no strong fight in support of their proposal which, they explained, was the result largely of a feeling that the section was useless because of the inability to enforce it. The only other matter to receive opposition was an NRA proposal to require exhibitors to give assurances that code provisions were being complied with in the case of persons employed in contract presentations, Sidney S. Bronberg and Marvin Schenck of Loew's and Sidney Justin of Paramount expressing approval of the idea, but fearing that as written the provision might leave the exhibitor open to prosecution for code violations for which contract producers were responsible.

A number of amendments relating to working conditions and wages for talent were proposed by Campi. Objections to phraseology were made by Ralph Whitehead, executive secretary of the American Federation of Actors, particularly with respect to the pay provisions which, as written, he said, would not prevent employes being paid off in "ham sandwiches," or the continued employment of so-called "amateurs." Upon being assured by both Flinn and Farnsworth that they were seeking to guard against the evasions which he feared and would seek to word the provisions to make them airtight, Whitehead explained he had no objection to the amendments.

### Sees Amateur Clauses Violated

Charging that the amateur provisions were being violated by the major circuits, Whitehead replied to a statement by Flinn that Code Authority had received no complaints since distribution of an interpretation issued by NRA, declaring that "complaint boards throughout the country are refusing to give us redress despite the fact your board has given us very emphatic interpretations, which are being ignored."

Urging retention of the interference clause, Samuelson declared it "one of the few accorded to independents" for the protection of their leases. It was explained by Dillard that elimination had been recommended on a six to four Campi vote, because the provision is "relatively unimportant," is tremendously difficult of administration, conflicts with state laws and frequently operates to the prejudice of persons whom it was never sought to harm.

Admitting that the provision, as now written, might not be enforceable, Samuelson contended that it had proved a deterrent to lease tampering and asked how many cases might have occurred had it not been in the code.

The clause is not effective and places Campi in an embarrassing position because of its inability to enforce, Kuykendall declared, "but it has been productive of considerable good even though we were unable to enforce it."

Explaining that a number of "shoe string" promoters are taking advantage of improving conditions to seek theatres, he asserted that "if we have nothing in this code to restrict operations of this kind it will have a tendency to open the gates. While we have been unable to enforce this, there is no question that it has been a restrictive influence."

At the request of Farnsworth, Samuelson promised to submit a revision of the provision whereby, after an administrative finding of a violation, further action would lie in the courts at the initiative of the injured party.

Unable to attend because of a Federal Trade Commission hearing, Abram F. Myers sent a letter to the NRA protesting elimination of the provision.

## Colonel and Author

Mailbag contribution from Philip Seletsky of Brighton, Mass.:

**"Philip Seletsky, well known local theatrical man, for many years associated with the Nathan H. Gordon Olympia Theatres, with the Paramount - Publix organization, and now executive film buyer for the M & P Publix Theatres, is receiving congratulations from his hosts of friends on being appointed an aide-de-camp on the staff of Governor Ruby Laffoon of Kentucky, with the rank and grade of colonel.**

**"Colonel Seletsky in joining the ranks of the many illustrious Kentucky colonels has as fellow officers such well known personalities as Al Smith, Rudy Vallee, Mae West and Colonel Lindbergh."**

FLASH: A-Mike Vogel, chairman of the Managers' Round Table department in *Motion Picture Herald*, and Gertrude Merriam, his assistant, are now colonels — Kentucky type. A Christmas gift from Governor Ruby Laffoon.

## Conspiracy Charge Is Dismissed Here

(*Continued from page 1*)

amended the decision, asking that it be certified to Campi. At yesterday's meeting, Joe Lee of Fox, Moe Streimer of U. A., Myron Sattler of Paramount and Roy L. Haines of Warners were put on the stand. Each had different reasons for refusing to sell the Royal.

The premature advertising complaint of Warners' Goodwin, Newark, against the Rialto, same city, was dismissed, due to lack of evidence.

## FWC Meeting Today

Los Angeles, Dec. 19.—Charles Skouras, back today, presides tomorrow at a meeting of Fox West Coast district managers at the Ambassador at which he will outline the policy under the National Theatres setup. Meantime attorneys for both objectors and trustees filed briefs in District Court. Judge George Cosgrove is expected to hand down a decision within a few days.

## F. W. Lange on Way Here

Fred W. Lange, general manager in Continental Europe for Paramount, is scheduled to arrive tomorrow on the *Empress of Britain* on his annual trip. While here he will confer with John W. Hicks, Jr.

Lange is expected to be delayed a day because of storms. His headquarters are in Paris.

## RKO Sells Two Circuits

Cresson E. Smith, western sales manager of RKO Distributing Corp., has signed the Schoenstadt and Essaness circuits of Chicago for his company's 1934-35 features and shorts.

## RCA Revision Up Friday

The RCA directorate meets tomorrow to consider a change in the corporation's capital structure.

## Okla. Sale About Ends "U" Circuit

Sale of the 50 per cent interest in the Griffith Amusement Co. operating a circuit in Oklahoma and adjoining states, to Western States Theatres, Inc., virtually disposes of the last of the assets of Universal Chain Theatres Corp., bankrupt company. Robert Randolph of Baltimore is receiver.

The deal was concluded by Foster McSwain, of Ada, Okla. McSwain is president, A. R. Powell of Guthrie, Okla., vice-president, and W. T. Spears, Altus, Okla., secretary and treasurer. These three, with Harry Lowenstein, form the board. All of the stockholders are affiliated with the Griffiths.

## In the Sick Bay

Dave Levy, New Jersey branch manager for M-G-M, is home ill with a bad attack of the flu and has cancelled his vacation trip to Florida. He intended to leave for the south tomorrow.

Ed Finney's mother also is laid up with a bad case of the grippe.

Edward Schnitzer has just gotten over a cold.

## May Build Near School

Trans-Lux yesterday was granted permission by Supreme Court Justice Henry G. Wenzel to build a theatre near Erasmus High School in Brooklyn. A permit had been revoked by License Commissioner Moss after protests by neighbors.

## Fait Here for Product

William Fait, former Mexico branch manager for Warners, is in New York negotiating for independent product for his own exchange in Brazil. He sails Jan. 29 for Rio de Janeiro.

## ITOA Discusses Ball

Protection failed to come up yesterday at the meeting of the ITOA. The major topic was the Movie Ball to be held Jan. 12 at the Astor. Two committees were appointed to handle tickets and the program.

## Dowling Gravely Ill

London, Dec. 19. — Ambrose J. ("Bo") Dowling, former foreign sales manager of RKO, is seriously ill here. Little hope is held for his recovery.

## First Division Men To Discuss New Ree

Salesmen and branch managers wi be given talks on handling of the ne March of Time newsreel at a two-da session scheduled by First Division the Park Central Saturday an Sunday.

After the Saturday session a Chris mas party will be given at the ex change. On Sunday afternoon one the new reels will be screened.

Ray Larsen, vice-president of Tin magazine, will talk to the gatherin Sunday, as will Fred McConnell ar Pat Garyn.

Those who will attend will be Branch managers—J. L. Rose, A bany; Meyer Gruber, Boston; Sa Rosen, Philadelphia; Harry Brow Washington; Elmer Lux, Buffal William LaSance, Cincinnati; Mauri Lebensburger, Cleveland; Milto Cohen, Detroit; Joseph Skirbo Pittsburgh; William Richardson, A lanta; and the following salesmen Mike Levinson, John Schaeffer, Pet Rosian and Morris Oletsky.

Morris Epstein and his New Yo sales staff also will attend.

## "Music" Gets $52,000

Pre-holiday effects on theatre bus ness again took its toll last week wh the Music Hall with "Music in t Air" tallied a gross of $52,000 seven days. The picture got fair good reviews but the public was n in a theatre-going frame of min "Limehouse Blues" at the Rialto ga nered $14,000.

## Offices Close Monday

From advance reports most of t home offices and exchanges will clo Monday because of Christmas. Co umbia and Paramount have alrea notified their employes that Christm Eve will be a holiday for them a Radio will close early, maybe for t full day.

## Kent, Marks Injured

East Liverpool, O., Dec. 19.—W lis Kent, independent producer, a Harry Marks of Paramount were i jured here today in a collision betwe Kent's car and a truck. They le New York yesterday on their w to the coast.

Exceptionally Fine Fo
Holiday Bookings
POWERS
COMICOLOR
CARTOONS
Real Headline Attractions
"JACK AND THE BEANSTALK"
"ALADDIN AND WONDERFUL LAMP"
"THE QUEEN OF HEARTS"
"THE HEADLESS HORSEMAN"
"DON QUIXOTE"
"THE BRAVE TIN SOLDIER"
"THE LITTLE RED HEN"
"PUSS IN BOOTS"
"VALIANT TAILOR"
"JACK FROST"
CELEBRITY PRODUCTIONS, Inc., 723 7th Ave., New York Ci

The Leading
Daily
Newspaper
of the
Motion
Picture
Industry

# MOTION PICTURE DAILY

Alert,
Intelligent
and
Faithful
Service to
the Industry
in All
Branches

OL. 36. NO. 146 NEW YORK, FRIDAY, DECEMBER 21, 1934 TEN CENTS

# Fox Theatres Claim Out of New Met Plan

## Vo Provision Made for Common Stock Issue

Complete disavowal of any obligaon to Fox Theatres Corp. is made the plan of reorganization for Fox etropolitan Playhouses, just comleted by the bondholders' committee f the latter company.

Asserting that Fox Met is insolvent, e plan states that the common stock f the company, therefore, has no alue and will be canceled without ompensation to the holders. Fox Thetres Corp. is the owner of all of the ock of Fox Met and had filed a laim against the debtor for $4,536,742. his claim was provided for in the riginal Fox Met plan prepared last pring and was to be settled by payent of $100,000 to Fox Theatres, toether with provisions for adjustments n theatre leases in which Fox Thetres has an interest. The completed

(Continued on page 10)

## New RKO Sales Unit For the Continent

LONDON, Dec. 20.—Radio Pictures nternational, Ltd., was formed here rior to the departure for New York f Phil Reisman, foreign sales manger for RKO, to handle sales on the ontinent and in the Near East.

E. D. Leishman, who heads the oard of management of Radio Picures, Ltd., here, is managing director of the new company. Ned E.

(Continued on page 7)

## Production to Halt For Two Week-Ends

HOLLYWOOD, Dec. 20.—Production vill be practically at a standstill over he Christmas and New Year's weekends. It is predicted that studio acivity will be on less than a 10 per ent basis Sunday, Monday and Tueslay and about the same for the followng week-end.

### 1928-1932

**The dollar parade in exhibition and production, as revealed by tax returns filed with the Internal Revenue Bureau from 1928 to 1932 inclusive, is displayed on page 10 today.**

# For 'Better Understanding' League; Better Days Seen

By B. B. KAHANE

*President, RKO Studios*

HOLLYWOOD, Dec. 20. — It is my opinion that in the coming year pictures will be better. Pictures have been showing a steady improvement in quality year by year since production started and there is no reason to believe that this forward progress and improvement will be halted. Moreover, the experience of the past year has taught us that it is the outstanding product that does exceptional business and accordingly producers

(Continued on page 13)

By A. MONTAGUE

*General Sales Manager, Columbia*

We will need no Legion of Decency if the industry continues to further develop a Legion of Better Understanding among and between its component elements.

The progress in this direction is the most promising factor in the outlook for the new year. Through it we have learned to make better pictures and the exhibitor has learned how better to sell them to the public.

This development merely has started.

(Continued on page 13)

## Treasury to Study Overlapping Taxes

WASHINGTON, Dec. 20.—Treasury experts immediately will undertake a broad study of the tax situation, the first move toward a policy which will prevent duplication of taxation, ordered today by President Roosevelt. The inquiry will cover the three fields of Federal, state and municipal taxation, and will determine the extent to which the taxing agencies of each group encroach upon the others.

Tax experts have long held that

(Continued on page 7)

## British May Bolster Block Booking Rule

LONDON, Dec. 20.—The block booking clauses of the quota act may be strengthened under the proposed revision of the measure, it was learned today.

## Huge Poster Drive Is Set by Industry

Within the next six weeks the first of a series of posters will go out to every theatre in the land in the industry's greatest drive for the good will of the American public, according to the M. P. P. D. A. Plans outlined by the producer organization call for the prominent display of the posters in theatre lobbies.

There will be no charge to exhibitors, the cost of the campaign being borne by the member companies of the

(Continued on page 10)

## Council Is Behind Clean Films Drive

The New York Council of the Legion of Decency, in the first meeting since its organization yesterday at the Empire State Club, declared

(Continued on page 7)

# Some Talks, Some Ribbing, Some Crowd at Ampa Lunch

Between charitable reminders on behalf of the industry's less fortunate ones and uncharitable "ribbing" of some others, 1,500 persons, comprising the largest gathering ever to attend an A.M.P.A. annual Christmas party, were sufficiently diverted at the Astor yesterday to refrain from embarrassing the hostelry by asking for second helpings.

Liberally mixing gags, introductions, entertainment and speakers, the masters of ceremonies, William Ferguson, A.M.P.A. president, and John W. Alicoate, editor of *The Film Daily,*

(Continued on page 13)

# Kuykendall Is For Zoning to Preserve Code

## Will Bring Order Out of Chaos, He Insists

Asserting that the establishment of clearance and zoning schedules is needed "to preserve the code," Ed Kuykendall, Code Authority member and M.P.T.O.A. president, yesterday renewed his demand for a "fair and equitable method of clearance and zoning" and for retention in the code of the leasing clause with provisions for its enforcement added.

Kuykendall's declaration for retention of the leasing clause was a reiteration of his testimony given in Washington on Wednesday at the hearing before Deputy Administrator William P. Farnsworth on amendments proposed by Campi, one of which would eliminate the provisions prohibiting interference with leases.

"A fair and equitable method of clearance and zoning must be secured for the theatre owners of this country to bring some semblance of orderly procedure out of the present chaotic

(Continued on page 10)

## Smalley Lease Case Is Heard in Capital

WASHINGTON, Dec. 20.—Details of the controversy between William C. Smalley of Hamilton, N. Y., and the Meyer Schine circuit over the possession of the Hamilton theatre were laid before the National Compliance Council today.

The case was brought to Washing-

(Continued on page 10)

## Predicts a Buying Strike for Oregon

PORTLAND, Dec. 20.—Robert White, president of Allied of Oregon, in a signed statement, predicts independent theatres in this state will stop buying major product before the July period because of increased percentage demands and discrimination in selling policies.

### More Awards

**Hollywood, Dec. 20.—The Academy will extend its annual awards this year to embrace short subjects. Composers and film editors also will be accorded recognition, form not yet determined.**

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

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*Editor*
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*Advertising Manager*

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## *Ritchey Closes Deal*

Norton Ritchey, Jr., has closed a deal with William Fait to handle Monogram product in Brazil. Fait, formerly with Warners as head of the Mexico City branch, is opening his own exchange in February. He sails for Rio de Janeiro on Jan. 29.

## *Year's News in Reel*

Twenty-three of the outstanding news events of the year have been pieced together by Hearst Metrotone News as a special subject under the title of "The News Parade of 1934." It is being released today with narration by Edwin C. Hill.

## *Two Warner Films Set*

"Murder in the Clouds" opens at the Rialto Christmas Eve, and "I Sell Anything" starts at the Mayfair on the same night. Both are Warner pictures. "It's a Gift," Paramount film, goes into the Roxy on Jan. 4.

## *Back to Columbia*

Hollywood, Dec. 20.—Alfred Santell, who has been negotiating with Harry Cohn at Columbia on a deal to direct "Feather in Her Hat" by I. A. R. Wyle, will probably do another feature for the studio first.

## *"Dealers" Held Over*

"Dealers in Death" will be held for a second week at the Criterion.

# *Insiders' Outlook*

## *. . . on what they want for Christmas*

Harry M. and Albert L. Warner, Grad Sears, Andy Smith, et al.—Another "Flirtation Walk."
Manny Cohen—Utter confusion to Ben Schulberg and Walter Wanger.
Harold B. Franklin—Better luck next time.
Mae West—Sinsorless sinema.
L. B. Mayer—A book of Will Rogers' speeches.
Every Writer—A new plot.
M-G-M—Another Hearst.
Winfield Sheehan—An alarm clock.
Al Jolson—To direct Walter Winchell.
Lee Tracy—Pistachio ice cream.
Jeff McCarthy—Less back ache.
Lynn Farnol—A lime orchard.
Nick Schenck—More like "Copperfield."

◆

M. H. Aylesworth—Another Dave Sarnoff.
Dave Sarnoff—Another Al Reoch.
Pan Berman—Less Lou Brocks.
Lou Brock—Less Pan Bermans.
Una Merkel—A Swedish accent.
Marlene Dietrich—A two-pants suit.
Columbia—Another Frank Capra.
S. A. Lynch—To come out of the alley.
Lou Cohen—The answer to one question: Why?
Carl Milliken—Still more women's clubs.
Julius Klein—The impossible in film executives.
Marx Brothers—Zeppo.
Pete Smith—Colored shorts.
Max Baer—New powder puff.
Ben Bernie—Piccolo.
Louis Nizer—An emergency repair kit for after-dinner speeches.
Edward Bowes—A new microphone.
Ed Kuykendall — Seven-league boots.
Will Hays—A President's son-in-law, perhaps.

◆

George Schaefer, Neil Agnew, Joe Unger, Milt Kusell—That those bankers become reasonable.
Paramount—Shirley Temple's twin.
Andy Devine—Herbert Marshall's voice.
A. C. Blumenthal—Another Bill Fox.
Charlie McCarthy—Jersey apples.
Ray Johnston—Franchise-holders' O. K. on his new production plans.
Sam Goldwyn—Accentric dictionary.
Walter Wanger—Will Hays' baton.
Eddie Golden—Elusive Tomorrows.
Walter Eberhardt—An early return to Nassau.
Ben Schulberg—Continued business freedom.
Clark Gable—Ear muffs.
John Gilbert—A new deal.
Ruth Chatterton—A good story.
Dave Palfreyman—An alarm clock for office visitors.
Earl Wingart—Something to fill the new bar.
Truman Talley—News to go with the titles.

◆

Al Lichtman—More Zanuck, less Goldwyn.
Arthur Mayer—One break on product.
Pete Mayer, Maurice Rapf, Buddy Schulberg—Another trip to Moscow.
Ernst Lubitsch—Pittsburgh stogies.
Joe Breen—A couple more like "The Merry Widow."
Otto Kruger—Philo Vance.
Fox—Eternal babyhood for Shirley Temple.
Jack Oakie—Joe Penner's duck.
Joe Penner's Duck—Jack Oakie.
All Studios—A pipe of peace.
Pete the Pup—A fire hydrant.
Joan Crawford—Statuette.
Screen Actors' Guild—Assorted nuts.
Mervyn Le Roy—Stilts.
Henry Henigson—A new doghouse.
Greta Garbo—Home tank.
George McL. Baynes and Eastern Service Studio—Eastern production.
David O. Selznick—A diploma for propagandizing.

◆

Jules Levy—Lowdown on ——.
John Considine—Another "Sequoia."
Elissa Landi—Icebox cake.
Charles R. Rogers—Boxing gloves.
Al Lewis—Perfect yarn.
Arthur Hornblow—Bass drum.
William LeBaron—Mae West as quintuplets.
Carl Laemmle, Jr.—Less pills.
Carl Laemmle, Sr.—More like Herb Yates.
Bayard Veiller—Cologne with you.
Cecil de Mille—A shower bath.
Von Sternberg—New Inverness.
Norman McLeod—The Three Marx Brothers.
Don Mersereau—Subscription to *Esquire*.
Earle Hammons—Better bridgework.
Jack Cohn—That Billy Ferguson's description comes true.
Elliott McManus—Hair dye.
Charles Winninger—A new brand of coffee.

◆

Bob Cochrane—Faster train service out of Hollywood for New York.
Vince Barnett—Another chance to rib Rosenblatt.
Ned Sparks—Lemon drops.
Arthur Caesar—Boxing gloves.
Rowland Brown—Design for directing.
James Seymour—Honeymoon.
Leo Morrison—Man Mountain Dean.
Sol Rosenblatt—Less code in the head.
Al Santell—Toeplitz in the dark.
Jean Parker—Adrian gowns.
Karloff—Shin guards.
Roger Pryor—Another West.
Chester Morris—Sleeping pills.
John M. Stahl—A schedule.
Edward Laemmle—More slot machines.
Boris Morros—That one-way ticket to Hollywood.
Milt Schwartzwald—A big-league sustaining hour.
Joe Bernhard—Less boycott in Philadelphia.

◆

Spyros and Charlie Skouras—Same as Thanksgiving: that 10-year contract.
Charlie Einfeld—More Hearst papers.
Ruby Keeler—Caramels.
Marion Davies—Swimming pool for studio bungalow.
Warren William—Sound effects.
Kay Francis—Cavalier.
William Dieterle—A new pair of white gloves.
Max Reinhardt—A Warner miracle.
Jean Muir—Billing.
George Brent—A trip to Sweden.
Hal Wallis—Roller skates.
Henry Blanke—Badminton rules.
Harry Joe Brown—Herpicide.
Robert Lord—Jig-saw puzzle.
Sam Bischoff—Tabloid tales.
Felix Feist—A Chicago theatre circuit, or at least some more talk of one.
C. C. Pettijohn—Maxim silencers for traveling execs.
Herschel Stuart—A fast plane to Dallas.

(*Continued on page 7*)

## *Pathe "A" Off ⅞ on Big Board*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Consolidated Film Industries | 5½ | 5⅛ | 5⅜ | + ⅜ | 4,400 |
| Consolidated Film Industries, pfd | 19⅝ | 19⅛ | 19⅜ | ..... | 4,500 |
| Eastman Kodak | 110¼ | 110 | 110¼ | — ½ | 1,300 |
| Fox Film "A" | 13⅛ | 13 | 13 | — ⅛ | 600 |
| Loew's, Inc. | 34¼ | 33½ | 34⅛ | — ½ | 5,200 |
| Loew's, Inc., pfd | 104⅜ | 104⅜ | 104⅜ | ..... | 100 |
| Paramount Publix, cts | 3½ | 3⅜ | 3½ | ..... | 3,100 |
| Pathe Exchange | 1 | 1 | 1 | ..... | 100 |
| Pathe Exchange "A" | 13¾ | 13¾ | 13¾ | — ⅞ | 300 |
| RKO | 2¾ | 2½ | 2⅝ | + ⅛ | 5,700 |
| Warner Bros. | 4⅜ | 4¼ | 4¼ | ..... | 3,200 |

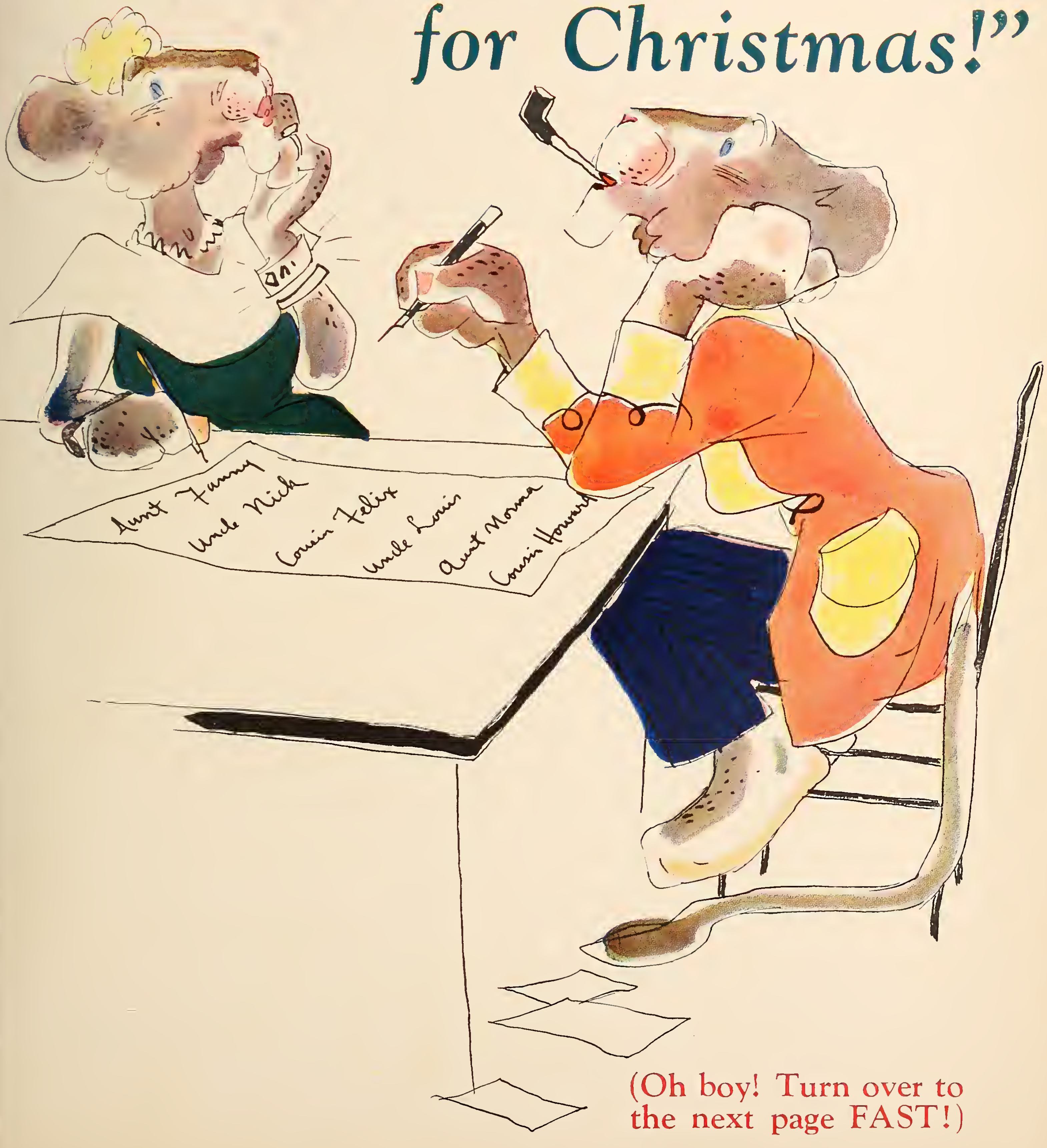
## *Technicolor Declines ⅛ on Curb*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 12¾ | 12¾ | 12¾ | — ⅛ | 400 |
| Trans Lux | 2 | 2 | 2 | ..... | 900 |

## *Para. Publix Bonds Drop 2⅜*

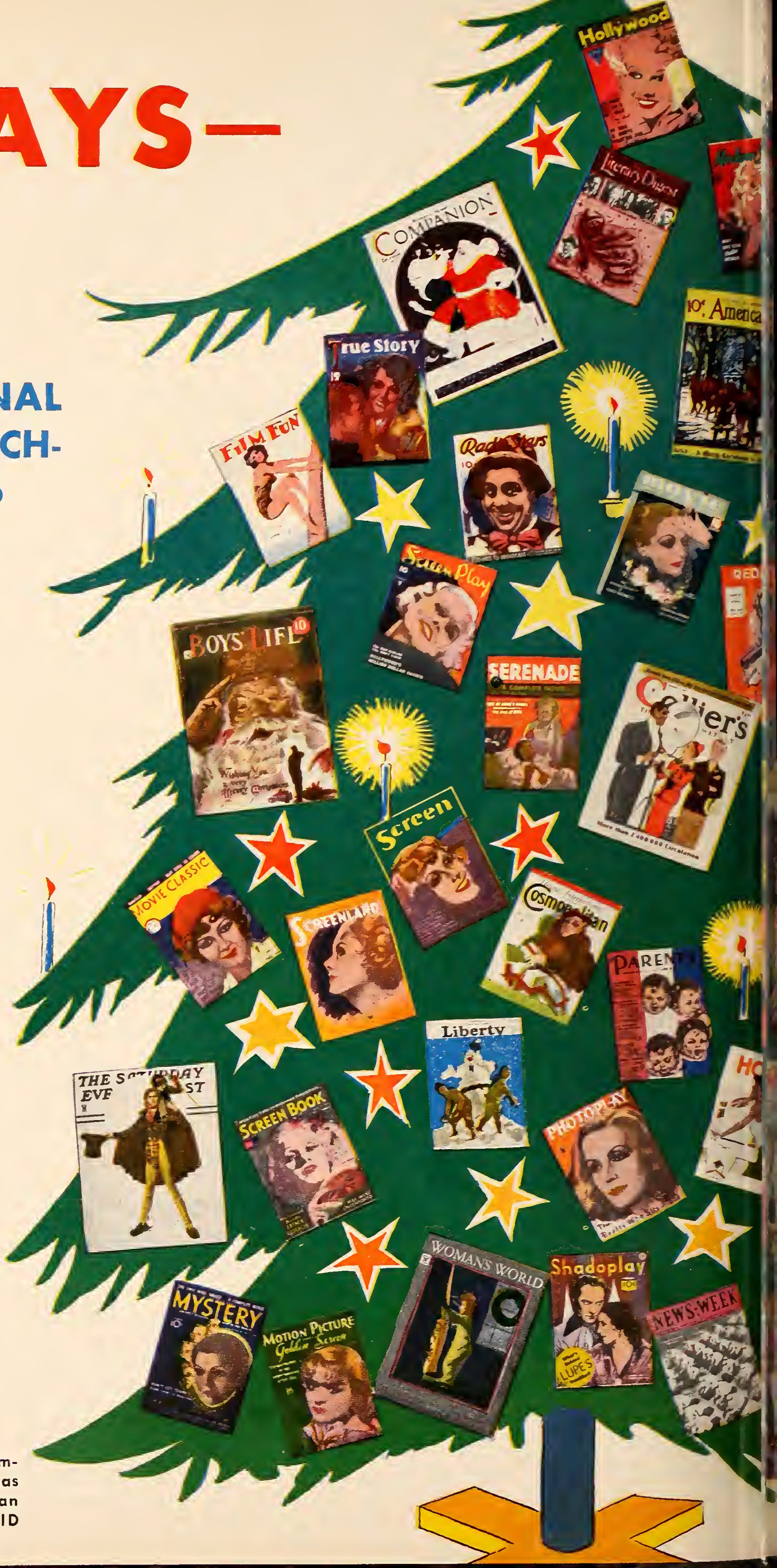
| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9¼ | 8⅝ | 8⅝ | — ⅛ | 30 |
| General Theatre Equipment 6s '40, ctf | 9 | 8½ | 8½ | + ½ | 10 |
| Keith B. F. 6s '46 | 68 | 68 | 68 | + ¾ | 1 |
| Loew's 6s '41, ww deb rights | 105 | 104⅝ | 105 | + ⅜ | 4 |
| Paramount Broadway 5½s '51 | 44 | 43½ | 43½ | —1 | 6 |
| Paramount F. L. 6s '47 | 63 | 63 | 63 | — ½ | 5 |
| Paramount Publix 5½s '50 | 64 | 63 | 63 | —2⅜ | 11 |
| Warner Bros. 6s '39, wd | 59⅛ | 58¾ | 59 | — ⅝ | 20 |

# "AND WHAT SHALL WE GIVE MR. AND MRS. EXHIBITOR *for Christmas!"*


Aunt Fanny
Uncle Nick
Cousin Felix
Uncle Louis
Aunt Norma
Cousin Howard

(Oh boy! Turn over to the next page FAST!)

# LEO SAYS—


Hollywood
Literary Digest
Companion
10¢ America
True Story
Film Fun
Radio Stars
Screen Play
Boys' Life 10
Serenade
Collier's
Screen
Movie Classic
Screenland
Cosmopolitan
Parents
Liberty
The Saturday Evening Post
Screen Book
Photoplay
Womans World
Shadoplay
News-Week
Mystery
Motion Picture

## 40 BIG NATIONAL MAGAZINES REACHING 34,048,736 FAMILIES!

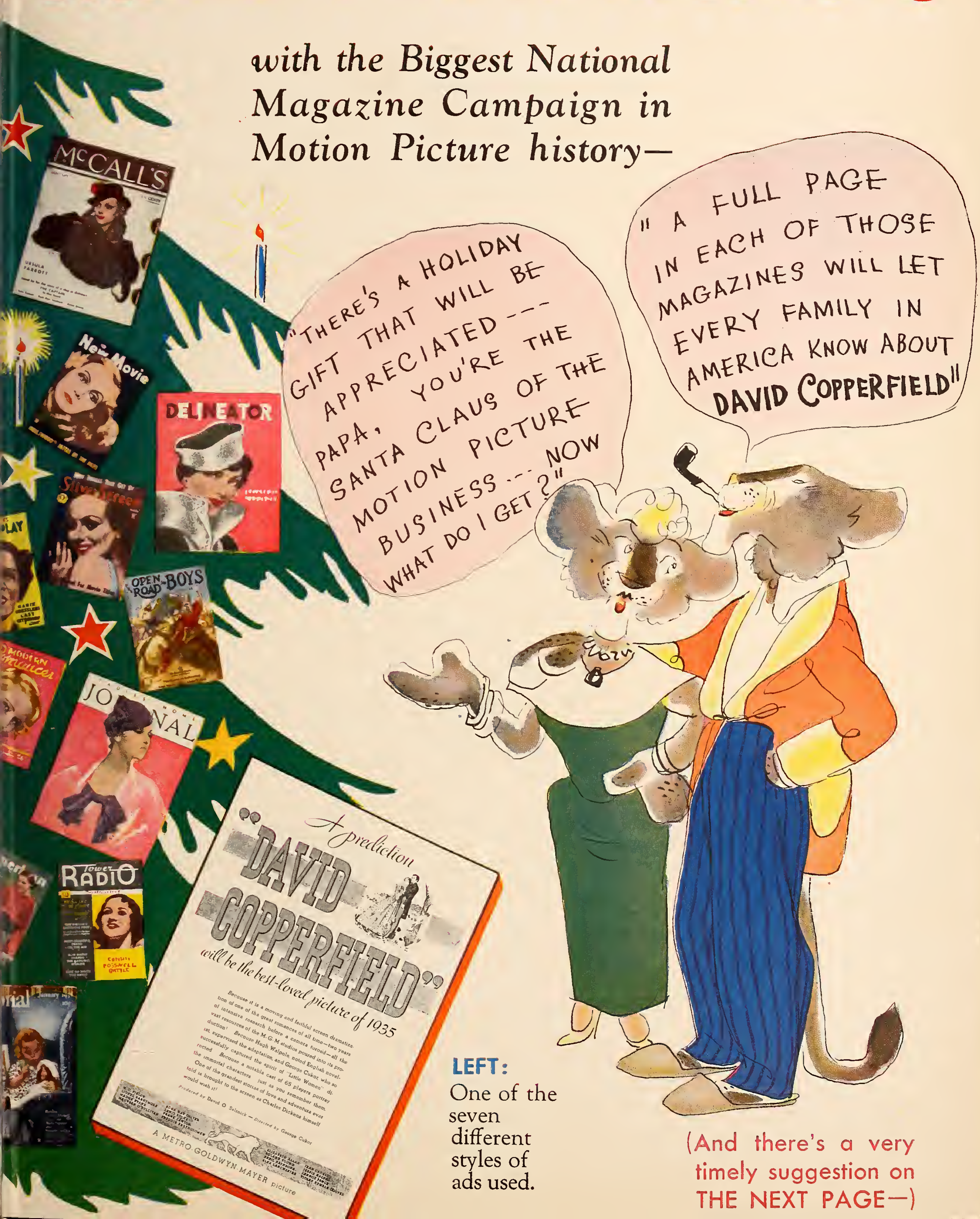
*Pick up any important magazine and you'll find Leo's full-page ads on "DAVID COPPERFIELD."*

Saturday Evening Post
Woman's Home Companion
Ladies' Home Journal
McCall's Magazine
Collier's
Liberty
Delineator
Pictorial Review
American Magazine
True Story
Cosmopolitan
Woman's World
Literary Digest
Red Book
News Week
American Boy
Open Road For Boys
Boys' Life
Film Fun
Screen Romances
Modern Romances
Modern Screen
Radio Stars
Motion Picture
Movie Classics
Movie Mirror
Photoplay
Shadoplay
Picture Play
Hollywood
Screen Book
Screen Play
Screenland
Silver Screen
Home
Mystery
Serenade
New Movie
Tower Radio
Parents' Magazine

**Because M-G-M's national magazine campaign on "Barretts of Wimpole Street" was so successful, Leo now gives exhibitors an even bigger campaign on "DAVID COPPERFIELD."**

# "MERRY CHRISTMAS"

*with the Biggest National Magazine Campaign in Motion Picture history—*


McCALL'S
New Movie
DELINEATOR
Silver Screen
PLAY
OPEN ROAD FOR BOYS
MODERN ROMANCES
LADIES' HOME JOURNAL
Tower RADIO
"THERE'S A HOLIDAY GIFT THAT WILL BE APPRECIATED --- PAPA, YOU'RE THE SANTA CLAUS OF THE MOTION PICTURE BUSINESS --- NOW WHAT DO I GET?"
"A FULL PAGE IN EACH OF THOSE MAGAZINES WILL LET EVERY FAMILY IN AMERICA KNOW ABOUT DAVID COPPERFIELD"

*A prediction*

"DAVID COPPERFIELD"

*will be the best-loved picture of 1935*

Because it is a moving and faithful screen dramatization of one of the great romances of all time—two years of intensive research before a camera turned—all the vast resources of the M.G.M studios poured into its production! Because Hugh Walpole, noted English novelist, supervised the adaptation, and George Cukor, who so successfully captured the spirit of "Little Women" directed. Because a notable cast of 65 players portray the immortal characters just as you remember them. One of the grandest stories of love and adventure ever told is brought to the screen as Charles Dickens himself would wish it!

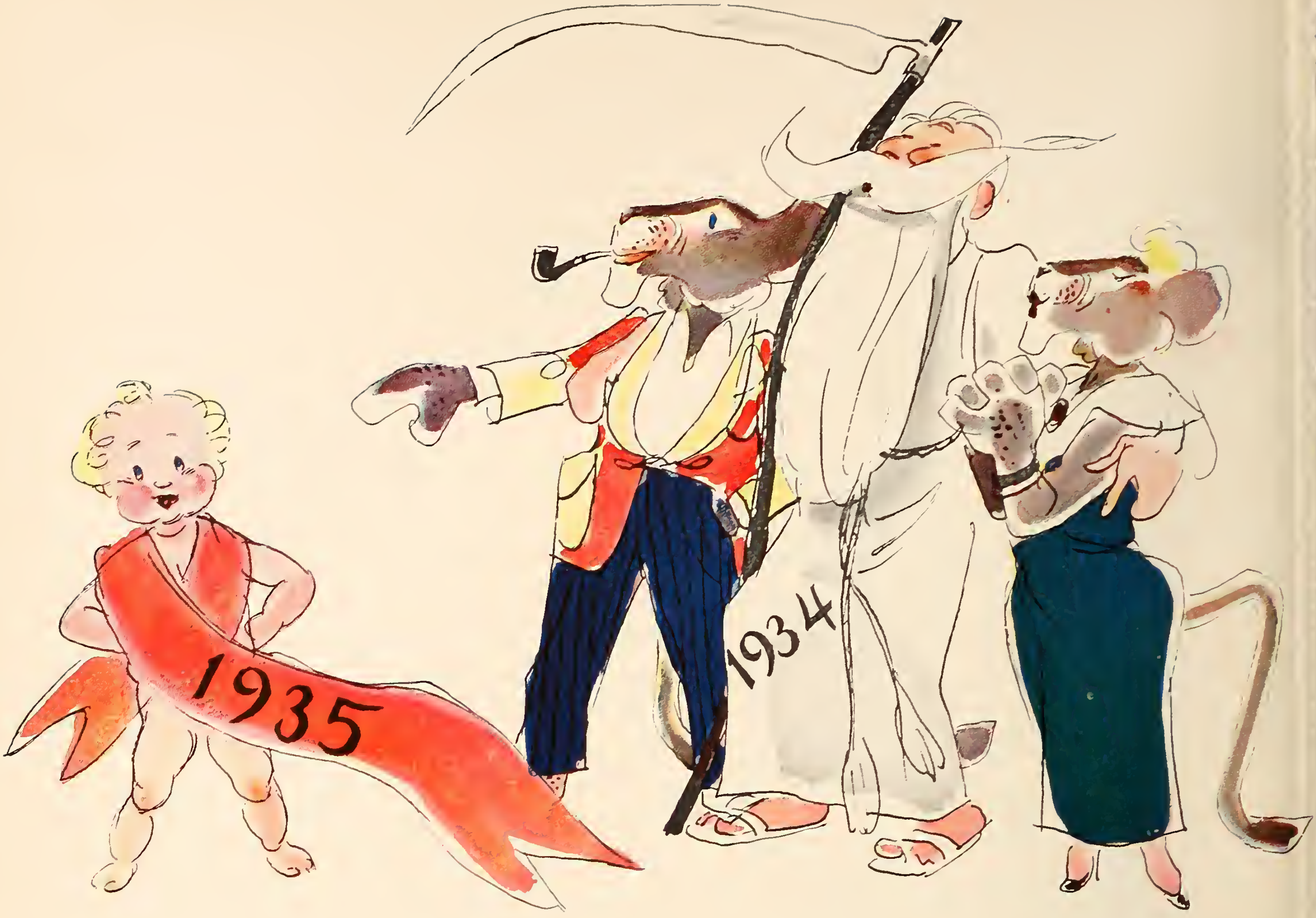
Produced by David O. Selznick — Directed by George Cukor

W. C. FIELDS
LIONEL BARRYMORE
MADGE EVANS
MAUREEN O'SULLIVAN
EDNA MAY OLIVER
LEWIS STONE
FRANK LAWTON
FREDDIE BARTHOLOMEW
ELIZABETH ALLAN
ROLAND YOUNG
BASIL RATHBONE
ELSA LANCHESTER
JEAN CADELL
JESSIE RALPH
LENNOX PAWLE
VIOLET KEMBLE COOPER

A METRO-GOLDWYN-MAYER picture

**LEFT:** One of the seven different styles of ads used.

(And there's a very timely suggestion on THE NEXT PAGE—)



Let's call him

# DAVID COPPERFIELD

*because 1935 will be best known for that!*

**The entire organization of M-G-M from its Studio to its Home Office and its Branches wishes you a Merry Christmas and Happy New Year!**

## Council Is Behind Clean Films Drive

*(Continued from page 1)*

through its chairman, ex-Governor Alfred E. Smith, that it would lend its fullest support to the efforts of the industry in providing clean pictures.

Smith also stated the council would exert all possible endeavor to assist Patrick Cardinal Hayes in his demand for the maintenance of proper standards in public entertainment.

Here is the text of Smith's statement:

"We agreed to marshal public support for motion picture industries carrying out the code for clean, wholesome, decent pictures. We stand solidly behind Cardinal Hayes in his endeavor to see that only clean pictures are shown."

The complete personnel of the council attended the meeting. Its membership follows:

*Manhattan*—James A. Farrell, former president of the U. S. Steel Corp.; George MacDonald, former Mayor John P. O'Brien; Martin Quigley, John J. Raskob, former chairman of the National Democratic Committee, and Alfred Talley, former judge of the Court of General Sessions.

*Bronx*—James Donnelly.

*Richmond*—William T. Fetherston, former justice of the Court of Special Sessions.

*Westchester*—Supreme Court Justice William F. Bleakly.

*Dutchess* and *Putnam*—John E. Mack of Poughkeepsie, former Supreme Court justice.

*Orange* and *Rockland*—Arthur O'Leary.

*Sullivan*—George Cook.

*Ulster*—James Dwyer.

## New RKO Sales Unit For the Continent

*(Continued from page 1)*

Depinet, Reisman and R. W. G. Mackay are directors.

Phil Reisman is aboard the *Empress of Britain*, which is due here Saturday.

### Deplore Dowling's Death

RKO executives yesterday wired condolences to London on the death there of Ambrose J. ("Bo") Dowling, former general manager of RKO Export Corp., and general European manager prior to that.

Dowling had been ill for some time, the immediate cause of his death being attributed to pneumonia and complications.

London, Dec. 20.—Death came to Ambrose J. Dowling Tuesday night at the Rochester Hotel.

## Treasury to Study Overlapping Taxes

*(Continued from page 1)*

some consideration must be given the increasing tendency to add to the burden of commodities and services already heavily burdened.

The study may result in a national conference on taxation to be called by President Roosevelt next summer to consider the development of a national system of taxation which would minimize overlapping. Film interests are deeply interested in the movement, in view of the recent tendency of state agencies to impose admission taxes on top of the 10 per cent Federal levy.

## Meriden Poli to Open

Meriden, Dec. 20.—The Poli, which closed a short time ago, is set to resume operations Dec. 24 on a straight film policy for the time being.

# Insiders' Outlook

*(Continued from page 2)*

Walter Reade—A bidder—with cash—for the Mayfair.
Dick Powell—Flying trapeze.
Pat O'Brien—Reducing machine.
Dolores Del Rio—Enchiladas, tortillas, mantillas.
Stanley Bergerman—Orchids for his buttonhole.
B. F. Zeidman—A megaphone.
Wm. A. McGuire—Ziegfeld's shoes.
Margaret Sullavan—Lorgnettes.
Hortense Schorr—The lowdown on what makes a good Martini.
George Kann—A mess of spaghetti. Or a hot dog.
Helen Twelvetrees — Another tree.
Irving Thalberg—Free-wheeling hour glass.
Lucien Hubbard—Stop watch.
Harry Rapf—Pinochle set.
Hunt Stromberg — Unbreakable film.
Bernie Hyman—Revised code.
Herman Robbins, Toby Gruen and Sam Dembow—That deal.
Harry Arthur—To win the Marshall Square suit against FWC.
Irving Lesser—Another "Imitation of Life" at the Roxy.

▼

Andy Clyde—Safety razor.
Harry Langdon—Pie pan.
Duncan Sisters—Doughnuts.
Robert Kane—A cane from Kent.
Jesse Lasky—More parades.
Ann Harding—A grass shack in Kahalakahoo.
Katharine Hepburn—Overalls.
Howard Dietz—Revenge with or without music.
Charley Laughton—A vassarette.
George Raft—Another bodyguard.
Sylvia Sidney—Avocados.
Eddie Buzzell—Hitler's biography.
Victor Schertzinger — Another "Marcheeta."
Howard S. Cullman—Roxy to stay in Philly.
First Division—Time and still more time.
Sidney Samuelson—A unit on Ed Kuykendall's home ground.

▼

Lloyd Pantages—Pipes of Pan.
Dan Thomas—Dancing lessons.
Louella Parsons—Rompers.
Edwin Schallert—Better Times.
Jimmy Starr—Hair restorer.
Sidney Skolsky—Electric razor.
Adolphe Menjou—Hat, coat and glove.
Archie Mayo—*Esquire*.
Jeannette MacDonald — Frigidaire.
Carole Lombard—Rhumba.
Sid Grauman—Fright wig.
Joe Schenck—Man o' War.
Will Rogers—Bankers' banquets.
Ronald Colman—Hermit's lodge.
George Arliss—Tea and crumpets.
Jimmy Cagney—Doctor's degree.
Joan Blondell—Twins next time.
Lilian Harvey—Ermine tales.
Al Friedlander—No more titles.
John C. Flinn—One clearance and zoning schedule approved, just one.

▼

Jimmy Durante—Nose guard and hankies.
Franchot Tone — Emily Post's latest.
Lupe Velez—Mexican jumping beans.
Gloria Swanson—Martial music.
Ketti Gallian—Slave bracelet.
Harry Cohn—Loudspeaker.
Sam Briskin—Velvet gloves.
Grace Moore—More nights.
Gene Raymond—Wave set.
Fred Keating—Canary Islands.
Frank Capra—A gondola.
George Burns—Gracie's brother.
Claudette Colbert—Leopard skin.
Gary Cooper—Another "chimp."
W. C. Fields—Four Roses.
Bing Crosby—A Scotch purse.
Harry Suchman—To win a case before the local boards.
Local Exhibitors—More relief from Local 306.

▼

Jimmy Grainger—Grosses, bigger and bigger.
Ed Grainger—Daddy's long legs.
Frank Mastroly—Pastrami.
Tammany Young—Couple of gates.
Charley Chaplin—Voice in the dark.
Dr. A. H. Giannini—A few kind words.
Al Kaufman—Mannie's nanny.
Francis Lederer—World peace.
Ginger Rogers—Doll's house.
Wheeler & Woolsey—Cigars and apples.
Al Rockett—History books.
Buddy DeSylva—Hurdy-gurdy.
John Stone—Trip to Zanzibar.
A. M. Botsford—Toastmaster's Guide.
Jeff Lazarus—Shuffleboard.
Rudy Vallee—Web of love.
Monroe Shaff, Buddy Kusell and Lou Goldberg—Another "Dealers in Death."

▼

Douglas Fairbanks—Seven league boots.
Fairbanks, Jr.—Six league boots.
Mary Pickford—Just boots.
Walt Disney—Twins for Mickey and Minnie.
Tom Mix—Big top.
Busby Berkeley—Gyroscope—telescope—Connoly's scope.
Pat Casey—Palm Springs.
Anna May Wong—The right cue.
George White—Earl Carroll's chorus.
Sol Wurtzel—Roulette table.
Jason Joy—Ruby Laffoon's red book.
Janet Gaynor—Pretzels and ice cream.
Joyce and Selznick—Non-collapsible fountain pen.
Connie Bennett—Stratosphere.
Clarence Brown—A blimp.
Lionel Barrymore—Wood-cut set.
Wally Beery—Parachute.
Maurice Chevalier—A Brown Derby.
Jean Harlow—Toy balloons.

▼

Jack Lewis—Streamline.
Stockholders—Dividends.
Gene Fowler—Tricycle.
Edward Small—Five-foot shelf.
Lowell Sherman—Vogue.
Mack Sennett—Golden egg for Father Goose.
Lewis Milestone—Chicken sandwich.
Lew Ayres—More ginger.
James Dunn—Shirley Temple.
Stepin Fetchit—Molasses and sulphur.
Edmund Lowe—Westphalian morsel.

## "One Night" Heads Review Board List

"One Night of Love" has been selected by the National Board of Review as the most entertaining picture of the year. Next is "The House of Rothschild," followed down the line by "The Barretts of Wimpole Street," "The Thin Man," "It Happened One Night," "The Count of Monte Cristo," "Of Human Bondage," "Queen Christina," "Treasure Island" and "What Every Woman Knows."

The board has designated the following as the 10 most artistic American pictures of the year: "The Count of Monte Cristo," "Crime Without Passion," "Eskimo," "The First World War," "It Happened One Night," "The Lost Patrol," "Lot in Sodom," "No Greater Glory," "The Thin Man" and "Viva Villa." Foreign pictures similarly honored are "The Blue Light," "Catherine the Great," "The Constant Nymph," "Madame Bovary" and "Man of Aran."

## His Hour Is 4:30

Mordaunt Hall, former film critic of *The New York Times*, and now a broadcaster of reviews over station WEAF, conducts his program at 4:30 P. M. each Monday, not 1:30 P. M., as reported earlier.

## MacKenzie Studies Sound

Malcolm MacKenzie, sound technician for Monogram studios, is making a study of eastern laboratories in connection with sound printing. He arrived last Sunday and leaves today.

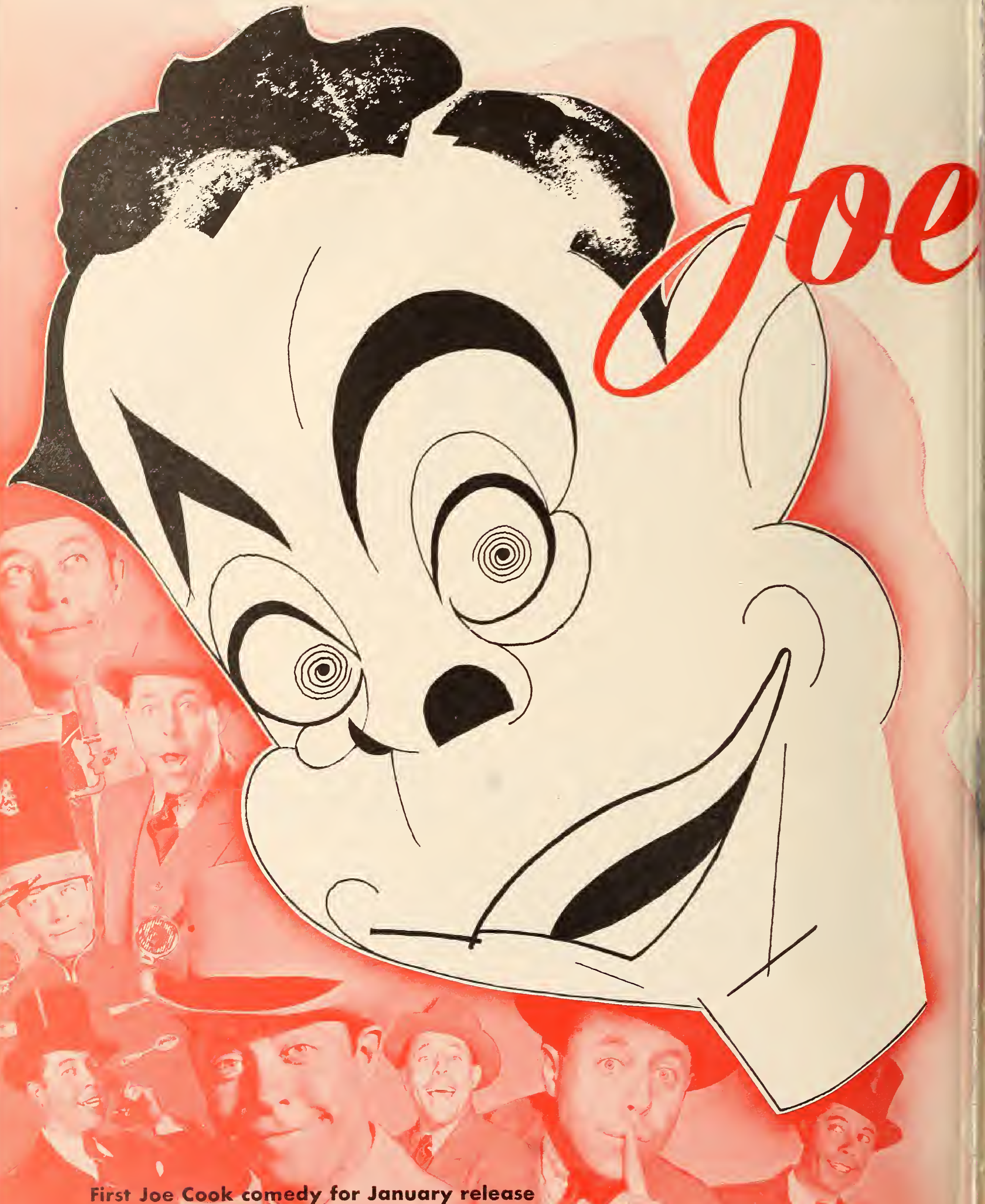
Victor McLaglen—Beauty sleep.
Frank Lloyd—Orchards to you.
Raoul Walsh—Volume of Rabelais.
Damon Runyon—Horsefeathers.
Warner Baxter—Moose gun.
John Boles—Corn pones.
Alice Faye—Valleys with mountains.
Peggy Fears—Big Bad Wolf.
B. B. Kahane—One-man top.
Merian Cooper—Ping-pong set.
Kenneth MacGowan—Little art movement.
Eddie Mannix—A new Paradice.

▼

George Cukor—Harry Revel's waistline.
Sam Katz—Kittens on the keys.
Phil Goldstone—First mortgages.
Mark Sandrich—Broccoli.
E. B. Schoedsack—Atlas.
Fred Astaire—Neckties and socks.
Irene Dunne—Tea leaves.
Bob Montgomery—Two-goal polo handicap.
Bill Powell—Best cellars.
Norma Shearer—Basinette.
Hal Roach — Transcontinental record.
Tay Garnett—Starting date for "China Seas."
"Woody" Van Dyke—Speedometer.
Anna Sten—Shashlik.
Darryl Zanuck—Eddie Cantor's endorsement.
Boleslawski—Garbo's skis.
William K. Howard—Coca-cola.
Sam Taylor—Laughter un-a-Lloyd.
Henry Ginsberg—Bagatelle.
Nat Levine—Cap pistol.
Joe Reddy—Exp-Lloyd-ation.
Trem Carr—Kiddie Carr.
Sol Lesser—Something greater.
Eddie Cantor—Just a boy.

KANN

# THE MOST SENSATIONAL



**First Joe Cook comedy for January release**

Produced by Al Christie

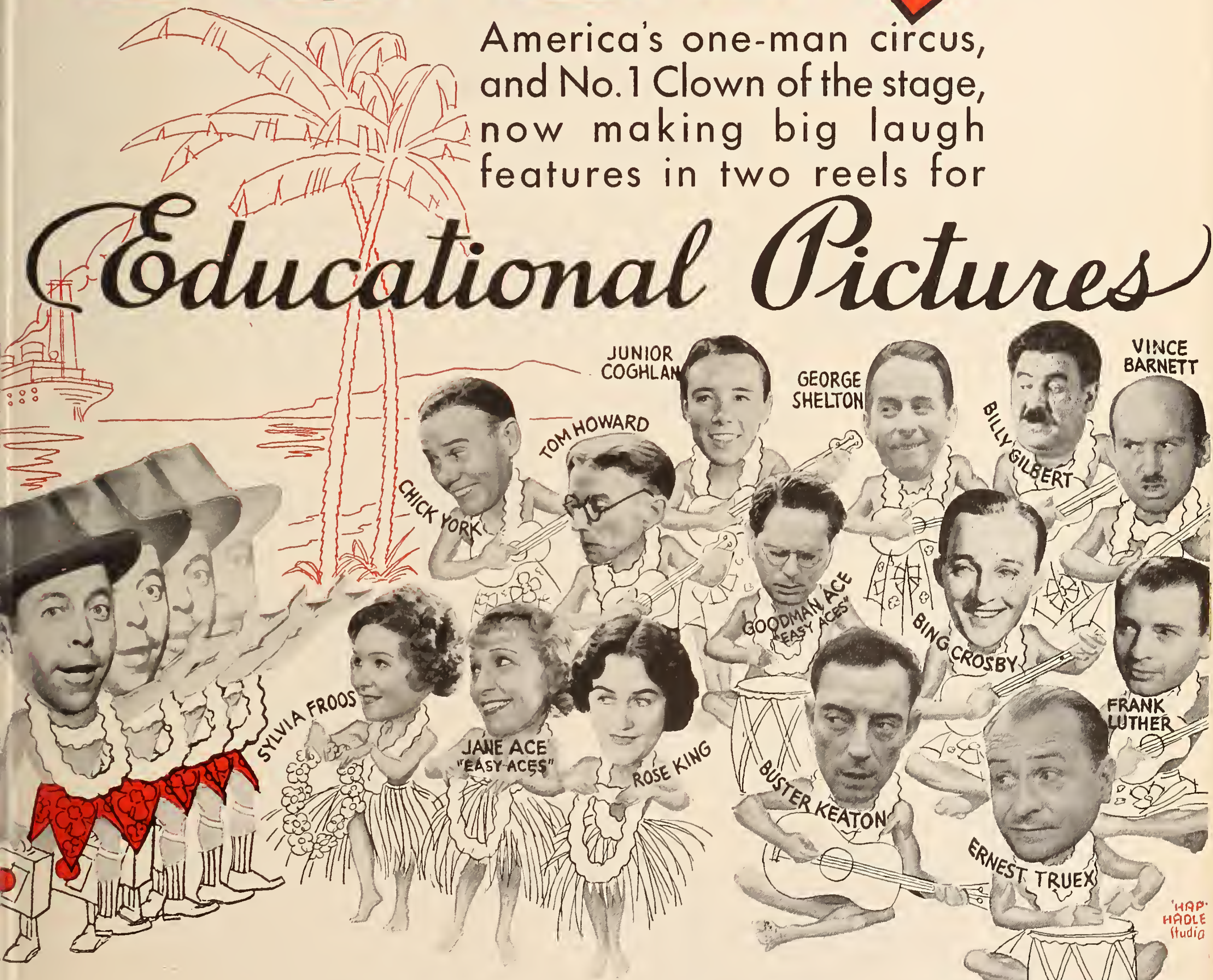
Presented by *E. W. Hammons*

# SHORT SUBJECT NEWS IN YEARS

# COOK

America's one-man circus, and No. 1 Clown of the stage, now making big laugh features in two reels for

## *Educational Pictures*


JUNIOR COGHLAN
GEORGE SHELTON
VINCE BARNETT
TOM HOWARD
BILLY GILBERT
CHICK YORK
GOODMAN ACE "EASY ACES"
BING CROSBY
SYLVIA FROOS
JANE ACE "EASY ACES"
ROSE KING
FRANK LUTHER
BUSTER KEATON
ERNEST TRUEX
'HAP' HADLE Studio

ourteen Hawaiians welcoming Joe (Four Hawaiians) Cook
o the biggest star aggregation in short subject history.

*You get star values such as this in short subjects only from*

*Educational Pictures*
"THE SPICE OF THE PROGRAM"

**Distributed in U. S. A.
by FOX Film Corporation**

# Fox Theatres Claim Out of New Met Plan

(*Continued from page* 1)

plan makes no provision for settlement of the Fox Theatres claim except to admit it to the same general status of other unsecured creditors who, according to the plan, may share pro rata in any liquidation of unmortgaged assets of Fox Met.

All of Fox Met's 77 theatre leaseholds and eight fee properties, together with most of the cash on hand, are included in the mortgaged assets which are subject to the bondholders' claims amounting to $12,450,000. Unmortgaged assets are understood to be inconsiderable in amount.

The plan provides that the reorganized company shall disaffirm its lease on the Audubon and shall surrender its leases on the Atlantic, National and Terminal in Brooklyn. In the event of a sale of Fox Met by May 1, 1936, the new company reserves the right to take over the Randforce interest in the Empress, Marcy and Rolland, Brooklyn, but, subject to possible litigation at the time of a sale, may not be able to deliver to a purchaser Skouras's Valentine and Crotona, in the Bronx, and the Plaza, Englewood, N. J., which, Skouras claims, are not subject to surrender.

### Capitalization Stays Unchanged

Capitalization of the new company remains the same as proposed in the original plan of last spring, that is, there will be $6,880,350 of new secured five per cent debentures, due in 1945, and 276,214 shares of common stock. All of this is issuable to the noteholders with the exception of $650,000 of debentures to be reserved for subscription by the operators and the 27,000 shares of common stock issuable to Fox Film. Noteholders will receive in exchange for each $1,000 of their claims, $500 of new debentures, 20 shares of new common stock, $100 cash and a registered warrant for a pro rata share in unmortgaged cash, which is subject to later liquidation. The only change in this provision is that the original plan provided for payment of $50 cash, instead of $100.

Due to a provision in most of the Fox Met theatre leases permitting landlords to cancel in the event of receivership or bankruptcy, the new Fox Met company is issuing only 50 per cent of the present debentures outstanding, and interest on these for the first three years will be payable up to a five per cent maximum only out of net earnings. Interest after the initial three-year period will be at a fixed five per cent, whereas interest on the present bonds is six and one-half per cent. These interest modifications, sponsors of the plan say, will reduce the hazard of losing leases through financial difficulties to a minimum.

An election of officers of Fox Met is scheduled to take place within the next few days, as is the filing of the completed plan with the Federal court.

# *A 5-Year Financial Picture*

WASHINGTON, Dec. 20.—The following table, prepared by the Washington bureau of MOTION PICTURE DAILY, traces and gives details of corporate returns of theatres and producers from 1928 to 1932 inclusive as filed with the Internal Revenue Bureau:

## *Film Houses Reporting Net Income*

| YEAR | NUMBER | GROSS | NET | PRIOR YEAR LOSS | TAX |
|---|---|---|---|---|---|
| 1928 | 1,219 | $293,079,000 | $34,009,000 | $1,778,000 | $3,627,000 |
| 1929 | 1,293 | 378,663,000 | 41,044,000 | 1,972,000 | 4,105,000 |
| 1930 | 1,295 | 394,681,000 | 43,133,000 | 2,218,000 | 4,613,000 |
| 1931 | 1,167 | 276,519,000 | 26,005,000 | 2,365,000 | 2,638,000 |
| 1932 | 587 | 180,374,000 | 13,683,000 | 257,000 | 1,814,000 |

## *Film Houses Reporting No Net Income*

| YEAR | NUMBER | GROSS | DEFICIT |
|---|---|---|---|
| 1928 | 948 | $114,763,000 | $12,364,000 |
| 1929 | 1,046 | 129,775,000 | 18,650,000 |
| 1930 | 1,025 | 118,423,000 | 13,390,000 |
| 1931 | 1,148 | 208,133,000 | 21,582,000 |
| 1932 | 1,995 | 325,116,000 | 73,019,000 |

## *Other Theatres Reporting Net Income*

| YEAR | NUMBER | GROSS | NET | PRIOR YEAR LOSS | TAX |
|---|---|---|---|---|---|
| 1928 | 433 | $137,014,000 | $9,595,000 | $ 591,000 | $1,022,000 |
| 1929 | 323 | 63,007,000 | 7,986,000 | 1,402,000 | 694,000 |
| 1930 | 239 | 28,898,000 | 3,679,000 | 485,000 | 330,000 |
| 1931 | 182 | 18,764,000 | 1,398,000 | 112,000 | 130,000 |
| 1932 | 78 | 9,740,000 | 1,307,000 | 230,000 | 147,000 |

## *Other Theatres Reporting No Net Income*

| YEAR | NUMBER | GROSS | DEFICIT |
|---|---|---|---|
| 1928 | 503 | $67,742,000 | $11,443,000 |
| 1929 | 443 | 40,802,000 | 8,485,000 |
| 1930 | 403 | 38,693,000 | 8,236,000 |
| 1931 | 343 | 33,147,000 | 7,532,000 |
| 1932 | 341 | 27,664,000 | 22,009,000 |

## *Producers Reporting Net Income*

| YEAR | NUMBER | GROSS | NET | PRIOR YEAR LOSS | TAX |
|---|---|---|---|---|---|
| 1928 | 106 | $219,254,000 | $19,246,000 | $2,639,000 | $1,938,000 |
| 1929 | 101 | 280,303,000 | 50,238,000 | 2,202,000 | 5,330,000 |
| 1930 | 84 | 357,137,000 | 31,835,000 | 871,000 | 3,690,000 |
| 1931 | 54 | 29,696,000 | 2,698,000 | 44,000 | 318,000 |
| 1932 | 44 | 14,349,000 | 1,145,000 | 181,000 | 135,000 |

## *Producers Reporting No Net Income*

| YEAR | NUMBER | GROSS | DEFICIT |
|---|---|---|---|
| 1928 | 100 | $11,012,000 | $2,136,000 |
| 1929 | 142 | 63,142,000 | 5,838,000 |
| 1930 | 124 | 53,563,000 | 8,447,000 |
| 1931 | 145 | 412,252,000 | 11,372,000 |
| 1932 | 151 | 176,446,000 | 31,344,000 |

## *Stock Suit Against Fox Gets Dismissal*

Supreme Court Justice Samuel I. Rosenman dismissed yesterday an action by three Fox Film stockholders against 21 individuals and six corporations asking for return of $4,000,000 profits alleged to have accrued through sale of the company's stock subsequent to April 17, 1930, as well as unspecified damages held to have resulted from the transaction.

The court ruled any profits that may have been made should have gone to General Theatres Equipment, not to Fox or individual members of the stock syndicate.

## *Lewis Heads Samjax*

Emanuel Lewis has been elected president of the Samjax Corp. He replaces Jacques Koerpel, resigned. Samjax Corp. operates the Gaiety. Lewis will change the house policy from straight films to a stage and screen program.

# Huge Poster Drive Is Set by Industry

(*Continued from page* 1)

Hays organization. The posters, which will be mailed out at monthly intervals, will be in the regulation one-sheet size, 28 by 42, and each will carry "a message dramatizing vividly the service of the screen to all types of people."

The poster series is in charge of a committee composed of Howard Dietz, S. Charles Einfeld, Paul Gulick, Robert M. Gillham, Charles E. McCarthy, Hal Horne, S. Barrett McCormick, Herschel Stuart, P. L. Thompson and Gordon S. White.

M. Leone Bracker is the artist.

# Kuykendall Is For Zoning to Preserve Code

(*Continued from page* 1)

conditions and to preserve the code, much of which is based on that provision," Kuykendall said. "It is difficult, but merits all the effort it requires. I'm sure we will find it a cooperative effort.

"Also, in my opinion," Kuykendall declared, "the clause covering interference with leases must be retained even though it may not be enforcable as it now reads. It has been restrictive in lessening offenses so far, and we must find a way to put teeth into it for the protection of all. It is necessary to fair trade practices."

Kuykendall's statement was given yesterday before he left to spend the holidays at his Columbus, Miss., home.

## *Smalley Lease Case Is Heard in Capital*

(*Continued from page* 1)

ton after the Albany grievance board and Code Authority had been unable to come to a satisfactory decision. Smalley had possession of the house for a number of years. His lease expired in October, and prior to that time the owner sold it to the Glove City Amusement Co. Smalley brought a claim of interference with pending negotiations, and also applied to the courts for an injunction.

The case is one of two out of 15 involving the interference clause with which the Code Authority has been unable to deal.

The decision will be awaited with interest in view of the recommendation of Campi for elimination of the provision from the code on the ground that it is unenforceable.

## *Thompson Reporting On Grievance Board*

Although not officially requested to make the report, George F. Thompson, impartial member of the New York grievance board, is making a resume of the board's activities during the year for submission to Compliance Director Sol A. Rosenblatt.

Thompson's criticisms of the board will touch on the second and third string substitutions for original appointees, it is understood, which he will claim was not the intent of the government and which indicates the board is not functioning properly.

## *Brandt Case Up Today*

Harry Brandt's clearance complaint against Warners for reduction of the 30 days' protection of the Regent, Newark, over the Rialto, same city, will be heard today by the New Jersey advisory committee. This is the case that was scheduled for Monday and postponed due to lack of a distributor representative. Brandt was considerably annoyed at the delay, having previously denied Warners a postponement.

## *Columbians to Dine*

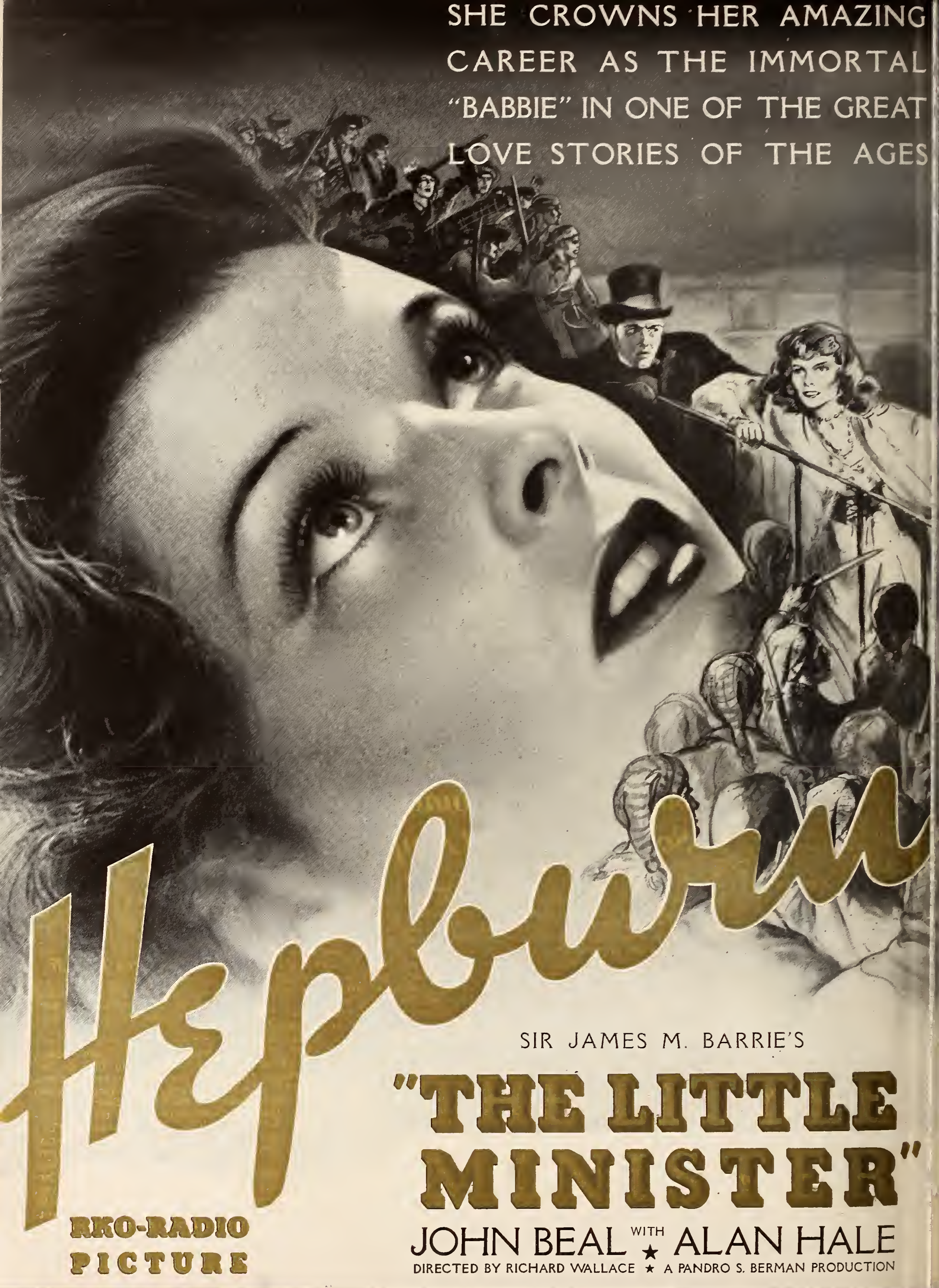
The Columbians, made up of Columbia employes, will hold their annual Christmas luncheon at the Edison on Monday.

THE LARGEST NUMBER OF THEATRES EVER TO PRESENT AN ATTRACTION SIMULTANEOUSLY WILL HONOR THEIR SCREENS THIS HOLIDAY SEASON WITH

# HEPBURN

IN SIR JAMES M. BARRIE'S

# "THE LITTLE MINISTER"



SHE CROWNS HER AMAZING CAREER AS THE IMMORTAL "BABBIE" IN ONE OF THE GREAT LOVE STORIES OF THE AGES

# Hepburn

SIR JAMES M. BARRIE'S

# "THE LITTLE MINISTER"

JOHN BEAL WITH ★ ALAN HALE

DIRECTED BY RICHARD WALLACE ★ A PANDRO S. BERMAN PRODUCTION

**RKO-RADIO PICTURE**

# U. A. Sells Entire Lineup to Saenger

New Orleans, Dec. 20.—Suddenly reversing the sales policy it was presumed to have adopted for the year, United Artists rejected all applications from independents whose towns conflicted with houses in which E. V. Richards has an interest, and sold the entire product to the Saenger circuit, E. V. Richards' Affiliated Theatres, and United Theatres, a group of 18 subsequent run houses in this city which does its buying more or less under Richards' direction.

This reversal came as a surprise to independents who, because of the wide buying done by Saenger and Affiliated in the country, were depending almost entirely upon United Artists for major product. RKO sold Saenger two weeks ago, so the average independent whose houses conflict with either Saenger or Affiliated, or with United Theatres in New Orleans, is left in a predicament.

## Flash Previews

*The Night Is Young*— . . . conveys a Continental flavor . . . heavy with so-called pomp, clank and uniforms, larded over with Teutonic cliches of yesteryear. . . . Where Novarro draws this may attract, but it will require energetic resourcefulness to lift it above the average. . . .

*Million Dollar Baby*— . . . apparently has a hokum quality that should click in neighborhoods and smaller houses and prove more than satisfactory to youngsters. . . .

*These films will be reviewed in full in a later issue of* Motion Picture Daily.

## Writers' Guild Awards

Hollywood, Dec. 20.—First annual awards of the Screen Writers' Guild for the best written pictures of the year were announced tonight at its initial annual dinner-dance at the Trocadero. "It Happened One Night," by Robert Riskin, was first; "The Thin Man," Albert Hackett and Frances Goodrich, second; "The House of Rothschild," Nunnally Johnson, third; "One Night of Love," S. K. Lauren, James Gow and Edmund North, fourth; "Gay Divorcee," George Marion, Jr., Dorothy Yost and Edward Kaufman, and "Of Human Bondage," Lester Cohen, tied for fifth.

## James T. Hanlon Dead

Atlanta, Dec. 20.—James T. Hanlon, 42, for 14 years branch manager for M-G-M, died here of pneumonia, following flu.

Hanlon was a member of the clearance and zoning board. He had been with M-G-M nearly 20 years, and had started as poster clerk, working his way through all stages up to the branch management.

## David Egert Passes

David Egert, brother of Harry, treasurer of Progressive Poster Exchange, Inc., suddenly passed away yesterday. He was 40.

## Shelton Rites Tomorrow

Kansas City, Dec. 20.—Funeral services will be held Saturday for William Lisle Shelton, owner of the Ashland, who died yesterday at 66.

# For 'Better Understanding' League; Better Days Seen

By B. B. KAHANE

*(Continued from page 1)*

will strive for the "bigger" productions and avoid the mediocre type.

Grosses should increase, first, because better productions usually bring better grosses, and secondly, because there are unmistakable evidences that the country is out of its mental doldrums or, at the least, is on the way out, and this psychological improvement in the viewpoint of the people of the nation will have a favorable effect on box-offices.

It is up to the industry to help the up-swing in business and sentiment by making outstanding pictures that will provide varied and worth-while entertainment to theatre-goers. We will participate in the return of prosperity and we should do our share to promote that prosperity.

By A. MONTAGUE

*(Continued from page 1)*

Its premise—better understanding between producer and exhibitor — is something fundamentally sound and highly desirable. With perfection of this relation automatic cooperation between producer and exhibitor will follow. And this condition, in turn, will create increased revenues.

In every phase of financial, commercial and industrial life it is conceded that confidence is the keynote of recovery. Understanding between producer and exhibitor is synonymous with confidence in the industry. No formalities and no organization are necessary prerequisites to put this tremendous force at work for mutual advantage.

In its strongest manifestation, confidence enables the exhibitor to differentiate between the great picture and the "sleeper" and to exploit the former in a manner enabling him to extract from it all available revenue to the advantage of the producer as well as himself. The production is sold to the exhibitor on the basis of confidence. He, in turn, sells it to the public on the same premise. Every one is satisfied and every one benefits, whereas in the absence of this confidence a tremendous amount of playing time would be sacrificed in proving to the public the worth of the attraction. Such loss of time always is at the cost of producer and exhibitor alike and adversely affects the business of both.

One's assets in the industry cannot be estimated solely upon a computation of realty holdings, or of the value of leaseholds. The greatest equity lies in a richer value—the relation he has developed and can develop with those with whom he does business.

## Korda's Latest

By BRUCE ALLAN

**London, Dec. 20.—"The Scarlet Pimpernel," latest from Alexander Korda and London Films, is an artistic production, notable for the fine acting of Leslie Howard. It is less melodramatic than the original version and this time emphasizes comedy values. The tempo is rather slow, the film lacks obvious punch and is for connoisseurs of action and production values rather than for the masses.**

**Merle Oberon is good, as is Nigel Bruce as the Prince of Wales.**

# Some Talks, Some Ribbing, Some Crowd at Ampa Lunch

*(Continued from page 1)*

managed to keep everybody but Arthur Tracy and Nick Lucas interested for the duration of the two and one-half hour luncheon. Tracy and Lucas were preoccupied with thinking up Bing Crosby songs which they crooned later with a dedication to their absent comrade. They caused C. C. Pettijohn, who trailed them on the program, to lament that he, too, didn't know any of Crosby's songs, old or new, to sing.

The charitable notes were struck by Louis Nizer and Alicoate, who called attention to the need for aiding the industry's unfortunates and cited, anonymously, deserving cases known to the administrators of A.M.P.A.'s charities.

"Not all of these cases," Alicoate reassured the gathering, "are like Nizer. We sent him a Christmas basket last year and he called his butler to carry it indoors. Then wanted to return the oranges because they weren't Sunkist."

Pettijohn called the charity appeals of these two "the best act of the day," despite the fact that "too many sweet things were said."

Harry Hershfield, Cheese Club president, augmented the appeals for remembrance of those down on their luck by pointing out that many in the industry minimize the plight of others because all around are people who still have some money.

"We are apt," Hershfield said, "to be like the little Yiddish woman who was approached by a panhandler. 'Please, mum,' pleaded the man, 'can you help me out? I ain't eatin' a thing for four days.' Responded the woman, 'You should force yourself to eat.'"

This, apparently so confused Billy Ferguson, presiding at the time, that he followed up by introducing Red Kann as editor of *Motion Picture Herald* and Jack Cohn as president of Columbia.

Thereafter, Sally Rand, who disdains dancing raiment other than feathers or translucent balloons, was introduced and launched a dissertation on her art and the relation to it of merchandising and window undressing; Lucas sang another of Crosby's songs, dedicated, this time, to Phil de Angelis, and Boris Morros took the bow when Ferguson introduced Nicolai Balieff of the Chauve Souris.

Others introduced by the toastmasters included E. W. Hammons, Felix Feist, Sylvia Froos, Mae Murray, Major Edward Bowes, David Bernstein, Jack Pearl, Lily Pons, Ken Strong, Joseph Connolly, Kitty Carlisle, Al Lichtman, Clendennin Ryan, Henry R. Luce, Richard Bonelli, Karen Morley, Smith & Dale, Postmaster Albert Goldman, Shirley Ross, Grover Whalen and Walter Huston.

# Berman Sees Flood Of Musicals Coming

Pandro S. Berman, Radio producer, predicted yesterday that a flood of musicals shortly will reach the market. "Musicals are making money," he stated, "so every company in Hollywood is planning several. Why things should travel like this in cycles in Hollywood, I couldn't say, but everyone knows that it does."

Berman has been in town several days looking over Broadway shows. He attended the recent board of directors' meeting of the company. He bought no stories or plays while here and leaves for the coast over the week-end.

## Streimer Is Elected Head of Film Board

Moe Streimer of United Artists is successor to Henry Randel of Paramount as president of the New York Film Board of Trade. Other new officers are: Jack Bellman of Hollywood, first vice-president; Robert Fannon of Majestic, second vice-president; Jack Bowen, M-G-M, treasurer; Dave Levy, M-G-M, secretary; Joe Lee, Fox, sergeant-at-arms. Lee replaced Edward Schnitzer of Columbia in the last post after seven years. Induction will take place during the week Jan. 10-15.

## To Coast for Xmas

Coast-bound today in time to reach Hollywood for Christmas will be:

Winfield Sheehan, production generalissimo for Fox.

Gabe Yorke, Fox studio publicity head.

Paul Sloane, the director.

Mildred Ginsberg, wife of Henry, vice-president and general manager of the Roach studio.

## "U" Building Team

Hollywood, Dec. 20.—Jean Dixon joins Universal on a long-term contract Jan. 1. The studio is now looking for a series of stories in which to launch Miss Dixon and Hugh O'Connell as a co-starring comedy team.

## Writ Against Reinhardt

Los Angeles, Dec. 20.—Max Reinhardt today was restrained from working on Warners' "A Mudsummer Night's Dream" by a writ granted in Superior Court to A. A. Haendler, executive of a French theatrical producing agency.

## Meet Writers Dec. 27

Hollywood, Dec. 20.—Writers expect a showdown on the final draft of their code of fair practice at a meeting with producer representatives Dec. 27.

# IS THE NAME OF YOUR THEATRE HERE?

"Old Fashioned DieHards"

Sirs:

LET ME BE ONE OF THE FIRST TO CONGRATULATE YOU ON YOUR ANNOUNCEMENT THAT YOU WILL ENTER THE MOTION PICTURE FIELD STOP I KNOW YOU WILL DO A GOOD JOB AND THAT YOU WILL PROVE TO A LOT OF OLD FASHIONED DIEHARD HALF MUMMIFIED PROFESSORS AND OTHER SUPPOSED TO BE EDUCATORS IN THIS COUNTRY THAT BY THE USE OF PICTURES AND RADIO YOU CAN REEDUCATE MANY MILLIONS STOP DO
NOT WORRY ABOUT
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Sirs:

Your announ
most interesting.
productions show
Cordi

A Toast

Sirs:

I have just finished listening to your MARCH OF TIME program, which holds me enthralled for thirty minutes each Friday night—I only wish it were sixty minutes in length.

Needless to say, I shall look forward with anticipation for your MARCH OF TIME Newsreel. I only hope our theatre manager will buy this feature—for I feel sure the people of our town would appreciate this news feature. I shall request that he book the MARCH OF TIME myself and I know my friends shall do the same.

A toast to TIME's new venture—and much success to its christening.

Yours truly,

Mrs. J. F.
224 N. Oak
Pratt, Kansas

"Our Whole Family"

Sirs:

With reference to your announcement this evening on the MARCH OF TIME program, please be advised that I as well as our whole family will be very glad to support your new venture and sincerely hope that we may soon have the pleasure of seeing your pictures.

Very truly yours,

I. R.
616 Lyons Ave.
Irvington, N. J.

Sirs:

We in this family are delighted to read that your new venture in pictorial journalism is soon to begin. The theatres at which we'd like to see the MARCH OF TIME are: the Kentucky, the Strand, and/or the Ben Ali theatres.

We greatly enjoy the March of Time on Friday evenings. But your program on Nov. 30 was one of the best we've heard.

Very truly yours,

A. S.
1600 Richmond Road
Lexington, Ken.

Sirs:

As a regular reader of TIME, I am much interested in having THE MARCH OF TIME shown at our Emboyd Theatre this city.

Here's hoping we may have the pleasure of seeing the first picture issue and that it proves as interesting and successful as TIME Magazine.

Yours truly,

S. P. H., M.D.
Fort Wayne, Indiana

Sirs:

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I suggest and hope THE MARCH OF TIME may be shown in Indianapolis at Loew's Palace Theatre.

With best wishes for great success,

I am
Yours truly,

J. L. D.
1210 Golden Hill Drive
Indianapolis, Indiana

3 Cheers

3 Cheers for THE MARCH OF TIME Movies. How can we wait!!

M. E. M.
1612—10 Avenue

Frenzied Impatience

Sirs:

Am enormously interested in TIME's brilliant new venture, THE MARCH OF TIME, Inc. As a resident of a small Indiana city I'm hoping that its showing will not be confined to metropolitan areas.

A large group of TIME-readers and MARCH OF TIME enthusiasts are awaiting the debut of your first reel in
what e termed a frenzy of impa-
ill petition the manager of
atre accordingly.
E and FORTUNE's
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Lincoln,

Sirs:

If the MARCH OF TIME mov
pictures will be like the broadcast
the magazine (TIME), I shall end
them with enthusiasm.

Yours very truly,

P. K.
620 Second Stre
Brooklyn, N. Y.

Sirs:

The Warner Theatre in Ridgew
the Hawthorne Theatre in Hawtho
and the Pascash Theatre in Westw
are the ones I patronize most often.
be glad to see THE MARCH OF TI
at any or all of them.

Yours very truly,

E. H.
224 Richards Roa
Ridgewood, N. J.

Sirs:

I would like to see the MARCH
TIME shown at Madison Thea
Oneida, New York.

Yours truly,

E. A.
Wampsville, N. Y

Sirs:

Interested in your new venture.
local theatre for showing is The Cent

N. L. T.
2312 E. Federal Stre
Baltimore, Marylan

Sirs:

Have been enjoying THE MAR
OF TIME over the radio and will
very pleased to hear same in the mov

Yours truly,

W. H.
33 Mildred Terrac
Vaux Hall, N. J.

Sirs:

I would like to have THE MAR
OF TIME exhibited at the Bronx
Theatre, N. Y.

G. C. V deG.
650 Fifth Avenu
New York, N. Y

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East 60th St.
Chicago, Ill

## THIS MAKES HISTORY

IN ALL your experience as an exhibitor have you ever heard of a motion picture being deluged with fan mail before anyone has even seen it on the screen? Yet, on the announcement of this picture, people all over the country wrote and telegraphed asking and demanding that THE MARCH OF TIME be shown in their favorite theater.

Look for the name of your theater in these letters, Mr. Exhibitor, (the copies of those printed here are on file at our office—you can see them any time) read them carefully. You don't have to be told what a reception like this means at the box office.

Released Through
**FIRST DIVISION**
*The New Major*
HARRY A. THOMAS, Pres.

THE MARCH OF TIME

# EVEN BEFORE RELEASE THOUSANDS ARE DEMANDING IT

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 147 NEW YORK, SATURDAY, DECEMBER 22, 1934 TEN CENTS

## Ruling Brings Ascap Federal Trial Nearer

### Judge Mack Rules Upon Broadcast Queries

Trial of the monopoly suit against he American Society of Composers, Authors & Publishers brought by the Pennsylvania Broadcasting Co. in Federal court here two years ago was brought a step closer yesterday with a ruling by Judge Julian W. Mack bearing on the questions in the plaintiff's interrogatory which Ascap will be required to answer.

Indications are that the action, which is backed by the principal naional broadcasting companies and eeks dissolution of Ascap as a monopoly, will be speeded through its preliminary stages and held in readiness

(Continued on page 3)

## Mich. Beano Game Is Ruled a Lottery

GRAND RAPIDS, Dec. 21.—Exhibitors, who have been fighting for more than a year to rid the city of beano games, were a step nearer success this week when the state Supreme Court justices handed down a decision hat the game is a lottery. As this was the only aspect of the case which he high court was asked to decide, he matter was referred back to the Kent County courts, where a beano game operator is charged with operating a lottery. The ruling is expected to put an immediate end to all of the games here.

## Seattle First Runs Drop Double Bills

SEATTLE, Dec. 21.—Dual features will be a thing of the past among first runs by Jan. 1.

First to abandon the policy was the Liberty, where Jensen-Von Herberg resumed singles last month under a new contract with Columbia.

This week Hamrick's Music Box everted to single features, after

(Continued on page 4)

## Fines Imposed for Use of Three Films

Fines of $250 for authorized distribution of Harold Lloyd's "Movie Crazy" and $500 for similar use of Splashing Thru" and "Bugville Romance" were imposed this week by

(Continued on page 4)

*On time film delivery assured by members of National Film Carriers, Inc.—Adv.*

## Breen Declares He Will Stay In Production Job Until 1936

**Hollywood, Dec. 21.—In reply to rumors current here that he would leave his present position to join Universal, Joseph I. Breen, production code administrator, last night issued a formal statement denying he had contemplated any change.**

**Breen stated that he has a definite commitment to carry on as administrator of the code until March, 1936. He admitted, however, that "one of the major producing companies" had offered him an important executive position, but that he had declined because of responsibilities he had to the companies employing him and to the public at large to remain as code head.**

## No Change in Code Authority Planned

WASHINGTON, Dec. 21.—Orders issued by the National Industrial Recovery Board to place a full time NRA representative on code authorities of national industries in order that the public interest may be adequately represented will have no effect on the film code, it was made known today.

Under the terms of the order, "under some circumstances per diem

(Continued on page 3)

## Report Middle West For Scrapping NRA

KANSAS CITY, Dec. 21.—In a poll of the middle west, the Kansas City Chamber of Commerce has determined

(Continued on page 3)

## M-G-M and Loew's Restore Pay Cuts

M-G-M and Loew's yesterday restored to all employes on both coasts all salary reductions made since 1932.

The order will result in increases of from 10 to 30 per cent for employes who received cuts in those amounts during the past two years. The restorations are effective with today's pay checks. Both companies are also understood to be distributing bonus checks to employes today as Christmas gifts.

## First Division Set To Start on Jan. 15

HOLLYWOOD, Dec. 21.—First Division Pictures, located at Mack Sennett Studios, will get under way about

(Continued on page 2)

## Lasky Sees Bigger Profits; Golden Waxes Philosophical

By EDWARD GOLDEN
*Sales Manager, Monogram*

The best way of looking into tomorrow is to look back on yesterday. What the tomorrow has in store for us many times is in the makings of yesterday.

Success is assured for those who have their feet on the ground and are not fantastic in their imagination. Constant application to an idea and an ideal is creative of tomorrow.

Yesterday is gone, only as a step for tomorrow. In

(Continued on page 2)

By JESSE L. LASKY
*Producer for Fox*

HOLLYWOOD, Dec. 21.—Facing 1935, producers have reason to be optimistic over the prospects for improved pictures, and increased profits.

The past year has demonstrated that the policy of entrusting production to individual producers has been eminently successful. The major companies are now committed, very definitely, to the belief that individual

(Continued on page 2)

## Operator Pay Comes Up at Talks Today

### Local 306, Allied M. P. Both in Conference

A meeting of New York exhibitor representatives with officials of Local 306 and Allied M. P. Operators' Union will be held at Code Authority headquarters this morning to consider plans for reduced booth scales.

Temporary wage scale relief was granted by Local 306 at a meeting held 10 days ago, which will continue in effect until a permanent agreement is reached. The meeting is also expected to discuss a merger of Allied with Local 306 and a cessation of all picketing by both unions.

Compliance Administrator Sol A. Rosenblatt will attend. Others to be present include George Browne of I. A. T. S. E., Harry and William Brandt, Charles L. O'Reilly, C. C. Moskowitz, Marvin Schenck and Leslie E. Thompson.

No blanket relief is being given local independents by Local 306 in connection with the temporary agreement

(Continued on page 3)

## Trans-Lux Officers Hold Their Control

The fight for control of the Trans-Lux Daylight Pictures Screen Corp. terminated yesterday in a victory for the acting management.

According to Percy N. Furber, president, there are 4,127 stockholders in the company and 2,551 of these voted at the meeting, with 2,441 casting their ballots in favor of the acting management. The vote in favor of the present management was 399,471; against, 232,005.

Stuart Webb, president of Pathe; Edward W. Marshall, a Boston banker, and Edwin G. Lauder, executor

(Continued on page 4)

## Providence Hit by Free Radio Program

PROVIDENCE, Dec. 21.—Pack another cracked ice bag for exhibitors. Right on the heels of the free Standard Oil show last week came announcement of

(Continued on page 4)

### No Paper Tuesday

***Motion Picture Daily*** **will not publish on Christmas Day, Tuesday, Dec. 25.**

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

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*Advertising Manager*

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## Shows Again in St. Louis

St. Louis, Dec. 21.—Stage shows return to the Missouri, F. & M. house, on Christmas Day. After the first week it is planned to put on 10 acts of vaudeville in conjunction with the usual two feature pictures. The admission will continue 25 cents for adults until 7:30 P.M. and 40 cents thereafter, with 10 cents for children at all times.

## Lowe Gets Promotion

Hollywood, Dec. 21.—Edward T. Lowe, who has been a member of the Fox writing staff, has been made an associate producer working with the Sol Wurtzel unit.

## Smith, Wilk Start East

Hollywood, Dec. 21.—A. W. Smith, eastern and Canadian sales manager for Warners, and Jake Wilk, head of the story department, left for New York today on the Chief.

## Signs Frances Langford

Hollywood, Dec. 21.—Walter Wanger has signed Frances Langford, former New York radio singer, to a long term contract.

## Laemmle on Coast Dec. 24

Hollywood, Dec. 21. — Carl Laemmle, Jr., is due here Monday for conferences with his father and James R. Grainger.

# Lasky Sees Bigger Profits; Golden Waxes Philosophical

### By JESSE L. LASKY

(*Continued from page* 1)

producers can be trusted to turn out showmanship attractions.

The success of new personalities has been an outstanding development in the industry's progress during 1934 and I am convinced the coming year will witness another striking turnover of talent.

In choice of subjects to be filmed, there will be marked departures from the past. Routine plots will give way to thematic ideas. Sex and bedroom stories will disappear from the screen. And sombre subjects will give way to those which are cheerful and optimistic.

Musicals, I predict, will become a permanent part of the industry's program. The tendency, however, is toward fewer productions of this type. Class musicals and light operas will be favored.

Technical improvements will be noted also in next year's product, particularly in color photography. Audiences are now evidencing real interest in color on the screen, and the 1935 pictures will contain more of it than heretofore.

The much-publicized drive for film reform brought splendid results and played an important part in dignifying the screen and raising the level of entertainment. It proved a real factor with the public, and will continue to do so in 1935, contributing to bigger grosses at the box-office.

The ordinary program picture has failed to command success with the public. Consequently, the producers will aim, more than ever, for pictures which combine distinction with popular appeal.

### By EDWARD GOLDEN

(*Continued from page* 1)

looking into the future, one is safe if he is right today. Build each day in the right way and tomorrow will take care of itself.

We are in a business of showmanship and those of us who are fortunate enough to be showmen have nothing to fear in tomorrow.

Tomorrow is only tomorrow—and today is beautiful!

## First Division Set To Start on Jan. 15

(*Continued from page* 1)

Jan. 15, when the unit starts work on a Hoot Gibson western, the first of four. No directorial assignment has been made.

The company has four untitled features also lined up for spring release.

John Curtis, vice-president and treasurer, has returned to New York.

## Detroit Opening Dec. 24

Detroit, Dec. 21.—First Division will open its new exchange here the day before Christmas, with an informal housewarming. Harry H. Thomas, president of First Division Exchanges, will not be able to be here because of a meeting in New York. However, he made a trip here Wednesday to work out the final details. Milton E. Cohen, for six years city salesman for Columbia here, is in charge.

## Dowling Ill Long Time

London, Dec. 21.—Ambrose J. ("Bo") Dowling was unconscious for two days before his death. He suffered a stroke in New York 18 months ago, and another just before leaving Radio last October. Ten days ago flu and pneumonia set in.

The body will be shipped to America where Catholic funeral services will be held. The boat has not been selected.

## Putnam to Honolulu

Hollywood, Dec. 21. — George Palmer Putnam, chairman of Paramount's New York editorial board, and his wife, Amelia Earhart, sail for Honolulu Saturday on the *Lurline.* The couple will spend three weeks vacationing in the islands.

## Verne Porter on Own

Verne Porter, former story executive for a number of major film companies and at one time editor of *New Movie,* has opened offices as a literary agent. For the past year he has been in a partnership. The new venture is solo.

## Consolidated Up ¾ on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Consolidated Film Industries | 6¼ | 5⅛ | 6⅛ | + ¾ | 14,300 |
| Consolidated Film Industries, pfd | 20¼ | 19⅜ | 20 | + ⅝ | 6,400 |
| Eastman Kodak, pfd | 112 | 110¼ | 112 | +1¾ | 1,300 |
| Fox Film "A" | 12¾ | 12⅝ | 12⅝ | — ⅜ | 300 |
| Loew's, Inc. | 34⅛ | 33⅝ | 33⅞ | — ¼ | 4,700 |
| Paramount Publix | 3½ | 3⅜ | 3⅜ | — ⅛ | 9,400 |
| Pathe Exchange | 1⅛ | 1 | 1⅛ | + ⅛ | 500 |
| Pathe Exchange "A" | 14 | 13¾ | 13¾ | ..... | 400 |
| RKO | 2¾ | 2⅝ | 2⅝ | ..... | 2,100 |
| Warner Bros. | 4¼ | 4⅛ | 4⅛ | — ⅛ | 2,700 |

## Trans Lux Gains Eighth on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 12¾ | 12½ | 12¾ | ..... | 500 |
| Trans Lux | 2⅛ | 2 | 2⅛ | + ⅛ | 200 |

## Warner Bonds Drop Half

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9¼ | 8½ | 8½ | — ⅛ | 5 |
| Loew's 6s '41, ww deb rights | 105¾ | 104⅝ | 105¾ | + ¾ | 27 |
| Paramount Broadway 5½s '51 | 44⅛ | 43¼ | 43¼ | — ¾ | 10 |
| Paramount F. L. 6s '47 | 62½ | 62 | 62 | —1 | 19 |
| Paramount Publix 5½s '50 | 62½ | 62 | 62 | — ½ | 18 |
| Pathe 7s '37, ww | 100¼ | 100¼ | 100¼ | + ¼ | 1 |
| Warner Bros. 6s '39, wd | 59 | 58½ | 58½ | — ½ | 23 |

# ◂ Purely Personal ▸

Abraham Lehr, vice-presiden of Samuel Goldwyn Prod., an Mrs. Lehr, now in from Europe were away on a five-week busines and pleasure trip to London an Paris.

Norton Ritchey, who leaves fo the coast in March to attend Monogram's annual convention late tha month, will go to Panama and Central and South America from Hollywood for a short trip.

Jacques A. Koerpel of Eurek Prod. has sold the rights to "Forgotten Men" in Austria to Dr. Hause & Co. Rights to "Jungle Killer" hav been sold to Mitzenfilms in Japan.

James Blakeley, New York youngster, signed by Columbia sever months ago, arrived from the coas by plane yesterday for a holiday visi

W. Ray Johnston is trying t knock off a bad cold. Ditto for Russell Bell of Monogram's art de partment.

Max Cohen, manager of the "U exchange, and Abe Leff, of Lef Myers Theatrical Corp., are on th *Georgia* on a holiday cruise.

Trem Carr will arrive from Hollywood the first week in January fo conferences with W. Ray Johnsto on Monogram production.

E. T. Carr, general sales manager for United Artists in Englan is due in New York tomorrow c the *Manhattan.*

E. M. Newman is on his way Florida to gather material for h "See America First" series for Vitaphone.

Henry Armetta is driving acro the country on a vacation trip wi Mrs. Armetta and their daughte

Eleanor Griffin and Willia Rankin have sold an original, "Y Gotta Have Romance," to Paramour

Dave Snaper, New Jersey circu owner, has recovered from the gr and is back on the job.

Mady Christians, who has ju finished work in "Wicked Woma for M-G-M, is in New York.

May Robson arrives east tomorro to spend the Christmas holidays wi relatives here.

Y. Fran Freeman left yesterd for Atlanta to spend the holidays. D back in a week.

C. C. Pettijohn left yesterday f a holiday vacation in Florida and w return immediately after New Year's

Herman Robbins and family s today for a West Indies cruise on t *Vulcania.*

Edward G. Robinson and Mr Robinson and their son are due Sunday for the holidays.

Nat Holt, RKO Cleveland divisi manager, has returned after home c fice booking confabs.

Walter Eberhardt is back fro Nassau full of sunburn and reflectio

Fifi Dorsay has been signed for two-reel Vitaphone musical.

Edward M. Saunders returns fro Hollywood on Monday.

Harry Thomas is in from Chica today.

Pete Harrison's back from t coast.

# Operator Pay Comes Up at Talks Today

*(Continued from page 1)*

reached recently by union and exhibitor heads. Where relief from booth costs is sought, each case has been handled individually.

In some instances the relief given is as much as 15 per cent under the scales invoked at the time Sam Kaplan was head of Local 306. It is hoped by independents that when the basis scale is set the percentage will be increased.

At today's session, a second report of the NRA fact finding committee will be discussed. At the meeting last week two proposals were aired. One was for setting up a scale based on seating capacity and admissions. The other was for merging all local operators' unions under the I. A. T. S. E. for a term of years with Local 306 men preferred for jobs. This plan also called for arbitration at least every one or two years for revision of the local scales.

Independents want the allocation of scales according to ability of the exhibitor to pay.

# No Change in Code Authority Planned

*(Continued from page 1)*

administration members may be authorized by the division administrator to serve instead of full time administration members," and this clause has been availed of to continue the present setup of the film code.

It was explained that the film code representative would have to be a man thoroughly familiar with the industry and that it was considered advisable that Compliance Director Sol A. Rosenblatt and Deputy Administrator William P. Farnsworth should continue in charge.

## *Report Middle West For Scrapping NRA*

*(Continued from page 1)*

that prevailing sentiment among business leaders is that the NIRA should be allowed to die June 16 next and no new legislation should take its place.

A brief supporting that position will be submitted to the U. S. Chamber of Commerce and to senators and representatives in 14 central western states.

"It is the consensus that much good has accrued through the operation of the NRA," the brief states. "However, it is felt that adverse provisions of codes and unfair rulings of administrative officials have deterred business and decreased employment to a greater degree than the good otherwise accomplished. In fact, such drastic rulings have made it difficult for many industries to survive, much less prosper."

## *Against RCA Revision*

Adoption of any plan for revising the capital structure of RCA was advised against for the time being in a report to the board of directors yesterday.

## *Hollywood Personals*

**Hollywood, Dec. 21.—Constance Collier gets her first big role in "Shadow of Doubt" at M-G-M. . . . Francis Lister gets a role in "Cardinal Richelieu" at 20th Century. . . . Edwin Bernoudy, assistant director, resigns at United Artists to join his former boss, Sam Taylor, at Roach. . . . Mr. and Mrs. Frank Lawton will spend Christmas in New York. . . . Hazel Forbes back from New York. . . . "Spinning Mice," the first all color "Toddle Tale" novelty to be released by Radio, in production. . . .Dudley Nichols completes work on the script of "Crusaders" and leaves Paramount.**

# Mixed Bill Pulls Heavily, Lincoln

Lincoln, Dec. 21.—The Orpheum tops the list in the dough gathered this week. In spite of the Christmas slump, the opening three days of "Love Time" and the Mamie Smith-Andy Kirk colored stage show, followed by "Silver Streak" for four, which features the Burlington Zephyr, a home town choo-choo, the week took $3,700.

"Peck's Bad Boy" was all right for $2,100, but the "Painted Veil" was weak with $2,500.

Estimated takings for the week ending Dec. 19:

**"LOVE TIME" (Fox)**

ORPHEUM — (1,200), 10c-15c-25c, three days with Mamie Smith stage show. "Silver Streak" (Radio) for four days. **Gross:** $3,700. (Average, $2,300.)

**"PECK'S BAD BOY" (Fox)**

LINCOLN—(1,600), 10c-15c-25c, 7 days. **Gross:** $2,100. (Average, $2,200.)

**"POWER" (Gaumont British)**

VARSITY—(1,100), 10c-25c, 7 days. **Gross:** $1,200. (Average, $1,500.)

**"PAINTED VEIL" (M-G-M)**

STUART—(1,900), 10c-25c-40c, 7 days. **Gross:** $2,500. (Average, $3,100.)

## *Philadelphia Tent Will Meet Dec. 30*

Philadelphia, Dec. 21.—All members of the Variety Club, recently formed here with Earle Sweigert of Paramount as president, will hold a special get together at the Warwick Hotel on Dec. 30. Induction of officers and granting of a charter took place last Friday with John H. Harris of Pittsburgh attending.

Headquarters of the club have been opened at 1910 Rittenhouse Square. It's a four-story building exclusively for the organization.

## *Expect Big Cincy Party*

Cincinnati, Dec. 21.—Eight hundred children, wards of local orphanages, are expected to attend Variety Club's Christmas party Sunday at the Netherland Plaza Hall of Mirrors, where a 20-foot tree will be erected. In addition to singing Christmas carols, comedies and cartoons, donated by local exchanges, will be shown, and other entertainment provided. Each child will receive an appropriate present.

Transportation for the children and their chaperons will be furnished by the club.

## *Variety Takes in Baer*

Cleveland, Dec. 21.—Max Baer, heavy champ, was made an associate member of the Cleveland Variety Club at its last luncheon meeting, when he and his young brother, Buddy, were guests of honor. Buddy entertained with a song, while his famous brother told stories of the ringside.

# "Painted Veil" at $9,000, Portland

Portland, Dec. 21.—Pre-Christmas shopping tended to cut down grosses, in spite of a continued wealth of quality product. "The Painted Veil" was held over at United Artists and in its 10-day run had a take of $9,000, or $4,000 over a normal week.

"Anne of Green Gables" in its second week at the Music Box secured a take of $2,600, or $600 over the usual.

"Hell in the Heavens," supplemented by a stage show at the Paramount, rolled up a gross of $7,800, or $2,800 over normal.

Total first run business was $34,000. Average is $27,000.

Estimated takings for the week ending Dec. 15:

**"BABBITT" (F. N.)**
**"STUDENT FOUR" (M-G-M)**

BROADWAY—(1,912), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

**"THE FOUNTAIN" (Radio)**
**"CHEATING CHEATERS" (Univ.)**

ORIENTAL—(2,040), 25c, 7 days. **Gross:** $1,800. (Average, $2,000)

**"AGE OF INNOCENCE" (Radio)**

HAMRICK'S ORPHEUM—(1,700), 25c-35c-40c, 7 days. Stage show. **Gross:** $4,800. (Average, $5,000)

**"ANNE OF GREEN GABLES" (Radio)**

MUSIC BOX—(1,000), 25c-35c-40c, 7 days, 2nd week. **Gross:** $2,600. (Average, $2,000)

**"ONE NIGHT OF LOVE" (Col.)**

MAYFAIR—(1,700), 25c-35c, 7 days, 4th week. **Gross:** $3,000. (Average, $3,000)

**"HELL IN THE HEAVENS" (Fox)**

PARAMOUNT—(3,008), 25c-35c-40c, 7 days. Stage show. **Gross:** $7,800. (Average, $5,000)

**"PAINTED VEIL" (M-G-M)**

UNITED ARTISTS—(945), 25c-35c-40c, 10 days. **Gross:** $9,000. (Average, $5,000)

## *Writ Won't Halt 'Dream'*

Hollywood, Dec. 21.—The temporary injunction secured by A. A. Haendler, head of a Paris theatrical agency, to restrain Max Reinhardt from continuing work on "A Midsummer Night's Dream" will not affect production on the picture, it was learned at Warners today, although the impresario is forced by the writ to remain inactive until Dec. 27. Haendler charges Reinhardt broke a contract to produce "Die Fledermaus" in London several months ago.

## *Frank Beal Dies on Coast*

Hollywood, Dec. 21.—Frank Beal, 70, pioneer director, lately doing character acting, died last night after several months' illness. He is survived by Scott R. Beal, recently elevated from assistant director to director at Universal, and two daughters. Burial will be tomorrow at Hollywood Cemetery.

## *J. J. McGuinness Dead*

Boston, Dec. 21.—J. J. McGuinness, executive secretary of Allied Theatres of Massachusetts, died unexpectedly this afternoon. He had been suffering from a severe cold. Heart failure is believed to have been the immediate cause of death.

# Ruling Brings Ascap Federal Trial Nearer

*(Continued from page 1)*

for an immediate trial in the event delays are encountered in prosecution of the Government's anti-trust action against Ascap and other music licensing groups which would defer trial of the Federal action to any length. If, however, a speedy trial of the Government's action can be obtained, indications are that the broadcasters' suit may be permitted to rest and revived only in the event of the Government losing its action.

Ascap apparently gained a point by the opinion handed down yesterday by Judge Mack, who held that E. C. Mills, Ascap's general manager, could file personal objections to answering certain questions contained in the broadcasters' interrogatory. Judge Mack's ruling was made on the grounds that if the questions objected to by Ascap were relevant to proving a monopoly against it, Ascap would be incriminating itself by answering them. Judge Mack held that in this respect the privilege of any witness, "which is not to answer questions which may incriminate him," should be extended to Mills.

### Objects to Divulging Receipts

The questions objected to by Ascap relate to the number of licenses it has issued and the gross receipts from them for a period of years up to 1933.

"If these are relevant to proof of a monopoly," Judge Mack's opinion states, "they are also relevant as tending to show a crime and, therefore, are incriminating."

His ruling also applies to questions seeking the names of all licensees holding "operators' broadcasting licenses" and the income received from them; the gross payments made by Ascap to its members from 1917 to 1933; the number of U. S. and foreign copyrighted musical compositions the public performance rights to which are held by Ascap, and the American copyrights acquired by Ascap during 1933. Judge Mack also sustained Ascap's objections to answering plaintiff's questions relating to salaries or compensations paid to its president, secretary and general manager from 1927 to 1933, and to questions as to its operating expenses and attorney's fees paid during the same period, on the grounds that the questions were immaterial.

Gene Buck, president of Ascap; Louis Bernstein and Jerome Kern are defendants in the action in addition to Mills.

## *Awarded $75,000 in Fox Leasehold Suit*

Boston, Dec. 21.—A jury in Middlesex Superior Civil Court today returned a judgment of $75,000 in the suit brought by David Stoneman, Boston attorney, against Fox Film Corp. over commissions alleged due on leaseholds he secured for two Fox playhouses, subsidiaries of the picture company, which could not complete the deals because of bankruptcy.

Stoneman was out of town today. At the Fox exchange the only statement was: "The suit is settled as far as we here are concerned."

## Fines Imposed for Use of Three Films

(Continued from page 1)

U. S. District Judge Murray Hulbert, according to the Hays office. The defendant was Dion Hoffarth of Yonkers.

The plaintiffs on the Harold Lloyd picture were the Harold Lloyd Corp. and Paramount Picture Distributing Corp. The plaintiffs on the two Van Beuren shorts were Pathe Exchange, Inc.; the Van Beuren Corp. and RKO-Pathe Distributing Corp. Gabriel L. Hess was attorney for the plaintiffs.

The testimony showed that the Copyright Protection Bureau discovered the Lloyd film being shown in Maine under the title "Hollywood Bound."

## Providence Hit by Free Radio Program

(Continued from page 1)

a free radio "amateur night" each Saturday at the Metropolitan, sponsored by Bamby bread. Last Saturday's show drew around 2,000 patrons.

These "amateur nights" are a real menace to theatre men, they contend. The radio sponsors pay for the air, a band and then offer small cash prizes for the appearance of between 20 and 40 "entertainers."

## Seattle First Runs Drop Double Bills

(Continued from page 1)

several months of duals. This house will play extended runs from Hamrick's Music Hall, and will also book first runs when extended runs are not available.

Last to abandon duals will be the Paramount, which started them six weeks ago with vaudeville in addition. Christmas week will see the end of double features there.

## Trans-Lux Officers Hold Their Control

(Continued from page 1)

of the Albee estate, were elected to the company's board of directors at the meeting.

It had been previously revealed at the first half of the meeting, which was held Wednesday, that the company earned a net profit of $168,985 for the 10 months ended Oct. 31, sufficient to warrant another 10 cents dividend, bringing total payments for this year to 20 cents.

## Arthur C. Melvin Hurt

Baltimore, Dec. 21.—Arthur C. Melvin, Fox salesman for many years here, is in a hospital suffering from a fracture of the left arm, broken ribs and possible internal injuries which he received when he was struck by an automobile while crossing North Avenue near Druid Hill Avenue last night. He is in a serious condition.

## Haveth E. Mau Injured

Cincinnati, Dec. 21.—Haveth E. Mau, receiver for the Shubert and Cox here, under whose supervision the houses are operating, suffered a broken collar bone and other injuries when his automobile struck a telephone pole. His condition is not serious

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## "The Night Is Young"

*(M-G-M)*

Hollywood, Dec. 21.—Laid in a mythical locale, perhaps near Vienna or Berlin. With a familiar plot with the framework of an archduke (Ramon Novarro) that-away about a ballet dancer (Evelyn Laye) but prohibited from marrying her by the previous selection of his mate by his royal uncle, who looks like the late Franz Joseph, an operetta has been evolved under Dudley Murphy's direction that conveys a Continental flavor.

Una Merkel, Edward Everett Horton, Charles Butterworth, Charles Judels and Herman Bing are humorous delights in their respective comedy roles, but the script takes meager advantage of their splendid talents.

Vicki Baum wrote the story with the screen play by Edgar Allan Woolf and Franz Schulz. Oscar Hammerstein, 2nd, wrote the libretto and Sigmund Romberg the music.

The production is heavy with so-called pomp, clank and uniforms, larded over with Teutonic cliches of yesteryear. Novarro and Miss Laye sing together while romancing. The music is technically good, but tunes for the masses to whistle are missing. Murphy, known for unusual direction, here uses the usual technique. James Wong Howe, one of Hollywood's ace cameramen, photographed well.

Where Novarro draws this may attract, but it will require energetic resourcefulness to lift it above the average.

No code seal. Running time, 83 minutes. "G."

## "White Lies"

*(Columbia)*

Hollywood, Dec. 21.—Dealing with a newspaper editor whose nose for news dominates his finer senses, this one proves sufficiently entertaining. The story rambles in spots. However, good cast performances lift the film perceptibly.

Walter Connolly is excellent as the hard-boiled editor who makes Victor Jory a police chief to please Fay Wray, his daughter.

At the same time Connolly publicizes the thievery of Leslie Fenton, who is doing his best to make good his former mistakes. The climax features the murder of Miss Wray's friend by the accused Fenton and the subsequent arrest of Miss Wray as the murderer.

Jory, in his role as police chief, feels obligated to prosecute Fay. He winds up, however, by marrying the girl.

Harold Shumate has turned in a creditable script. Leo Bulgakov displayed keen intelligence in the direction. Fenton, Connolly, Fay Wray, and Irene Hervey, as Fenton's girl friend, turn in top notch performances. Benjamin Kline's photography is good.

This is average entertainment, but will need shrewd exploitation for box-office results. Production Code Seal No. 555. Running time, 74 minutes. "G."

## "Million Dollar Baby"

*(Monogram)*

Hollywood, Dec. 21.—Based on a clever idea, this comedy affords much opportunity for smart showmanship. Given a popular, topical premise, the yarn tells of the discovery of another Shirley Temple. Ham and Egg Trouper Ray Walker and Arline Judge, disguising their son as a girl much to the kid's embarrassment, win the contest. Sneaking off the train during his triumphant trip to Hollywood, the youngster falls in with a tramp, later to become involved with a bunch of gangsters. Believed kidnaped, the yarn builds flamboyant excitement to be climaxed by a thrill chase and denouement revealing the pseudo Shirley as a boy.

Performances are uniformly good with Walker, as the father, and George Stone, a publicity accelerator, outstanding. Concentrating on comedy, the dramatic contrast in the closing sequences makes for unusual suspense. The triangle of romantic conflict between Miss Judge, Walker and Jeannette Loff is secondary.

Joseph Stanley is credited with the original story and direction with cooperation on the screen play by John Krafft. The picture apparently has a hokum quality that should click in neighborhoods and smaller houses and prove more than satisfactory to youngsters. Previewed without production code seal. Running time, 65 minutes. "G."

### Flash Review

*The Prescott Kid*— . . . . as rip-roaring a western as the star (Tim McCoy) has ever appeared in. . . .

*This film will be reviewed in full in a later issue of* Motion Picture Daily.

## Short Subjects

### "Pathe News"

*(Radio)*

Pathe News editors have here compiled an interesting record of exciting news events during 1934. The fields of sports, politics, crime, aviation and industry are covered.

The reel opens dramatically with flashes of the havoc caused by war, cold, droughts, floods and fire. It then reviews with brief scenes, but effective in their brevity, Dillinger, Hauptmann, riots, strikes, European monarchs and dictators, Russia, flights over the Pacific and other interesting developments in aviation, Max Baer training for his fight with Carnera, the streamlined train and so on into the new developments of the NRA. Running time, 10 mins.

### "Don Quixote"

*(Celebrity)*

This is a burlesque of Cervante's immortal story. Audiences anywhere should find a great deal of entertainment here for the story is funny, the musical accompaniment good and the coloring extremely striking.

An inmate of an insane asylum reads the story of a knight of olden times and imagines that he himself is Don Quixote. He escapes from his cell and goes forth to battle a windmill, to come out second in the encounter. He then strives to rescue what he feels is a maid in distress only to have her turn out to be an ugly old maid. As a result of this encounter he is glad to return to the asylum. Reviewed without Production Code Seal. Running time, 8 mins. "G."

### "Henry's Social Splash"

*(Universal)*

Henry Armetta makes this short, a Warren Doane production, one of the funniest comedies Universal has released in a long time. When his wife and daughter wheedle him into going to Newport for a fling at society life, Henry finds himself in strange waters. The formalities of society irk him. In the end he busts and vents his anger on everyone in sight. Other players are Elaine Baker, Sylvia Picker, Franklyn Pangborn, Lucien Prival and Fred Kelsey. Code seal No. 368. Running time, 21¼ mins.

### "The Whole Show"

*(Universal)*

James Barton has an opportunity to display his various talents in this short, which is nothing more than vaudeville. The performer gives a good account of himself. The film is a melange of song, dance and humor. On the program with Barton are Gladys and Will Ahearn, the Arkansas Travelers, Kathryn Penman, John Barton and the dance team of Beverly & Revel. This has much to recommend it. Code seal No. 0220. Running time, 20 mins.

## Court Weighs Photo Suit

Boston, Dec. 21.—Municipal Court Judge Charles L. Carr has taken under advisement the $50,000 suit brought against the Park Entertainment Corp. by Fofo Lauk of New York, who alleges the unauthorized use of her photograph in a lobby display at the Park, operated by the company.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 148 NEW YORK, MONDAY, DECEMBER 24, 1934 TEN CENTS

## SEC Calls for Bonus, Salary Payment Facts

### *All Sums Over $20,000 To Be Required*

WASHINGTON, Dec. 23.—Under the terms of the new regulations requiring filing of corporation data with the Securities Exchange Commission, salaries, bonuses and security holdings of higher salaried executives must be made available for the commission's study.

All officers and directors receiving over $20,000 in the last fiscal year will come under this regulation. Profit-sharing plans are included in the reports. In addition, all officers and directors receiving $30,000 or over must be identified in the reports.

In addition, the same information will be required for all persons receiving more than $20,000, paid directly or indirectly, whether or not they are officers or directors of a corporation, excluding those acting

(*Continued on page 4*)

## *"Devil Dogs" to Be Warner-Cosmo Start*

HOLLYWOOD, Dec. 23.—"Devil Dogs of the Air," co-starring James Cagney and Pat O'Brien, with Margaret Lindsay in the leading feminine role, has been picked for the first Cosmopolitan picture to be released by Warners under the new affiliation between the two companies. National release has been set for Feb. 9.

The decision was made during the recent conferences here between Harry M., Jack L. and Albert Warner; Hal B. Wallis, Warner production executive; A. W. Smith, Jr., eastern and Canadian sales manager, and E. B. Hatrick, vice-president of Cosmopolitan. Studio and distribution executives regard the picture as best adapted to Hearst exploitation possibilities.

## *Reisman Likes New RKO Setup Abroad*

Expressing himself as completely satisfied with the new executive management setup recently adopted for Radio Pictures, Ltd., Phil Reisman, head of Radio's foreign distribution, returned Saturday from conferences in London.

Reisman predicted marked progress for the RKO British subsidiary under the new management board composed of E. D. Leishman, chairman, Ralph anbury, general manager; Frank illey and C. Dawson.

## *Production Cut Predicted; Films' Appeal Seen Wider*

By NED E. DEPINET
*President, RKO Dist. Corp.*

In 1934, for the first time in years, producers made a thorough inventory of the industry.

The stock-taking showed them remarkable things.

They found a truly remarkable advance in the public taste. They saw motion pictures winning thousands of new friends with intelligent, entertaining screen versions of literary treasures and of stories and

(*Continued on page 4*)

By JOSEPH M. SCHENCK
*President, United Artists*

The year 1935 will be significant for bringing the producer and public into closer focus of viewpoint. We enter the New Year with a knowledge of what the public demands growing continually more definite and clear. And with that knowledge, the industry moves to shape its course.

The producers realize that it will be necessary for them as individuals to make fewer pictures. That,

(*Continued on page 4*)

## England Gets Restive Over Free Showings

By BRUCE ALLAN

LONDON, Dec. 23. — Exhibitors throughout Great Britain have been asked to send to the general secretary of the C. E. A. details of the "free show" evil as it affects their districts. The intention is to accumulate evidence for presentation to the Board of Trade with a request for special regulation of these shows.

Assertion is made that safety regulations are disregarded at exhibitions held for advertising and other purposes, and also that the obligation to show a percentage of British films does not apply to "free" shows.

Exhibitions of this type are frequently held in halls not licensed under the Cinematograph Act.

* * *

The fall in the profits of the Associated Provincial Picture Houses was ascribed to the competition of new

(*Continued on page 4*)

## *Custom Rebates on Film Set in Canada*

TORONTO, Dec. 23.—The Canadian Department of Customs has made a ruling with regard to the importation of film subjects from British studios whereby the Canadian importer is now

(*Continued on page 2*)

## Suit Impends In St. Louis On F.N. Film

ST. LOUIS, Dec. 23.—That a suit impends over first run rights to First National pictures was made evident here last week during a bankruptcy hearing of Skouras Brothers Enterprises, Inc., before Referee Hope.

During the course of testimony by Clarence M. Turley, manager of the Ambassador and Missouri theatre buildings for the bondholders' committee which bought them at foreclosure, it developed that a 23-year contract for First National product had been cancelled in 1932 by Skouras Super Theatres Co. Half the stock of Skouras Super Theatres was owned by Skouras Brothers Enterprises and half by Paramount Publix.

The suit, if brought, will be based on the ground that the First National franchise was part of the assets covered by a Central Properties mortgage. This was transferred to

(*Continued on page 4*)

## *New Tax Hits Funds Sent Out of Mexico*

By JAMES LOCKHART

MEXICO CITY, Dec. 23.—Distributors and others who are obliged to send money abroad for the payment of anything but merchandise are now sad-

(*Continued on page 2*)

## Make Further Moves to Join Local Unions

### *Revised Pay Scales Also Discussed at Confabs*

The Greater New York projectionists' unions will come under an organization having a new name if current efforts to consolidate Local 306, Allied and the Empire State unit are successful, it was learned Saturday after conferences of union offiicials, theatre representatives and Compliance Director Sol A. Rosenblatt at Code Authority headquarters.

Conferences on merging the unions and thus bringing about a cessation of picketing, as well as to agree on a revised booth wage scale for Greater New York, continued over the weekend. Suggestions were considered for basing the wage scale on a point system to be determined by capacity, run and admission price.

Attending the meeting in addition to Rosenblatt were Charles L. O'Reilly, Harry Brandt, C. C. Moskowitz, Marvin Schenck, George Browne and Leslie E. Thompson.

## *Omaha Houses Stop Ads in Rate Fight*

OMAHA, Dec. 23.—Twenty suburban houses and one downtown split first and second run house, the Town, have withdrawn their advertising from the *Omaha Bee-News,* Hearst newspaper. It is understood a squabble over failure to secure reduced ad rates brought the suburban managers to the decision to withdraw.

The Muse, managed by August Hermann, is the lone suburban to stick with the *Bee-News* and as a consequence it is getting unprecedented publicity play from the newspaper. The boycott started quietly over two weeks ago.

## *Joseph Engel Joins Fox as a Producer*

HOLLYWOOD, Dec. 23.—Joseph Engel, a veteran in production and for years with the old Metro company, has been made an associate producer at Fox. His first will be "Ten Dollar Raise," which Lew Seiler will direct.

### *No Paper Tomorrow*

***Motion Picture Daily*** **will not publish on Christmas Day, Tuesday, Dec. 25.**

MOTION PICTURE
DAILY

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## Custom Rebates on Film Set in Canada

(*Continued from page* 1)

able to secure a refund of duty on releases which are not retained for distribution in the Dominion. The Government requires the payment of full duty on all film shipments from any foreign source, but the concession of a refund has been granted in the case of prints from the United Kingdom which are returned without public presentation.

The two large importers of British films are Regal Films, Ltd., and Empire Films, Ltd., both of Toronto. They have followed the practice of having new pictures previewed by representatives in London, and those considered unsuitable for Canadian consumption have been rejected on the spot. Even under this plan, some features have been sent back after inspection in Canada and the distributor has been out the amount of the duty, plus shipping charges.

## Ohio Tax Starts Jan. 1

Columbus, Dec. 23.—Although collection of the retail sales tax will not start until Jan. 10 to 15, the three percent on gross theatre admissions is to be computed from Jan. 1. Exhibitors are to make remittance for the tax on or before the 10th of the month following the 30 days in which the admissions are paid.

# Insiders' Outlook

Any time Dave Selznick tires of production, a discriminating employer could do worse than take him on as a first-class propagandist, sometimes known as a public relations counsel. For Dave, facing expiration of his M-G-M contract in February, has turned in a swell job for himself and his cause. Those stories, planted around, about (1) a tie-up with "Jock" Whitney and Pioneer (Technicolor) Pictures and (2) a memorial company perpetuating the name of Lewis J. Selznick, have worked out eminently well. Which is another way of saying Leo will renew with Dave at the same, or a bigger, fancy weekly stipend. It's $4,000 now, you know. . . .

▼

A fact or so about John Boettiger, a new assistant to Will Hays. Long a *Chicago Tribune* ace and for the last two years, the fellow who has been whipping his paper's editorial excitement against the New Deal into leading questions for the President to answer or no at those famous White House press conferences twice a week. Yet by way of noting how these matters often go and according to Westbrook Pegler, Boettiger and the President are close friends out of the political arena. Boettiger also is the chap whose name has been linked romantically with Anna Dall, Roosevelt's daughter. Some Washington correspondents have wired their papers the engagement leading to a wedding is approaching. A President's son-in-law in the Hays office would be something new. . . .

▼

Perhaps getting ready early for his Christmas, a make-up man succeeded in misplacing a paragraph in this department last Wednesday with results misleading and somewhat embarrassing. The inadvertent prank made it appear that the Paramount stockholders' committee, which is championing the appointment of more company and industry men to the board of the new company, is taking that position because, to quote from the wandering paragraph: "A heavy representation of company men (on the board), they contend, would make of it a 'rubber stamp' body, inclined to give unquestioning approval to anything bearing an executive recommendation." . . .

▼

Had that paragraph appeared in its correct place in line, it would have explained, as was intended, the objections of the creditor factions opposed to the election of company men to the board. These factions hold that the specialized advice of company executives will be available to the new board, whether or not those executives are members of that body. It is those groups frowning on the election of company men who entertain the apprehension that a board of company executives might become a "rubber stamp" group, which, they feel, thus might give approval to policies which led Paramount into financial difficulties in the past. . . .

▼

The view of the stockholders' committee, like that of most others within the industry, is that a board top-heavy with bankers and economists strange to the ways of filmdom, is more likely to stumble into pitfalls which ordinarily would be sidestepped by a board of industry executives, familiar with the paths that must be traveled. The danger from the uninformed, this committee holds, is more immediate than that from company "cliques." In the meantime, as is its habit, time moves on and December 27, as important a day as any in Paramount's history, nears. It's worth keeping an eye on. . . .

▼

William Randolph Hearst continues to wave the editorial baton at Red propaganda which allegedly crimsons part of the Hollywood output. One line in the latest effusion, to wit: "People do not want propaganda of any kind thrust into their entertainment" is true enough, however, and might well be taken to the film colony bosom. Beyond that, poof. . . . Charles E. Richardson, now a Paramount trustee, may stay there, but as a vice-president. Some talk Eugene Leake, also a trustee, will figure in the new management. . . .

KANN

## M-G-M Pfd. New High on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 37½ | 37½ | 37½ | —1 | 100 |
| Consolidated Film Industries | 6⅛ | 6 | 6⅛ | ..... | 2,400 |
| Consolidated Film Industries, pfd | 20¼ | 20 | 20 | ..... | 1,000 |
| Eastman Kodak | 111½ | 110⅞ | 111 | —1 | 1,000 |
| Fox Film "A" | 12⅝ | 12⅝ | 12⅝ | ..... | 300 |
| Loew's, Inc. | 34⅛ | 33⅞ | 34 | + ⅛ | 2,900 |
| Loew's, Inc., pfd | 104 | 104 | 104 | — ⅜ | 100 |
| M-G-M, pfd | 28¼ | 28¼ | 28¼ | + ¼ | 100 |
| Paramount Publix, cts | 3⅜ | 3¼ | 3¼ | — ⅛ | 4,100 |
| Pathe Exchange | 1⅛ | 1 | 1 | — ⅛ | 500 |
| Pathe Exchange "A" | 13¾ | 13¾ | 13¾ | ..... | 100 |
| RKO | 2¾ | 2⅝ | 2⅝ | ..... | 1,100 |
| Warner Bros | 4¼ | 4¼ | 4¼ | + ⅛ | 600 |

## Trading Light on Curb Market

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 12⅞ | 12⅝ | 12¾ | ..... | 300 |
| Trans Lux | 2⅛ | 2 | 2⅛ | ..... | 400 |

## Keith Bonds Rise Two Points

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 8½ | 8½ | 8½ | ..... | 2 |
| Keith B. F. 6s '46 | 70 | 70 | 70 | +2 | 2 |
| Paramount F. L. 6s '47 | 61¾ | 61½ | 61½ | — ½ | 7 |
| Paramount Publix 5½s '50 | 61¾ | 61¾ | 61¾ | —1 | 1 |
| Warner Bros. 6s '39, wd | 58½ | 58½ | 58½ | ..... | 3 |

# ◀ Purely Personal ▶

Archie Feinberg has taken over the New York office of International Seat Corp. His brother, J. George Feinberg, in charge of sales, will be transferred to the factory at Union City, Ind., after the first of the year. Peter Masucci, installation engineer, will go with him.

James O'Brien New England representative for International Seat Corp., has also been appointed New England representative for the U. S Air Conditioning Corp.

Irving Browning addressed the Film & Photo League on "The Camera and Its Present Possibilities" last night.

Joe Friedman, Columbia's genera representative in England, is in New York for talks with Foreign Sales Manager Joseph H. Seidelman.

Paul Sloane has delayed his departure west and now will be in town for Christmas.

Bill Frank is in New York for a week. Then back he goes to his Paramount post in Boston.

E. T. Dawson has taken charge of sales promotion for Cosmopolitan Studios.

## New Tax Hits Funds Sent Out of Mexico

(*Continued from page* 1)

dled with another tax. This is the absentees' impost, a levy ranging from two to four per cent on all money sent abroad that is earned in any way in Mexico. The impost nicks dividends, profits and any other earning in this country that are sent beyond its borders, but does not affect fund importers send to foreign lands fo the purchase of goods that will b distributed in Mexico. In the case o distributors and others in the industry who send funds abroad, the absentees impost is two per cent.

## Roxy Premiere Set

Philadelphia, Dec. 23.—Prominen New York film men were among thos who attended an invitational performance at the Mastbaum tonigh The theatre formally opens its door Christmas Eve with a stage show conceived by Roxy and "Sweet Adeline on the screen.

# *The Most*
# TRUSTWORTHY

---

STELLAR acting...inspired direction ...superb camera technique...should these elements of a hit ever be jeopardized by use of any but the most dependable film? Unmatched scientific research, manufacturing experience, and distributing facilities...brilliant performance every day, all over the world...these factors all point to Eastman Super-Sensitive "Pan" as the most trustworthy negative for any picture. Eastman Kodak Company, Rochester, N. Y. (J. E. Brulatour, Inc., Distributors, New York, Chicago, Hollywood.)

---

EASTMAN *Super-Sensitive*
*Panchromatic Negative*

# SEC Calls for Bonus, Salary Payment Facts

(*Continued from page* 1)

as transfer agents, registrars, trustees under corporate mortgages or in like capacity.

In the reports, data must be furnished as to securities owned by any director, officer or underwriter during the three years preceding enactment of the law, and all persons owning more than 10 per cent of any class of equity security must be named.

Corporations must report their gross sales unless the commission decides, after application, that disclosure of this information would be harmful to the corporation.

Joseph P. Kennedy, chairman of the commission, anticipates little opposition to the regulations, he says. They were framed, he states, after consulting with accountants and industry representatives and were about "as reasonable as could be expected." He also indicated that the commission hopes to make the reports "less cumbersome and less expensive."

A primer of instructions is being issued with the reports. One of the important requirements in connection with the detailed reports on securities outstanding, or to be issued, is that earned surplus must be reported separate from capital and paid-in surplus, and, where other companies are controlled, individual reports for the subsidiaries as well as consolidated reports will be required.

## *Many Film Concerns Dissolved in Albany*

ALBANY, Dec. 23. — Among the 15,000 New York corporations recently dissolved by Secretary of State Edward J. Flynn for failure to file an annual franchise tax return during the past five years are found 41 film companies.

Those companies dissolved are:

Arlington Pictures, Inc.; Bay State Film Sales Co., Inc.; Bellwyn Motion Pictures Corp.; Boston Pictures Corp.; Color Life Motion Pictures, Inc.; Concordia Sound Film Corp. of America; Dependable Film Corp.; Etchcraft Film Studios, Inc.; Famous Italian Pictures Corp.; Fielder's Film Facts, Inc.; Forrest Films, Inc.; Gold-Hawk Pictures, Inc.; Gold Talking Pictures Corp.; Goodart Pictures, Inc.; Harmony Pictures Corp.; Hedwig Motion Picture Laboratories, Inc.; Hollywood Industrial Film Corp.; Hollywood Screen Gems, Inc.; Humanitarian Pictures, Inc.; Imperial Pictures, Inc.; Manhattan Slide and Film Co., Inc.; Motion Picture Exhibitor Publishing Co., Inc.; Neslo Picture Corp.; Notable Pictures Corp.; Oxford Film Exchange, Inc.; "Padlocks" Producing Co., Inc.; Peerless Pictures Corp.; Piermont Motion Picture Corp.; Public Safety Pictures, Inc.; Radiotone Pictures Corp.; Rainbow Pictures Corp.; Rejuvenation Film Co., Inc.; St. Regis Pictures Corp.; B. P. Schulberg Prod., Inc.; Sound Films Distributing Corp.; Sphinx Films, Inc.; Tompkins Moving Picture Corp. and the World Talking Picture Corp.

## *Wilmington Local Elects*

WILMINGTON, Dec. 23.—Philip Jones of Wilmington has been elected president of Local 473, I.A.T.S.E. Leon H. McCarus is vice-president; Albert B. Williams, secretary; Edward T. Veasey, financial secretary and treasurer; Walter F. Scott, Sr., business manager; Thomas Vanell, sergeant-at-arms; Albert Hughes and George A. Joseph, additional members executive board.

# *Production Cut Predicted; Films' Appeal Seen Wider*

### By JOSEPH M. SCHENCK

(*Continued from page* 1)

certainly, will be one of the salient points of progress for 1935. It is the key to better pictures, since it enables the producers to give consideration to those factors which answer the public's demands. That there will be fewer pictures is indicated by the record of the past. There were fewer pictures in 1934 than in 1933. Similarly, there will be even less in 1935.

No certain type of picture will dominant the field for popularity in 1935. I do not anticipate a recurrence of "cycle years." The things that will count are quality and entertainment value. Casting will become more important in the coming year, for the public more and more is demanding actors who are able to interpret their roles.

I have no criticism to offer of the Legion of Decency. Rather do I offer my thanks. There are subjects in life that cannot be treated in a Pollyanna way, but so long as they are treated with sincerity, understanding and artistic beauty, they will not be banned from the screen. Worthwhile pictures, on the whole, will be benefited.

The coming year will see an attempt to popularize grand opera on the screen. But I do not think that grand opera, of itself, will prove successful. I feel that by incorporating arias and the dramatic situations of operas as part of a film drama, a type of screen play with an operatic background or undercurrent can be evolved which will prove highly successful.

### By NED E. DEPINET

(*Continued from page* 1)

plays which have been dear to the hearts of millions.

The result has been an amazing rounding-out of every company's program. For the first time, the motion picture is appealing to every sort and condition of men, women and children. Our audience, I feel, has been increased by countless thousands.

For 1935, I can hope for nothing better than further expansion of this wholesome development. Alert and vigorous showmanship on the part of the exhibitor will do the rest.

## *Ohio Men Optimistic On New Year Outlook*

COLUMBUS, Dec. 23.—Film men generally are not only hopeful, but confident that business will show a decided upturn after Jan. 1. Their optimistic attitude is predicated on availability of better product, improved conditions in commercial and industrial lines and elimination of the 10 per cent admission tax, which has been suspended for one year from Jan. 1.

The consensus of opinion is that the impost has had an adverse effect on the box-office, in that it has confined attendance of many patrons to one, or possibly two, shows a week. By the same token it is figured that with the tax definitely off, patrons again will attend often.

## *Dick Powell Re-signed*

HOLLYWOOD, Dec. 23.—Dick Powell has been signed by Warners to a new seven-year contract.

# England Gets Restive Over Free Showings

(*Continued from page* 1)

theatres by Mark Ostrer, presiding at the annual meeting in London. One of the A.P.P.H. houses, he said, had opposition from four new supers, with a total capacity of nearly 8,000.

"In my opinion, it is very doubtful whether many of the new theatres all over the country can be operated at a profit," said Ostrer. He supported the C. E. A. campaign against overbuilding as expressed in the pamphlet "Are There Too Many Cinemas?"

A. P. P. H., a Gaumont British subsidiary, made £83,994 against £113,963. Year's dividend, six per cent, against 10 per cent last year.

* * *

Universal's "Great Expectations" is to have a premiere run at the Capitol, London, a G. B. house, with a season at the Marble Arch Pavilion to follow. It will play the whole G. B. circuit.

* * *

The Gaumont Palace, Chelsea, London, has been opened. A 3,000-seater. the new hall gave a daily change of program for the first three days.

* * *

The first Toeplitz Prod., "The Dictator," will probably open in Paris at the beginning of February. Both Madeleine Carroll and Clive Brooks, the leads, are expected to be present. The London and New York premieres will follow immediately.

## *Invents Color Measurer*

BOSTON, Dec. 23.—An instrument that may be of value in perfecting color pictures, a spectrophotometer, has been designed by Professor Arthur C. Hardy of the physics department of the Massachusetts Institute of Technology. This device makes it possible to define and to duplicate any color to an exact degree. The method employed is that of comparing the brightness of any given specimen at each wave-length with that of a standard white object. With the color-analyzing machine, it is possible to accomplish in several minutes what the best previous method required several hours to approach, it is claimed.

## *Preparing Moore's Next*

HOLLYWOOD, Dec. 23.—Grace Moore is back following a concert tour. Her next for Columbia will be based on an original idea now titled "On the Wings of Song."

## *Luigi Luraschi Married*

HOLLYWOOD, Dec. 23.—Luigi Luraschi, head of foreign publicity for Paramount, has been secretly married to Lillian Holgate of Pasadena.

# Suit Impends In St. Louis On F.N. Film

(*Continued from page* 1)

Skouras Super Theatres and cancelled following payment of $300,000. Removal of the mortgage assets without consent of bondholders was illegal, it is contended.

Thomas N. Dysart, chairman of the bondholders' protective committee, testified that Warners had opposed leasing of the Ambassador, Grand Central and Missouri theatres to Allan Snyder and had warned him the house would not be able to get first run product. Frederick H. Kreismann, former mayor and a member of the committee, verified this statement.

The suit will take the form of a demand for an accounting from Warners, it was testified, as the bondholders' protective committee has authorized Nelson Cunliff, trustee, to intervene in an action in the Circuit Court, provided he does not agree to pay a share of the court costs.

Joseph H. Grand, attorney for the committee, said he was considering legal action against former directors of various Skouras enterprises in connection with contracts, leases and other transactions for the purpose of reducing the $4,050,000 claimed to be due under a bond issue.

## *Flash Previews*

*I've Been Around*— . . . possibilities for fair entertainment when properly edited. . . .

*Charlie Chan in Paris*— . . . This one should set well with Chan followers. . . .

*These films will be reviewed in full in a later issue of* MOTION PICTURE DAILY.

## *Atlanta House to Open*

ATLANTA, Dec. 23.—The Georgia Theatre, dark for eight months, will reopen Christmas Day. This marks the active operation of all theatres in Atlanta except the Erlanger, legitimate house. The Georgia was formerly the vaudeville house here, but its new policy will be pictures only.

## *To Meet on A.A.A. Tieup*

HOLLYWOOD, Dec. 23.—Lacking only a few votes from class A members necessary to ratify a plan to affiliate with the A. A. A., the Screen Actors' Guild will hold a mass meeting on Jan. 16 to acquaint all members with details of the proposed tieup.

## *Rivkin to Hal Roach*

Joe Rivkin has been signed by Hal Roach as eastern talent scout and for special exploitation and publicity work, with headquarters at the M-G-M home office. Rivkin leaves for the coast Jan. 1 for studio conferences.

## *Gallagher Incorporates*

BOSTON, Dec. 23.—Two new amusement companies have been formed here by Mark E. Gallagher, Jr., and he is president and treasurer of each. The concerns are called Majco Amusement Co. and Majestic Amusements, Inc.

The Leading
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Motion
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# MOTION PICTURE DAILY

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## MPTOA Urges Need of Code Overhauling

### Bulletin to Membership Points Out Faults

The necessity of entirely revising he code when and if Congress enacts iew NRA legislation next June is uggested as a possibility in a curent bulletin issued by M. P. T. O. A. o exhibitor members on Monday.

Reviewing the year of operation of he code, the bulletin states that "peraps it will be necessary to revise the vhole motion picture code, simplify nd clarify its provisions in the light f experience, remove the dead wood nd take out the jokers, put in the mportant unfair trade practices mitted at present, place more reponsibility and authority on the local oards, provide for fewer appeals to

(Continued on page 9)

## Seek Missouri Aid For Enforcing NRA

KANSAS CITY, Dec. 25.—Incorporaion of NRA provisions in the Misouri laws is urged by the Greater Kansas City NRA Code Council, a ewly formed group consisting of repesentatives of code boards.

Fred J. Wolfson, attorney and imartial member of the grievance board,

(Continued on page 9)

## Miller Wins Ruling In Maywood Dispute

CHICAGO, Dec. 25.—Jack Miller, ead of the Chicago Exhibitors' Ass'n. nd a partner in the theatre firm of imansky & Miller, won a break for is house from the local clearance and oning board. The Miller house comlaint involved a protest filed by K. 1. K. Theatres in the matter of a

(Continued on page 9)

## Brandt and Warners End Clearance Row

After raising considerable fuss over previous unexpected postponement his case, Harry Brandt amicably ttled his clearance protest against

(Continued on page 9)

## National Stand Up To Wisconsin Group

MILWAUKEE, Dec. 25.—One of the atters to be considered by the new idependent Theatres Protective

(Continued on page 9)

## Must Lower Negative Costs, Says Zukor; Feist Confident

By FELIX F. FEIST
Gen'l Sales M'g'r, M-G-M

The material betterment in economic conditions throughout the world, the steadily improving volume of domestic trade, the decidedly more optimistic and confident attitude in industry and commerce and especially the healthy and substantial progress in restoration of public confidence promise an accelerated pick-up in general business during the coming year.

These important external factors, seems to me, give assurance of con-

(Continued on page 12)

By ADOLPH ZUKOR
*President, Paramount Publix*

The most important matter facing the industry in 1935 is not that of increasing grosses, but rather of lowering negative costs.

During the past year negative costs have climbed at a rate of speed out of all proportion to any parallel increase in grosses, thereby reducing the margin of possible profit and seriously jeopardizing the future of the industry.

Unless the studios can decrease negative costs without affecting the

(Continued on page 12)

**Jack L. Warner, Arthur A. Lee, Herbert J. Yates, Harry Thomas and Carl Laemmle, Jr., expound their ideas on 1935 on page 12.**

## Near Solution Of Basic Wage For Operators

Solution to the problem of setting up a basic wage scale for New York neared Monday as I. A. T. S. E., circuit and independent heads met for the third time in succession to iron out the union situation. A fourth session is scheduled for today at Campi headquarters.

Confronted with a mass of figures presented by the international union, exhibitor leaders spent the major part of Saturday and Sunday arguing back and forth trying to strike a yardstick for setting up the scale. Opposition has arisen to the plan to set booth scales according to seating capacity,

(Continued on page 9)

## Labor Board to Act On Operators' Pact

KANSAS CITY, Dec. 25.—The local regional labor board is to get a contract dispute involving the Independent

(Continued on page 9)

## Allied Owners To Take Stand On Para. Plan

Trustees of Allied Owners, one of the largest Paramount Publix creditors, were directed on Monday by Special Master Oscar Lewis in Brooklyn to decide today on whether or not that company should appear in opposition to the Paramount reorganization plan at the hearing before Federal Judge Alfred C. Coxe tomorrow.

The trustees of Allied Owners, Percival Jackson, William Greve and Stephen Callahan, accordingly, will meet today with their attorney, Monroe Goldwater, and representatives of principal Allied Owners' creditors'

(Continued on page 8)

## Report Richardson Quits as a Trustee

Charles E. Richardson is reliably reported to have tendered his resignation as a trustee of Paramount Pub-

(Continued on page 8)

## AFA to Send Vaude Units Out on Tours

### Will Play in Spots Now Without Stage Shows

American Federation of Actors is preparing to organize a number of vaudeville units to play cities where no vaudeville is offered currently in an effort to increase public demand for stage entertainment, it is learned.

The A. F. A. units will consist of 25 to 30 performers each, a company manager and two advance men, all drawn from its own ranks. The units will carry scenery and travel in chartered buses. The first unit may be cast this week, and, according to present plans, will open in the east shortly after New Year's. Only those cities or towns in which no vaudeville is offered will be played by the units in order to avoid competing with thea-

(Continued on page 9)

## FWC Sale Approved By Federal Court

LOS ANGELES, Dec. 25.—Sale of Fox West Coast assets to National Theatres Corp. has been approved by U. S. District Judge George Cosgrove in spite of protests from the Marshall Square Theatres Co. of San Francisco and Harry L. Hartman of San

(Continued on page 8)

## Arthur Mayer Drops Share of Criterion

Arthur Mayer is reported to have disposed of his 50 per cent interest in the Criterion where John Goring is now the 100 per cent operator.

This confines Mayer's operations to the Rialto, his deal for the Mayfair now being cold.

## Referee Refuses to Act in Skouras Case

ST. LOUIS, Dec. 25.—Referee in Bankruptcy Hope has denied a petition presented by counsel for certain stockholders of the St. Louis Amusement Co., who sought an order to

(Continued on page 8)

## Broadway Takes Up Over the Week-End

Shaking off a two-week pre-holiday slump, Broadway box-offices took a decided spurt over the week-end and

(Continued on page 8)

MOTION PICTURE
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## Loew Returns with Sam Berger, Field

Arthur Loew, head of the M-G-M foreign department; Sam Berger, roving foreign representative; and Arthur Field, in charge of foreign dubbing, arrived yesterday on the *Ile de France*. The boat was delayed a day by bad weather.

Loew was away for three months visiting a number of countries on his annual tour.

## Beery Double Arrested

Mexico City, Dec. 25.—Jose Jesus Torres Diaz, Mexican actor who doubled for Wallace Beery in "Viva Villa," was jailed here over the week-end on a first degree murder charge as a result of a saloon brawl. When not working for film companies Diaz practices his regular profession, that of a butcher.

## MPTO Unit Hits Duals

Washington, Dec. 25.—Resolutions opposing dual bills and commending major companies for refusing to sell product for double bills have been adopted by the M.P.T.O. unit of the District of Columbia.

## Re-Sign Kitty Carlisle

Kitty Carlisle, now on vacation, has been given a new long term contract by Paramount. When she returns to the coast she is scheduled to start work in "Wakiki Wedding."

# Insiders' Outlook

ELSEWHERE this morning and by way of a post-Christmas cold shower. Adolph Zukor has something to say. It's important, if not new. We let him talk a bit:

> "The most important matter facing the industry in 1935 is not that of increasing grosses, but rather of lowering negative costs. . . . I view this rise in negative costs as one of the most serious matters ever faced by the industry. I believe that it is out of all proportions to the corresponding rise in commodity prices . . . unless . . . remedied at once I believe we shall find ourselves making pictures costing more than we can take in at our box-offices."

▼

Herbert Yates, president of Consolidated, strikes the same warning note this morning. And a warning note it might properly be. What to do about negative costs, which is as hardy and as perennial bugaboo as this industry ever has had to face, has been furrowing many high and mighty brows of late. The variegated aspects of the issue have not changed as against last week, month, or year and, while the subject matter makes for interesting and occasionally bitter philippics in many de luxe film quarters, evidences are essentially lacking that action is being directed toward the region where it might do the most good. . . .

▼

For, today and yesterday, the spectacle ridiculous continues of Hollywood-ites who should know better making pictures for themselves or for others—others, not in the ranks of theatres or the public, but others who, by their position, make or break the status of the film colony's Four Hundred. An old Hollywood custom, railed against, excoriated and editorialized about but flourishing nevertheless and notwithstanding. In other words, a very cute idea, the cost of which has to be borne somewhere along the line and ultimately by Hollywood itself, although relatively few there comprehend it. . . .

▼

It goes beyond. Coast tycoons are of two ilk, for better or for worse. There is the type of producer with a couple of successes, accidental or otherwise, under his belt who insists on making pictures regardless of budget. He will argue that it is the entertainment glow caught on celluloid which tells the story and, of course, he is correct. But when that glow is achieved through costs that might make the Bank of England, or a good, old American institution like Chase National, quiver, then what? There is the producer also who insists that a good picture is only a good picture when made at a price, said price almost guaranteeing or at least indicating that a profit is a reasonable outcome of his effort. . . .

▼

All of this has a bearing on what happens after the cans are shipped out of Hollywood whether the ruling class of the gilt-edged coast town realizes it or not. Hollywood's mistakes or anyone else's for that matter have to be picked up, whitewashed and washed up somehow and somewhere. Ordinarily this means theatres have to play what Hollywood sends them even though the men in exhibition know they often get the wrong kind of merchandise. The procedure can't go on indefinitely. The answer is merely postponed by virtue of the occasional smash attraction which gets all branches of the business so excited that major ills, of which exorbitant negative costs certainly are one, become temporarily forgotten. . . .

▼

Moreover, there is little reason to suspect that the patient stockholder may be expected to continually take it at the wrong end simply because New York has such inordinate difficulty in making the bad boys of Hollywood give up the candy stick. However and as that may be, this is written in full flush of the Yuletide season and so no answer is here being volunteered. One reason for that is this column is not at all certain it knows. Secondly, nobody, not even the men whose business it more directly is, seem to be cracking minds and backs about it so why turn ponderous here when gayety and good cheer presumably are to prevail? . . .

▼

Nick Schenck, an unexpected surprise these days. First he breaks his standing rule which rules off forecasts on pictures, to bespeak his praise on behalf of "David Copperfield." Now he flips the few remaining pages on 1934's calendar to say a thing or two about 1935 which everyone is hoping, as usual, will be a lusty infant. Hearken:

> "The business in 1935 should be good, even better than in 1934, which has been most satisfactory. I do not mean this for our company alone but for the industry in general. Having had an opportunity to see the coming product of most organizations and to discuss general plans with the executives in charge, I am convinced that the quality of the pictures themselves is steadily improving. Producers, directors and players are ambitious not only to succeed but to stamp their work as worthwhile. The industry each year grows more capable of intelligent activity. At one time it used to be said too often that motion pictures were in their infancy. Today the movies are grown-up and they are acting grown-up. Therefore I am most optimistic."

And here the hope is echoed. . . .

KANN

## Columbia Up Quarter on Big Board

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 37¾ | 37 | 37¾ | + ¼ | 300 |
| Consolidated Film Industries | 6 | 5¾ | 5¾ | — ¾ | 1,500 |
| Consolidated Film Industries, pfd | 20⅛ | 19¾ | 19¾ | — ¼ | 900 |
| Eastman Kodak | 111¾ | 110½ | 111 | ..... | 1,500 |
| Eastman Kodak, pfd | 140 | 140 | 140 | ..... | 3,000 |
| Fox Film "A" | 13 | 12⅞ | 12⅞ | + ¼ | 900 |
| Loew's, Inc. | 34¼ | 33⅞ | 34 | ..... | 2,900 |
| Paramount Publix | 3⅜ | 3¼ | 3⅜ | + ⅛ | 300 |
| Pathe Exchange | 1⅛ | 1 | 1⅛ | + ⅛ | 900 |
| Pathe Exchange "A" | 14 | 14 | 14 | + ¼ | 400 |
| Warner Bros. | 4¼ | 4⅛ | 4⅛ | — ⅛ | 1,400 |
| Warner Bros., pfd | 21½ | 21 | 21½ | ..... | 2,000 |

## Technicolor Gains Quarter on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13 | 12¾ | 13 | + ¼ | 1,000 |

## Bond Market Holds Steady

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 9 | 8½ | 9 | + ½ | 7 |
| General Theatre Equipment 6s '40, ctf | 8¾ | 8½ | 8¾ | + ⅝ | 3 |
| Loew's 6s '41, ww deb rights | 105¾ | 105 | 105¾ | ..... | 7 |
| Paramount Broadway 5½s '51 | 45 | 43⅞ | 45 | +1¾ | 20 |
| Paramount F. L. 6s '47 | 61¾ | 61¾ | 61¾ | — ¼ | 17 |
| Paramount Publix 5½s '50 | 62¼ | 61¾ | 61¾ | — ¾ | 6 |
| Warner Bros. 6s '39, wd | 58¾ | 58½ | 58½ | ..... | 8 |

(Quotations as of Dec. 24)

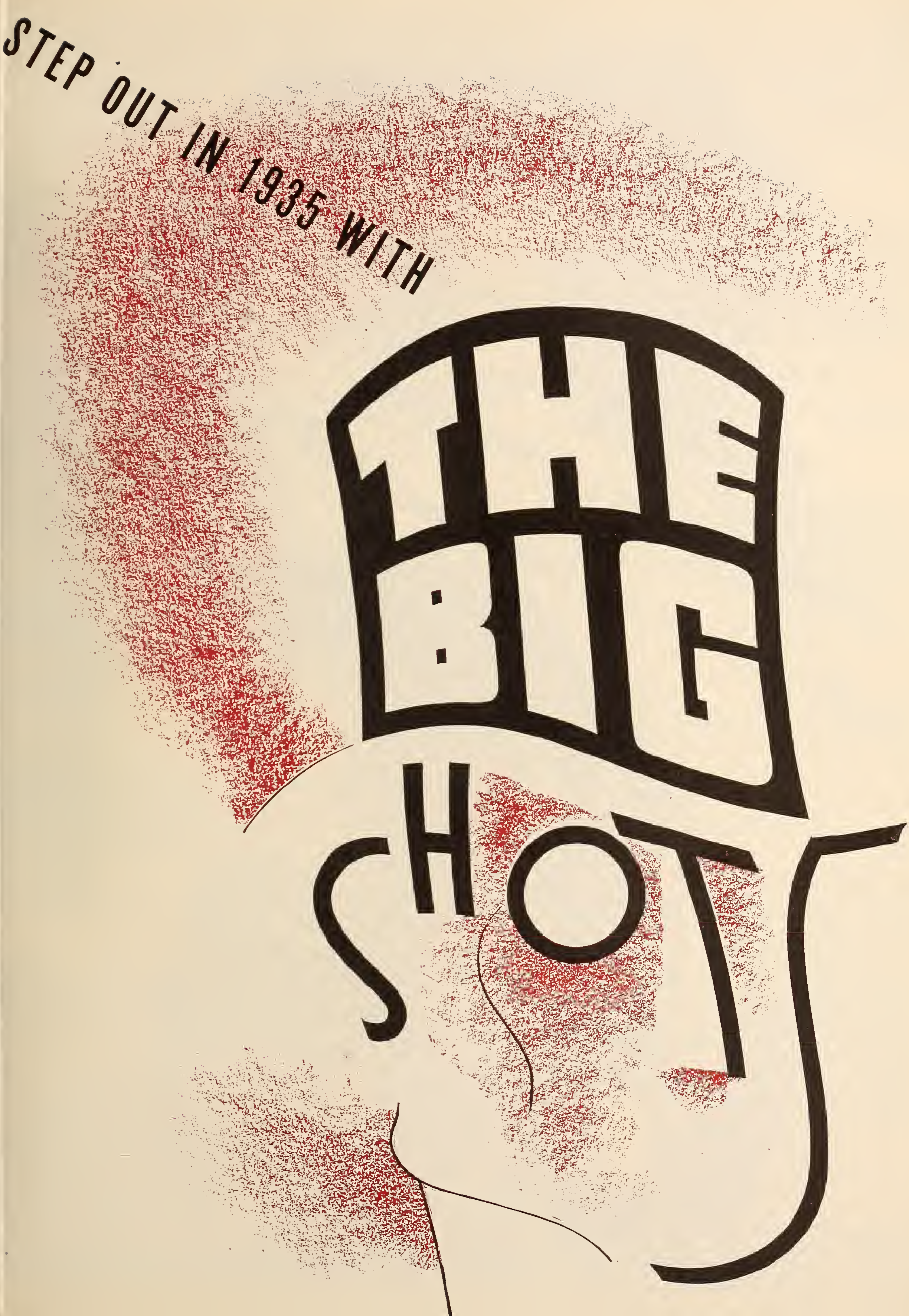
## First Division Men Hear Selling Talks

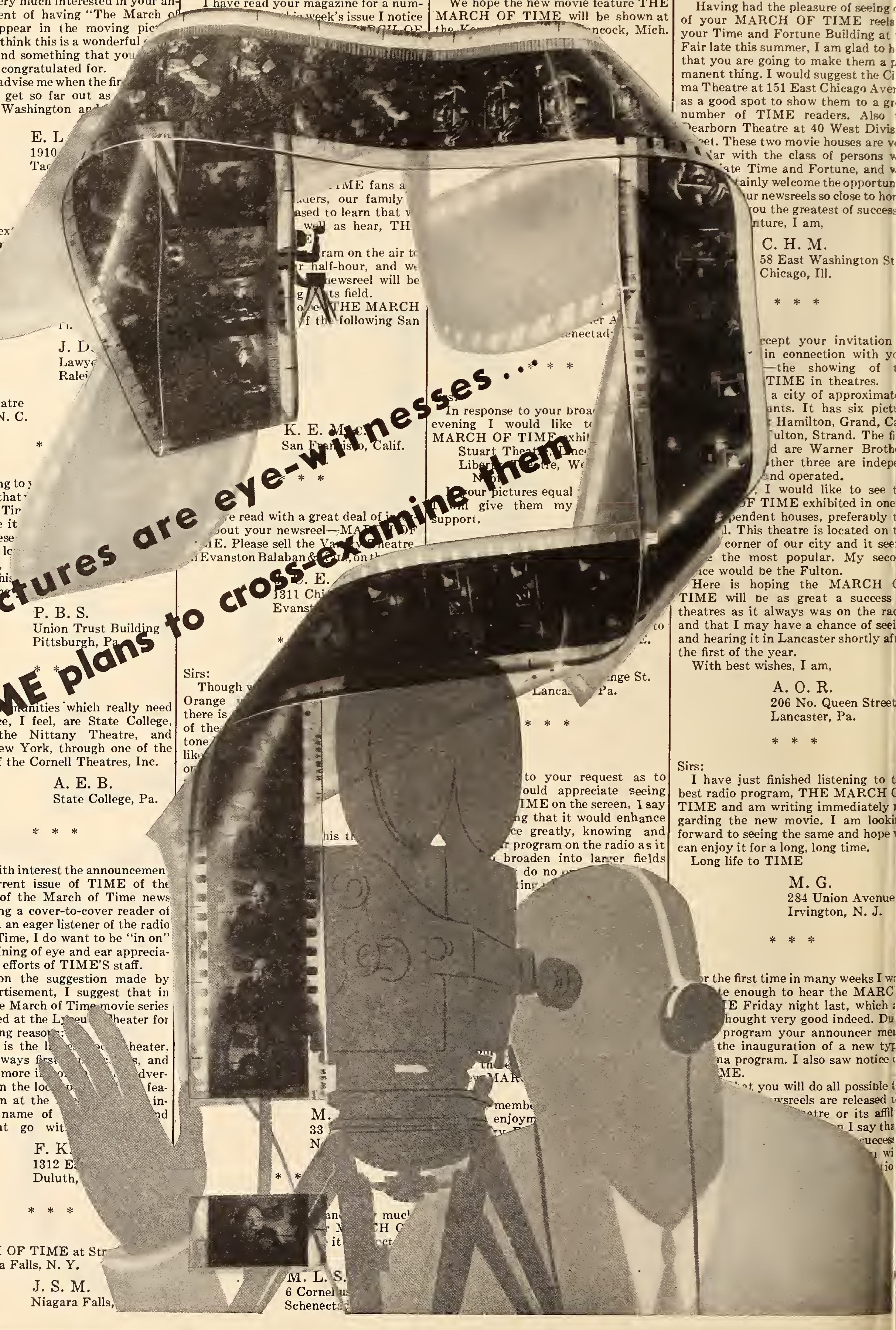
Speeches by principal executives in First Division highlighted the one-day sales meeting of all branch managers at the Park Central Sunday. Among those who spoke were Harry H. Thomas, president; John Curtis, Roy Rason, Charles Rosenzweig and Henry R. Luce.

Instructions on sales were given to the men in addition to the initial screening of the first March of Time release. About 40 attended.

## Korda After Barrymore

London, Dec. 25.—John Barrymore is negotiating with Alexander Korda to make a film, according to G. A. Atkinson in *The New Era*. This, the report continues, may be "Hamlet," although Barrymore has been telling newspapers in India he may make a picture there.


STEP OUT IN 1935 WITH
THE BIG SHOT


pictures are eye-witnesses . . .
TIME plans to cross-examine them

Sirs:

I am very much interested in your announcement of having "The March of
Time" appear in the moving pic
houses. I think this is a wonderful
opment and something that you
be justly congratulated for.

Please advise me when the fir
ance will get so far out as
State of Washington and
Tacoma.

E. L
1910
Ta

Sirs:

I am ex
announcer
TIME a
radio la
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J. D.
Lawye
Ralei

Copy to:
State Theatre
Raleigh, N. C.

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Sirs:

Referring to y
last night that
March of Tir
appreciate it
your represe
ger of the lo
Sewickley,
showing this

Thanking

P. B. S.
Union Trust Building
Pittsburgh, Pa.

* *

Sirs:

Two communities which really need this service, I feel, are State College, through the Nittany Theatre, and Ithaca, New York, through one of the theatres of the Cornell Theatres, Inc.

A. E. B.
State College, Pa.

* * *

Sirs:

I read with interest the announcemen
in the current issue of TIME of the
inaugural of the March of Time news
series. Being a cover-to-cover reader of TIME and an eager listener of the radio March of Time, I do want to be "in on" the first joining of eye and ear appreciation of the efforts of TIME'S staff.

Acting on the suggestion made by your advertisement, I suggest that in Duluth, the March of Time movie series be presented at the L
heater for the following reaso

First, it is the l
heater,
showing always firs
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Second (more i
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fea-
tures shown at the
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nd
shorts that go wit

F. K.
1312 E
Duluth,

* * *

Sirs:

MARCH OF TIME at Str
tre, Niagara Falls, N. Y.

J. S. M.
Niagara Falls,

Sirs:

I have read your magazine for a num-
week's issue I notice

IME fans a
ders, our family
ased to learn that
well as hear, TH
E
ram on the air t
r half-hour, and w
ewsreel will be
g ts field.
o THE MARCH
f the following San

K. E. M
San Fr is o, Calif.

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e read with a great deal of i
out your newsreel—MA OF
IE. Please sell the Va heatre
Evanston Balaban & , on t

C. E.
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Sirs:

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M. L. S.
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Sirs:

We hope the new movie feature THE MARCH OF TIME will be shown at
the K ncock, Mich.

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In response to your broa
evening I would like t
MARCH OF TIME exhi

Stuart Thea nc
Liber tre, W
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our pictures equal
will give them my
support.

to
E.

nge St.
Lanca Pa.

* * *

to your request as to
ould appreciate seeing
IME on the screen, I say
ng that it would enhance
e greatly, knowing and
program on the radio as it
broaden into larger fields
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Sirs:

Having had the pleasure of seeing o
of your MARCH OF TIME reels
your Time and Fortune Building at t
Fair late this summer, I am glad to he
that you are going to make them a p
manent thing. I would suggest the Cir
ma Theatre at 151 East Chicago Aven
as a good spot to show them to a gre
number of TIME readers. Also t
Dearborn Theatre at 40 West Divisi
eet. These two movie houses are ve
ar with the class of persons w
ate Time and Fortune, and w
ainly welcome the opportuni
ur newsreels so close to hor
ou the greatest of success
nture, I am,

C. H. M.
58 East Washington St.
Chicago, Ill.

* * *

cept your invitation
in connection with yo
—the showing of t
TIME in theatres.
a city of approximate
nts. It has six pictu
Hamilton, Grand, Ca
ulton, Strand. The fi
d are Warner Brothe
ther three are indepe
nd operated.
I would like to see t
F TIME exhibited in one
pendent houses, preferably t
l. This theatre is located on t
corner of our city and it see
the most popular. My seco
ice would be the Fulton.

Here is hoping the MARCH
TIME will be as great a success
theatres as it always was on the rad
and that I may have a chance of seei
and hearing it in Lancaster shortly aft
the first of the year.

With best wishes, I am,

A. O. R.
206 No. Queen Street
Lancaster, Pa.

* * *

Sirs:

I have just finished listening to t
best radio program, THE MARCH
TIME and am writing immediately
garding the new movie. I am looki
forward to seeing the same and hope
can enjoy it for a long, long time.

Long life to TIME

M. G.
284 Union Avenue
Irvington, N. J.

* * *

r the first time in many weeks I w
e enough to hear the MARC
E Friday night last, which
hought very good indeed. Du
program your announcer me
the inauguration of a new ty
na program. I also saw notice
ME.
at you will do all possible t
wsreels are released t
atre or its affil
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# IT'S WHAT THE PUBLIC WANTS

irs:
I have read with interest your adver-
sement regarding the MARCH OF
IME and would like very much to have
his shown at the Pickwick Theatre in
reenwich, Connecticut.

S. W. M. Jr.
Dublin Road
Greenwich, Conn.

* * *

rs:
For the motion pictures I prefer—
Allston Theatre, Brighton Ave..
Allston, Mass.
For second choice—
Capitol T
Ave., A

rs:
I am extremely
ea of showing th
hope the theatr
nd I attend will
heatres are Loew's
nd the Strand Theatre, o
Because the future is a p
resent, and the present is a product of
e past, I am sure that your new ven-
ure will be highly successful.

J. A.
Lawrence Academy
Groton, Mass.

* * *

rs:
I am thrilled by your announcement
your new THE MARCH OF TIME
nd hope it will be shown in the Palm
prings Theatre.

J. H. B.
Palm Springs, Calif.

* * *

rs:
TIME reader and 16 mm. movie en-
usiast that I am, will answer your
ggestions at once:
I would like to see the Black Hills
musement Company, which has a chain
theatres in all important Black Hills
owns of Western South Dakota, be
mong the first theatres to show your
w MARCH OF TIME newsreel.
eir main office is Rapid City, S. D.

R. S. B.
812 First Street, So.
Belle Fourche, S. D.

* * *

s:
Through P. T. A. I am a little in touch
th the discouraging feeling of parents
regard to movies for children and
uth. There is so very little that is
table, so I am sure I voice the senti-
nt of many parents when I say a
arty welcome to your venture. It will
wholesome, instructive and fascinat-
. Many thanks. In Rochester, per-
ps, Loew's, R. K. O. Palace, or
ntury would be the favored.

E. A.
11 Reservoir Avenue
Rochester, N. Y.

Sirs:

I am elated at your announcement of the new news cinema feature "The March of Time." I append a list of greater Boston movie houses to which I have sent the following letter:

"THE MARCH OF TIME, the new news movie, is available in January.

"I shall want to see it and shall recommend it to my household (5), to my office staff (25), to my friends (hundreds), and to my clients (more hundreds).

"I shall recomme
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Louisville, Ky.

* * *

Sirs:

I have just looked over my TIME, and noticed your announcement of your new venture; namely, your future pictorial MARCH OF TIME.

I would like to see it at the Olympia Theatre, New Bedford's leading theatre.

A. R.
58 Spruce Street
New Bedford, Mass.

Sirs:

With reference to the announcement in THE MARCH OF TIME broadcast December 7 and in TIME December 10, relative to your new type of newsreel:

If this is as good as TIME and THE MARCH OF TIME, I certainly want to see it and I shall be greatly disappointed if it doesn't find exhibition in Canada.

Let's have it up here. The Capitol Theatre at Regina, Sask., is the place.

H. H. K.
32 Kenora, Apts.
Regina, Sask.

* *

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ARCH OF TIME
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C O P Y

Montgomery Hill
City
Dear Gum:

Last night in listening to MARCH OF TIME on radio, they announced that they would have for distribution in January, MARCH OF TIME pictures. As their magazine and radio broadcasts have been so interesting, I hope you will secure these pictures for Greensboro.

J. R. O.
Greensboro, N. C.

Sirs:

Regarding your new "Venture" as announced in this week's TIME, am pleased to recommend the "Paramount" at this point as the leading Motion Picture theatre and the place selected to exhibit the "New March of Time."

G. G.
Idaho Falls, Idaho

* * *

Sirs:

"The March of Time"

As one who has thoroughly enjoyed "The March of Time" on the air, I look forward to next month, when the same program is to be tried out on the screen in the local picture houses.

It is the hope of my wife and me that Poli's, Franklin Square, Worcester, will obtain this release.

We shall be glad indeed to do what we can to interest our friends in your new venture, which we wish the best of success.

F. J. C.
17 Huntington Avenue
Worcester, Mass.

Copy of the following letter attached:

Poli's
Franklin Square
Worcester, Mass.
*Attention of the Manager*

Gentlemen:

As fairly regular patrons of your theatre, my wife and I are hopeful that the news reel, THE MARCH OF TIME, which is to be released by TIME, Incorporated, for showing during January, can be obtained and shown at your house.

TIME'S radio program has appealed to us and to our friends as one of the best on the air, and it seems to us that they would turn out a very interesting picture.

We are going to see this new release wherever it is shown in this vicinity, and we sincerely hope it will be possible to view it at your theatre.

* * *

Sirs:

I would like to have the MARCH OF TIME shown at the Fox Theatre or the Opera House in Tucson, Arizona. I am looking forward to seeing your intelligent and interesting presentation.

J. L. T.
Tucson, Ariz.

* * *

"On Needles and Pins"

Sirs:

You suggest (TIME, December 3) that subscribers should write in and tell you what cities they would like to have THE MARCH OF TIME exhibited. I agree with this and suggest for my part this city, Pocatello, Idaho. If the particular theatre would be of any assistance to you, the name is "Orpheum Theatre" or one of the "Fox Theatres" located here.

Waiting "on needles and pins" to see what new thing TIME has to offer, I remain,

D. P.
Pocatello, Idaho

THE public has definitely approved of Time's announcement of a new kind of a motion picture.

Read these letters from all over the country. All talking about THE MARCH OF TIME and its coming debut on the screen. Cash customers of thousands of theaters asking that this new series of pictures be shown in their favorite theater. It's never happened before in the history of the motion picture industry.

But it's no accident. The producers of the March of Time (twenty minutes long and released once a month) are not guessing at public appeal. Into the MARCH OF TIME on the screen goes the same ideas, resources and successful presentation that have made Time & Fortune Magazines and the March of Time on the radio, the greatest box office successes in their fields.

By the time this advertisement appears hundreds of exhibitors will have heard directly from patrons of their houses. Positive proof that the public wants the MARCH OF TIME on the screen. Bring this ready made audience to YOUR theater.

*Released Through*

**FIRST DIVISION**

*The New Major*

HARRY A. THOMAS, PRES.

# EVEN BEFORE RELEASE THOUSANDS ARE DEMANDING IT

# THIS IS A GOOD TIME TO CHECK UP ON HEARST METROTONE NEWSREEL!

*Edwin C. Hill. He made good!*

**ON** October 2nd
**M-G-M** gave you the
**FIRST** issue of the
**NEW** Hearst-Metrotone
**NEWSREEL** with
**EDWIN** C. Hill as
**THE** Globe Trotter . . .
**WEEK** after week
**WITH** a consistency
**THAT** amazed
**ALL** competitors
**WE** presented the
**MOST** complete
**NEWSREEL** entertainment
**ON** the market
**OUR** promise has been kept—
**WE** go on to the New Year
**HAPPY** in *your* praise and confidence.
**CAN** we keep it up?
**SEE** next page!

# AND THE CLIMAX OF A YEAR OF ACHIEVEMENT! 23 HISTORY-MAKING NEWS EVENTS IN ONE ISSUE!

*Read the synopsis below of the most amazing issue of any newsreel in film history!*

### EDWIN C. HILL *Reviews*

# THE NEWS PARADE OF 1934!

***Special edition of Hearst Metrotone News presents a spectacular panorama of the history-making events, outstanding thrills and highlights of the year!***

## EUROPE'S TRAGIC YEAR

Albert of Belgium heads 1934's toll of rulers called by death—His son takes the throne.

Chancellor Dollfuss victim of assassins amid tumultuous scenes in Austria.

Turmoil in Paris arouses populace and unseats Cabinet ministers.

President Von Hindenburg passes.

King Alexander, of Jugoslavia, assassinated as mob battles with slayers in memorable films.

Pope Pius, undismayed by world unrest, spreads gospel of peace; proclaims New Holy Year.

## HISTORY-MAKING FLIGHTS

Scott and Black win 12,000-mile London to Melbourne race—New records mark progress of aviation.

## OUTSTANDING DISASTERS

Record drought turns Mid-west into a Sahara—10,000,000 cattle suffer.

Chicago stockyards destroyed in worst fire since 1871.

India earthquake kills 15,000 and does $40,000,000 damage.

Fire and storm wreck Japan's industrial centres—Thousands die.

Liner Morro Castle burns in 1934's most appalling sea horror.

## THE WAR ON CRIME

Lindbergh baby kidnapping sensation! Arrest of Bruno Hauptmann is startling climax to two-year hunt.

June Robles abduction has happy ending. Child is returned after 19 days in desert tomb.

John Dillinger, Public Enemy No. 1, trapped at last and killed by Federal agents.

Al Capone, Machine Gun Kelly and forty others go to Alcatraz, America's Devil's Island.

Baby Face Nelson, Dillinger aide, killed in Government's relentless hunt.

## STRIKE EPIDEMIC PASSES

Great textile strike hits 13 states. Terror grips New England towns.

General strike paralyzes San Francisco. Rioters bombed with tear gas by police.

## A YEAR OF SPEED AND THRILLS

New streamlined express makes coast-to-coast in 57 hours.

Sea and land planes set new records. Fatal crashes mark speed attempts.

Russia thrills world with biggest mass parachute jump ever made.

Cavalcade's great victory in the Kentucky Derby.

The thrilling Indianapolis auto race.

## AMERICA MARCHES ON!

Franklin Roosevelt first President to visit Hawaii.

Reviews mightiest navy spectacle since war time.

New Deal spurs industry. Nation marches on with President!

Vol. VI, No. 226

**THE NEW AND GREATER HEARST METROTONE NEWS**

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## "Lives of a Bengal Lancer"

(*Paramount*)

Hollywood, Dec. 25.—Today, years after it was conceived for filming and after repeated wooings and shelvings, the Paramount Mountain labored in earnest and gave forth a production not only worthy of that studio, but of the industry itself.

Here is flavorous, human entertainment gallantly and glamorously told, fashioned of British frontier courage and spanning the elements of laughter, spectacle, melodrama, beauty and tender heart interest.

As replacements to the Bengal Lancers in India, assigned to Captain Gary Cooper, come Franchot Tone, experienced lieutenant, and Richard Cromwell, fresh from Sandhurst, England's West Point. The situation of Cromwell as the son of Sir Guy Standing, colonel in command, but with no favors asked, flings Cooper, Tone and Cromwell together in a soldierly comaraderie, a relationship fraught with rare feeling and high comedy.

Resentful of his father's sternness, Cromwell, after a period of drinking, at a reception to the Emir and Mahommed Khan, gets enmeshed with Tania, an informer, and is taken prisoner with Cooper and Tone disguised as merchants following into the jaws of Khyber.

Held captive in a dungeon with the colonel's ammunition train hijacked and the native garrison ready to attack the oncoming lancers, Cooper, Tone and Cromwell perform feats of valor mounting in their sheer excitement and thrill to a magnificent emotional climax. Cooper has had few roles to equal this for sympathy and histrionic opportunity. Tone is versatile and combines acting prowess with virility. Cromwell maintains his footing in fast company. Sir Guy Standing is superb as the commanding colonel upholding the tradition of the service and great, too, is C. Aubrey Smith. An excellent cast supports, including Monte Blue, Kathleen Burke, Douglas Dumbrille, Lumsden Hare and others. Henry Hathaway's outstanding direction is evident all the way in the tempo of human moods and the handling of people. The photography by Charles Lang is exceptionally fine.

With Cooper's draw, the production's entertainment power and exploitation possibilities. it's a big attraction destined for big money in America, and in the British Empire it should be sensational. Production Code Seal, No. 474. Running time, 100 minutes. "G."

## Allied Owners Taking Stand on Para. Plan

(*Continued from page 1*)

factions to make the decision on opposing the Paramount plan. A stand in opposition to the plan was urged by Archibald Palmer, attorney for Allied bondholders, at the hearing before Lewis on the grounds that it is detrimental to Allied in three respects. These, according to Palmer, are the general provisions for reorganization of Paramount Broadway, holding company for the Paramount Bldg. and theatre; the payment of $5,000,000 cash as part of the settlement of Paramount's $13,200,000 bank debt, and the makeup of the board of directors of the new Paramount company which, Palmer said, is dominated by banking interests and lacks necessary representation of men with industry experience

Palmer declared that, regardless of the decision of Allied Owners' trustees on appearing in opposition to the Paramount plan, he, himself, would oppose it tomorrow as a representative of Allied bondholders.

Allied filed a claim of $23,000,000 against Paramount in the reorganization proceedings for claims arising out of the construction of a number of theatres for Paramount. A settlement of the claim was agreed upon with the Allied trustees and incorporated in the Paramount reorganization plan. The settlement provides for the issuance to Allied of new Paramount securities for a claim of $5,000,000; the payment of $150,000 in cash; purchase of the Alabama at Birmingham, Ala., and leasing of the Paramount theatres at Brooklyn, Fremont, O., and Glens Falls, N. Y.

## Report Richardson Quits as a Trustee

(*Continued from page 1*)

lix, effective Saturday. Richardson, out of town for the holidays, could not be reached for comment on the report. His name has been linked recently, however, in reorganization circles with a post on the directorate of the new company with possible later election as vice-president. His election to any post in the new company would necessarily require his prior resignation as trustee.

Reorganization groups conferred on Monday on the selection of new members of the Paramount board and will reconvene today in the hope of agreeing on a minimum of three and a maximum of five new directors in advance of the Federal court hearing on the Paramount reorganization plan tomorrow.

## Para. Studio Lease Plan Before Joyce

A proposal for leasing of the Astoria studio, laboratory and film depot to Paramount News for a term of years ending July 1, 1941, at an annual rental of $133,000 was submitted to Special Master John E. Joyce by counsel for the Paramount Publix trustees on Monday. The proposal includes a plan of reorganization for a $930,000 mortgage bond issue, defaulted a year ago by Seneca Holding Corp., Paramount subsidiary having title to the studio property.

Also presented to Joyce on Monday was a proposal for acquisition of the assets of the bankrupt Tennessee Enterprises, Paramount subsidiary, by the Tivoli, Chattanooga, another Paramount subsidiary. Both proposals were taken under advisement by Joyce who will make his recommendations on them to the Federal district court here later.

## M. P. Club Employes Get Christmas Bonus

Employes of the M. P. Club were given an extra week's salary as a Christmas gift. There were 28 in all to benefit by the bonus.

Parties were the order of the day Monday with many of the home offices closing about 4 o'clock. Paramount and First Division were not open, giving employes an extended weekend.

About 90 attended the Gaumont British party at the home office, among those being Arthur Lee and George Weeks. Robert Wolff dined his personnel at the M. P. Club and A. H. Schwartz tendered a buffet lunch to Century Circuit workers at the Radio City offices. Columbia staged a party for its home office and exchange employes which lasted all afternoon.

## Flash Reviews

*The Gilded Lily*—Entertaining and interesting from start to finish, this seems destined for certain popularity. . . .

*Don Quixote*— . . . attractive film fare. . . . .

*These films will be reviewed in full in a later issue of* Motion Picture Daily.

## Second U. A. Session In Chicago Saturday

Second mid-season meeting of U. A. branch managers will be held in Chicago on Saturday with Al Lichtman and Harry Gold of the home office attending. At the first of three sessions, Lichtman and Gold spoke to eastern sales forces Saturday at the home office. A review of the first six-months' sales was made by both executives with reports on the 21 pictures scheduled this season indicating a good year. Various sales problems were also gone into.

No discussion was held concerning next season's product. This is being left for the annual convention which will be held sometime in June. The third and last sales confab will be held in San Francisco on Jan. 5, with Lichtman and Paul Lazarus in attendance.

## Levine Takes Lease On Sennett Studios

Hollywood, Dec. 25.—Nat Levine, president of Mascot Prod., has taken a long term lease on the entire Mack Sennett plant in North Hollywood and, beginning Jan. 10. he will remodel the buildings and add a sound stage.

In commenting on the acquisition. Levine said he expected an unprecedented expansion of the industry during the next five years.

## Broadway Takes Up Over the Week-End

(*Continued from page 1*)

are headed toward normal and above average grosses again.

Probably the best intake is the Astor with $8,300 in the till for the first four days of the second week of "Babes in Toyland." The Roxy with "Wednesday's Child" garnered $22,350 and the Paramount on the second week of "The President Vanishes" corraled $15,000.

Second week of "Painted Veil" at the Capitol was weak at $20,000. "Babbitt" at the Palace grossed a meagre $6,500. The Rialto, with "The Gay Bride," took in $10,500, while the second week of "Hell in the Heavens" at the Mayfair tallied $8,300. At the Rivoli the second week of "The Private Life of Don Juan" hit $12,000.

## Referee Refuses to Act in Skouras Case

(*Continued from page 1*)

compel Nelson Cunliff, trustee for Skouras Brothers Enterprises, Inc., to intervene in a suit pending in the Circuit Court which seeks an accounting from Warners.

At the same time Referee Hope also denied a petition asking that Cunliff be directed to join in an effort to seek a Federal court injunction to stay the Circuit Court action. He stated that he doubted whether the latter request came within his jurisdiction. The petitioners explained that the Federal court injunction was sought to give Trustee Cunliff time to complete investigations now being made in New York in regard to the operations of Skouras Brothers Enterprises and affiliated concerns.

## FWC Sale Approved By Federal Court

(*Continued from page 1*)

Diego, who have anti-trust suits pending against F. W. C.

The approval is legal confirmation of the plan worked out by Referee Earl E. Moss after many months of negotiations between creditors, trustees in bankruptcy, Fox and Chase bank officials.

Attorneys for the protestants announced they would file an appeal in the U. S. Circuit Court of Appeals within 10 days. National Theatres has agreed to take over all F. W. C. obligations, but the plaintiffs in the pending suit contend they are entitled to a bond guaranteeing payment in case they win a verdict.

## Say Ford Will Take Up Air Conditioning

Rumors are current that Henry Ford will follow Walter P. Chrysler into the air conditioning field. General Motors, through its Frigidaire subsidiary; Westinghouse and General Electric have been in it for some time.

Chrysler has been expanding in the field lately through its control of Airtemp Control Corp.

Entrance of Ford into this business probably would spur competition and result in a lowering of prices, it is held by observers of the situation.

# MPTOA Urges Need of Code Overhauling

(*Continued from page* 1)

Code Authority and make it really mean what it should to exhibitors."

Calling the code "neither entirely right nor entirely wrong" yet "a worthy step in the right direction of self-regulation," the M. P. T. O. A. bulletin declares that the code has failed the exhibitor in not restraining or controlling double features; in doing nothing about "the inexcusable score charge;" in generally failing to provide an adequate cancellation privilege; a practical protection against unfair non-theatrical competition; against the premium racket; against forcing unwanted features, against forcing designated playdates on percentage pictures, and has failed to provide for a simplified and fully standardized exhibition contract with enforceable arbitration provisions.

"Selfish interests with powerful lobbies," the bulletin charges, "blocked many of these provisions."

### Hits Clearance Delay

Failure of the code's administrators to establish clearance and zoning schedules is prominently discussed in the bulletin with Code Authority charged with responsibility for the failure. The code's provision for establishing clearance and zoning schedules "has been completely nullified," the bulletin declares. "The local exhibitors and the clearance and zoning boards seem to be able to work out a plan that meets with general approval in their own territory in nearly every instance, but Code Authority just as steadily turns them down."

Advantages resulting from one year of the code, as observed by M. P. T. O. A., include "definite progress in curbing unfair overbuying, in reducing the forcing of shorts with features, in providing a "very, very limited cancellation privilege," in mildly curbing unfair non-theatrical competition; in providing for a semblance of standardization in exhibition contracts, in curbing cut-rate admission practices, in reducing unreasonable clearance and in providing exhibitors with local courts for filing grievances.

Discussing program plans for the M. P. T. O. A. annual convention, to be held at New Orleans, Feb. 25 to 27, the bulletin reveals that a feature of the meet will be conferences and discussions on "better theatre management, improved methods of merchandising and selling modern film entertainment; newest ideas in theatre design, decoration, lighting, ventilating and cooling equipment and methods of increasing attendance." New theatre equipment will be displayed at the meet, according to the bulletin.

## *Miller Wins Ruling In Maywood Dispute*

(*Continued from page* 1)

new house the latter is erecting in Maywood, Ill., in competition to the Lido, operated by Simansky & Miller.

K. M. K. Theatres protested the 26 weeks' clearance held on certain major products by the Lido on the ground that it expected to charge a 20-cent admission when the house is opened soon. The K. M. K. house, seating 600 and to be known as the Yale, asserted the Lido was entitled to only two weeks' protection.

The local board denied the request for clearance. Sitting on the board were Lou Reinheimer, Alex Halperin, Aaron Saperstein, Jack Rose, Henry Helbel and Felix Mendelssohn.

The board is continuing to hear individual protests following the recent shelving of the clearance plan drawn up. Other cases heard involved the Liberty, operated by Elmer Benesch against the Essaness Embassy. Benesch's request for clearance reduction was denied.

The board also denied a request for reduction of clearance filed by Joseph Emma, Deerpath, Lake Forest, Ill., against the Genessee & Waukegan in Waukegan, the Lavilla in Libertyville and the Alcyon in Highland Park.

In a complaint by Sol Best, Amo, Chicago, against the Michigan, Essaness house, the request for reduction of clearance was denied.

## Seek Missouri Aid For Enforcing NRA

(*Continued from page* 1)

is the film industry's representative on the Code Council. Arthur Cole, secretary of the Film Board, who represented the industry at the organization meeting, said the council will concern itself chiefly with enforcement of code labor provisions.

The council appointed a committee to study NRA legislation in other states and to confer with members of the Missouri General Assembly in an effort to obtain action at the next session. The new group will be interested primarily in "strict and uniform enforcement of code provisions among local businesses and industries." Each code will have one representative on the council. If individual code bodies cannot force offenders into line, they could be taken before the council for further action.

The council has charged the NRA compliance office at St. Louis with congestion of important cases of violations originating here and failure to secure action in the Federal courts. The compliance division in Washington has promised a thorough investigation of the operations in St. Louis.

## *National Stand Up To Wisconsin Group*

(*Continued from page* 1)

Ass'n. of Wisconsin and Upper Michigan at its two-day convention Jan. 3 and 4 at the Hotel Plankinton is that of national affiliation.

Under the proposed setup, the new unit will not affiliate directly with any national association, but the board will be empowered to delegate special duties to a national body on matters where the state group wishes to secure action. It is also understood that the board will have the power to reimburse any national unit for work done in its behalf.

The new by-laws have been drawn up from those of the M.P.T.O. of Wisconsin and Upper Michigan and Allied of Wisconsin in an effort to embody the best features of both.

## *Arthur Byron to M-G-M*

Hollywood, Dec. 25.—Arthur Byron has been signed to a two picture contract by M-G-M. The actor has been lined up for top spot roles in "Shadow of Doubt" and "The Casino Murder Case."

# AFA to Send Vaude Units Out on Tours

(*Continued from page* 1)

tres already using vaudeville, or with vaudeville producers, agents, circuits or bookers.

Objectives of the venture, according to A. F. A., are solely to revive interest in variety entertainment by increasing the public demand and demonstrating to exhibitors that vaudeville can still draw business, and to provide work for jobless actors. A. F. A. asserts that many theatres have locked out actors even where a local public demand for vaudeville exists and that theatre operating pools are used to keep vaudeville out of many cities. The traveling units will be organized to meet such situations, it is said.

A. F. A. now has men on the road preparing reports which will be used this week in mapping tours for the first units. The number of units to be organized, the number of weeks of playing time to be set for each and the initial circuits will be set this week, it is expected, when the road men return here with their reports. Both actors and exhibitors throughout the country are being contacted by A. F. A. in preparation for organization and booking of the units.

## *Brandt and Warners End Clearance Row*

(*Continued from page* 1)

Warners in New Jersey and withdrew his claim.

The first time the hearing was scheduled, a distributor was missing from the New Jersey advisory board and the case was adjourned over the protest by Brandt. Representing the Broad, Newark, which was objecting to the 30-day protection Warners' Goodwin maintains, the I. T. O. A. head, at a special meeting of the board, got together with Warners and agreed to reduce existing clearance to 14 days on pictures the Broad plays day-and-date with Mark Block's Lyric. When bookings at the Broad are ahead of the Lyric the protection is to be cut to 10 days.

The settlement was not entered on the record. Last week a premature advertising complaint by Warners' Goodwin against Brandt's Rialto was dismissed.

## *Sada Cowan Joins Para.*

Hollywood, Dec. 25.—Sada Cowan has joined the Paramount writing staff.

# Near Solution Of Basic Wage For Operators

(*Continued from page* 1)

type of run and admissions with the result that the parties failed to get together Monday.

Compliance Director Sol A. Rosenblatt attended the three conferences and will be present again today. Circuit officials Monday studied various plans offered by the I. A. T. S. E. and are expected to come to a decision today. Independents, however, are so anxious to enter into a long term contract to end the five-year union fight as the I. A. T. S. E. is concerned over increasing employment in Local 306 and affiliated unions.

Rosenblatt, after tomorrow's Campi session, will leave on his first vacation since joining the NRA. He'll take a southern cruise and will be gone 10 days.

Recently, Local 306 entered into temporary relief agreements with a number of independents, the reductions based on individual requirements rather than a blanket cut.

## *Labor Board to Act On Operators' Pact*

(*Continued from page* 1)

M. P. Operators' Union and E. S. Young of the Central Theatre here in which an operator formerly employed by Young charges breach of contract.

The complaint originally was filed with the NRA compliance board.

The complaint alleges that the independent union contracted with Young for the services of an operator last May, but that he was dismissed Sept. 1 without the customary two weeks' notice when Young switched to Local 170, I.A.T.S.E. Salary and overtime is claimed for a period of 15 weeks from Sept. 1 to the date of the complaint.

## *Operators' Scale Up At Conference Today*

Members of the I. T. O. A. will discuss today negotiations between circuit and independent heads with local operators' unions in setting up a basic wage sale. Harry Brandt, who has been attending the hearings, will be the principal speaker.

Allied of New Jersey did not meet yesterday, because of the holiday. The next session is Jan. 8.

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in

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with

**JAMES DUNN**

Produced by Sol M. Wurtzel

*Directed by David Butler. Screen play by William Conselman. Story by David Butler and Edwin Burke*

FOX

# They Peer Into '35's Crystal

## Predicts New Peak in 1935 Film Quality

By JACK L. WARNER
*Vice-President in Charge Warner Production*

HOLLYWOOD, Dec. 25.—We look forward to 1935 with great optimism and expectation of better business for both exhibitor and ourselves. Our optimism is based upon the return of confidence here and improved economic conditions abroad. The comeback will naturally radiate for better conditions the world over.

Pictures during the coming year will be bigger with a definitely higher standard of entertainment than ever before. Screen productions will have to be made that appeal not only to family audiences here, but to all classes and people abroad. Audiences have become educated to better acting on the screen. The standard is definitely on the upgrade.

Highly sophisticated stories, old-time triangles that depended upon a handsome leading man and a sensuously gowned leading lady, are out. In their places will be demanded strong stories with performances by competent actors.

More initiative is needed among producers and exhibitors: Initiative on the part of producers to get off the beaten path in search of ideas and stories instead of trying to follow in the footsteps of a hit by copying. Initiative on the part of exhibitors in more aggressive showmanship.

Probably the most forward step that can be taken during 1935 for all concerned would be the elimination of double features. I honestly believe that if that were accomplished, better pictures would be made and exhibitors would profit.

Other industries report definite improvement in business with signs for continued improvement. In this improvement, the motion picture industry will share.

## Feist Confident '35 Will Be Better Year

(*Continued from page* 1)

tinued increases in motion picture patronage, particularly so, for the Better Pictures and Star Spangled productions. It is with such impending developments as these, rather than with temporary but debilitating and sometimes ruinous internal competition, that the industry's leaders are now concerned.

Nineteen hundred and thirty-five holds great promise for industry prosperity.

## International Year Is Seen By Arthur Lee

By ARTHUR A. LEE
*Vice-President, Gaumont British*

I am looking forward to 1935 as the most interesting year of my business career, due to being fully convinced that my people are making outstanding pictures of international appeal.

I believe 1935 is going to be one of the best years the industry has seen for some time owing to the fact that studios here and abroad are turning out pictures of real merit, which will bring the public back once more into the picture-going habit.

Taking into consideration the tremendous amount of money which our government is putting into circulation, there is no doubt, when it reaches the public, that they will spend a great deal of it supporting the industry.

I believe that the industry would be much better off if some way could be devised whereby the national distributors did not have to force exhibitors to play their poorer pictures, but could absorb the cost of same by spreading it over their entire program.

## Film People Figure In New Shows Here

Players, some prominent and some no longer prominent in pictures, are figuring more importantly in New York stage plays this winter. In the flood opened and opening this week:

S. N. Behrman, long a contract writer at Fox, bowed in at the Golden Monday night as author of "Rain from the Heaven." The Theatre Guild produced.

Viola Brothers Shore, well known as a Hollywood scenarist, is co-author with Sarah B. Smith of "Piper Paid," which opened at the Ritz last night. Harry Green is one of the principals. Miss Shore is also part author of "Fools Rush In," also one of last night's contenders for popularity.

Constance Cummings' essay is the lead in "Accent on Youth," another of last night's openings, this one at the Plymouth. Irene Purcell is in the cast.

Peggy Wood and Louis Calhern are two of the principals in "Birthday," due to open at the 49th St. Theatre tonight.

Eddie Dowling is producer and a player as well of "Thumbs Up" which opens at St. James tomorrow night. In the cast are Clark and McCullough, Hal LeRoy, Sheila Barrett and J. Harold Murray, the latter once a singer of importance in early Fox musicals.

Herbert Rawlinson has the lead in "Baby Pompadour" which comes to an undetermined theatre Friday evening.

## Fox Met Plan to Court

The plan of reorganization for Fox Metropolitan Playhouses developed by the bondholders' committee will be presented to Federal Judge Julian W. Mack in U. S. District Court here tomorrow.

## Costs a Factor

**"General quality of the motion picture is steadily improving," declares Herbert J. Yates, president of Consolidated Film Industries, Inc.**

**"Public interest is increasing. If costs can be reasonably controlled, the industry should make satisfactory progress the coming year," he believes.**

**Yates recently returned from his second trip to Hollywood in the last couple of months.**

## Optimism for Future Rules With Thomas

By HARRY THOMAS
*President, First Division*

Exhibitors have struggled to keep their heads above water for the past five years. The turning point has already been passed; business is perking up everywhere; money is going into circulation; people have lost their fear; a rainbow's ascending rays of sunshine are penetrating through the black clouds of the past. The exhibitors who have operated their business as business should be operated, will be rewarded for their honest efforts. Nineteen hundred and thirty-five looks like it will be the best season in show business since 1929. I hope that all branches of the industry share in the harvest.

President Roosevelt's recovery plans should put a great deal of money into circulation and this additional money in the hands of the potential theatregoers will be life blood to resuscitate show business and put it back to the enviable pitch it held at the time of its greatest advance.

## More Springfield Shows

SPRINGFIELD, O., Dec. 25.—The Regent, which recently installed vaudeville with its picture programs on Saturdays and Sundays, has been followed by the Fairbanks, which features unit revues the first four days of each week. Both are Chakeres-Warner first run spots.

This is the first time in local history that two houses have played stage shows and pictures simultaneously.

## "Character" Stressed in Coming Film

By CARL LAEMMLE, JR.
*Vice-President, General Manager, Universal Production*

Prosperity returning, business conditions getting better, film conditions getting better. This is a sure indication that productions of an unusual type will grab even bigger grosses for the picture business next year. Pictures of the more important type are planned for next year. This will be good for the industry both from the production standpoint and the theatre standpoint.

It is my feeling that the more of these historical, biographical, outstanding-novel type of pictures and musical comedies that are made in the super class, the better off the industry will be. There is no doubt in my mind that individual productions of finished character will be the thing for next year. More time will have to be put into them, more thought, more showmanship. But that is what this industry is coming to and that is where the big money lies.

With the important producers in the industry making from six to eight pictures a year instead of from 40 to 50 the quality of pictures is certain to improve vastly and the industry from every standpoint will be greatly benefited. These producers can concentrate on important production matters and put their energies and abilities into the necessary work of production instead of delegating important production matters to others. They have been forced to delegate them in the past because of the time element. I feel that the industry will set a new mark for itself in 1935.

## Must Cut Negative Costs, Says Zukor

(*Continued from page* 1)

quality of the product, the hoped-for gross increases of the new season will be meaningless.

I view this rise in negative costs as one of the most serious matters ever faced by the industry. I believe that it is out of all proportion to the corresponding rise in commodity prices and, unless it is remedied at once, I believe we shall find ourselves making pictures costing more than we can take in at our box-offices. I hope that 1935 will see a satisfactory adjustment of this problem and a consequent black ink balance for the industry.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 150 NEW YORK, THURSDAY, DECEMBER 27, 1934 TEN CENTS

## Outlook Good On Para. Plan; Few Opposed

### *Hearing Set for Today Before Judge Coxe*

A minimum of creditor opposition to the Paramount Publix reorganization plan is in evidence for the Federal court hearing before Judge Alfred C. Coxe this morning, indicating the possibility of the plan being accepted with little delay.

No additional names have been added to the board of directors of the new company beyond the nine agreed upon and the three temporary members of the board, Austin Keough, Walter B. Cokell and Max D. Howell. Creditors' committees decided to restrict the present board to the 12 named until such time as the plan has been accepted and the Paramount trustees have been relieved of their posts. At that time the new board will take over administration of the company,

*(Continued on page 7)*

## Para. Studies Plan To Telephoto News

Newsreel shots by telephoto so that they can be shown in territories surrounding 24 key spots approximately two hours after they occur may develop from experiments now being conducted by Paramount News.

A private engineering firm is reported to have been working on the experiments for Paramount for the

*(Continued on page 7)*

## *Action, Music Big Overseas: Reisman*

Action pictures and musicals are most in demand abroad, Phil Reisman, head of RKO-Radio's foreign department, stated yesterday, having returned last week from a five weeks' trip to England and France.

Audiences in foreign countries do not care for pictures in which the

*(Continued on page 7)*

## *N. E. Allied Men to Meet in Boston Soon*

Boston, Dec. 26.—Independent Exhibitors of Mass., Inc., will be hosts to other Allied units in New England at a joint meeting to be held here

*(Continued on page 11)*

*Dependable film delivery by members of National Film Carriers, Inc.—Adv.*

## Oil Poured on "U's" Ruffled Studio Waters

### *Laemmle, Sr., Jr., Agree; Production Picks Up*

Hollywood, Dec. 26. — Internal troubles on the Universal lot have been ironed out and the studio is now oiling the ways for its next cycle, which will include several of its promised big attractions.

Carl Laemmle, Jr., is back from an extended stay in New York, sans any European trip, and will devote his time to six pictures a year, although the title of general manager of production will continue his. His father, working in close association with his

*(Continued on page 11)*

## Coast Production Drops for Holiday

Hollywood, Dec. 26.—Due to the holiday production registered a decided decrease with a total of 33 features and five shorts before the cameras as compared to 41 and four the preceding

*(Continued on page 11)*

### *Fitzgerald to Sing*

**Boston, Dec. 26.—A smart local tieup for the opening of "Sweet Adeline" here is the securing of former Mayor John F. Fitzgerald to sing the song of the same name at the Paramount Wednesday night. He is as well known for the piece here as Al Smith is for "East Side, West Side" in New York.**

## Campi Ruling Is Due Today On Clearance

Decision, formally ruled and noted, on whether clearance and zoning schedules are to be discarded in favor of individual protests is expected to be made by Campi today at its regular meeting, which will be attended by Compliance Director Sol A. Rosenblatt.

Official records of Code Authority show that, within the past seven months, 637 clearance and zoning

*(Continued on page 7)*

## *Showmanship and Product Count, Say Warner, Clark*

By JOHN D. CLARK
*General Manager, Distribution, Fox*

Theatre grosses throughout the country have been showing steady increases lately and there is every reason to suppose that they will continue to do so in 1935, provided, of course, that general business conditions improve.

The public is buying entertainment, and as long as the quality of pictures continues upward as it has in the past several months no one in the motion picture business need fear the future. A clearer and sounder basis of comparison with the past has been formulated, and next year should find our business advancing steadily.

By ALBERT WARNER
*Vice-President, Warners*

The prosperity of the industry during 1935 lies in the hands of the industry itself. There are no obstacles ahead that wise, progressive showmanship cannot surmount.

Legitimate competition is necessary and desirable, but there are problems that can only be solved by co-operation. One of these is the problem of the double feature. The team spirit, applied in the interest of all of us, is the only way in which this evil will ever be done away with.

The average quality of motion pictures today is higher than ever be-

*(Continued on page 2)*

## Deal Reached On Operators' Basic Scales

### *Said to Call for Cuts; Hearing on Jan. 10*

After four successive meetings at Campi headquarters, Compliance Director Sol A. Rosenblatt's fact finding committee yesterday reached a temporary agreement for setting up a basic wage scale for operators in New York. It is understood reductions are provided all along the line.

Rosenblatt, who has been attending the meetings of the committee, has set Jan. 10 for a public hearing in Washington, when objections to the agreement will be heard. If none are voiced, it is likely the temporary schedule will be made permanent.

George Browne, president of the I.A.T.S.E., did not attend yesterday's session. He is in Chicago, his home town, for the holidays. Louis Krouse, his assistant, was present, and is understood to have approved the temporary plan for Local 306, which is being supervised by the international since Harry Sherman resigned some months ago.

Rosenblatt, spokesman for the fact finding committee, could not be reached last night at his home for a statement, but it is understood an official release from Washington will be made on or before Saturday.

## Film Lettering in Kansas City Starts

Kansas City, Dec. 26.—Classification of films in advertising, adopted by Fox Midwest at its managers' convention last summer, has made its appearance here.

"The Affairs of Cellini," this week's attraction at the Fox Apollo, a suburban house, is given an "adult" label in newspaper ads. The idea is conveyed in the form of a seal informing the reader the picture is "a selected movie," approved by Better Films Council for adults. Original plans

*(Continued on page 7)*

## *Chicago Suit Ends; Product Split Seen*

Indicating a product split-up among Chicago's Loop theatres which would make first run pictures for major companies available to McVickers, that theatre yesterday withdrew its anti-trust suit preliminary motion at a

*(Continued on page 2)*

MOTION PICTURE DAILY

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## Brandts Hike Salaries

Home office employes of the Brandt circuit have been given a 10 per cent increase. Theatre workers have been advanced from $1 to $5, according to term of service. The hike in the Brandt payroll amounts to $298 weekly.

## Saland Gives Increases

Nat Saland of Mercury has increased employes' salaries from 10 to 25 per cent. He also closed yesterday to do the exclusive film printing on the eight Ken Maynard westerns for Burr Enterprises, Inc.

## Take Over Spanish Film

Criterion Films, headed by M. D. Strong, has acquired eastern distribution to "Campanas de Amor" ("Bells of Love"), Spanish-language feature now nearing completion here.

## Finish Palestine Film

Motion Picture Bureau, Inc., has completed "The Romance of Palestine," based on a story written by Ludwig Lewisohn, who also appears in the film.

## Fox Moving in Boston

BOSTON, Dec. 26.—The transfer of Fox to its new exchange building, nearly opposite the present site on Broadway, should be completed Friday, it is now believed.

## Maloy Income Probe Resumed in Chicago

CHICAGO, Dec. 26.—Investigation of the income tax of Tom Maloy, head of the operators union, has been resumed and Maloy, Ralph O'Hara, his assistant, and Tom Reynolds, president of the union, have been summoned to Federal court.

The Maloy summons promises to reopen investigation into union affairs which may involve Jack Miller, head of the Chicago Exhibitors' Ass'n. Miller figures as a party to the Maloy hearing as a witness in connection with his testimony before a grand jury and subsequently before Federal Judge Wilkerson on contempt charges. Miller's trial was continued several months ago.

Both the cases against Maloy and Miller have been dormant six months.

## Chicago Suit Ends; Product Split Seen

*(Continued from page 1)*

hearing before Judge Murray Hulbert in U. S. District Court here.

McVickers had asked for leave to make Paramount and the trustees of the company defendants in the anti-trust action to be based on the alleged inability of the theatre to obtain suitable product. The action was also to name as defendants Balaban & Katz of Chicago, and major company distributors. McVickers, operated by Jones, Linick & Schaefer, was formerly sub-let to B. & K., but was relinquished by that company last summer.

CHICAGO, Dec. 26. — Rosenberg, Toomin & Stein, representing J., L. & S., declined to comment on the withdrawal of the suit, declaring there may be an announcement tomorrow. B. & K. officials had no knowledge of the withdrawal. Aaron Jones of J., L. & S. could not be reached. The McVickers deal is held improbable. It was even denied an eastern suit had been filed.

## DuWorld Gets Musical

DuWorld has acquired North and South American distribution of a musical now being produced in Vienna tentatively titled "Viennese Love Song," in which Maria Jeritza is starred.

## Albert Warner Says Showmanship Counts

*(Continued from page 1)*

fore. There is an enormous public waiting for every good picture and the problem of the theatres is to bring together the picture and the public that will appreciate and support it. That is where showmanship comes in. Every exhibitor should study not only his public in mass, but the different sections of that public that will respond to the appeal of different kinds of pictures.

I look forward to an excellent year for motion pictures. Intelligence and courage are the golden keys that will open the doors of prosperity.

## Northwest Indies Unite

MINNEAPOLIS, Dec. 26.—Twenty Minnesota and South Dakota exhibitors have started a new organization called the Independent Theatre Owners' Ass'n. J. B. Clinton of Duluth has been one of the leaders in the movement, and has been named president.

Other officers are: Secretary-treasurer, E. L. Peaslie, Stillwater; directors, H. J. Ludcke, St. Peter, Minn.; Bert Parson, Springfield, Minn.; J. L. Anderson, Plankington, S. D.; Roy McKinn, Superior, Wis., and George Ryan, Hector, Minn.

## Arthur C. Melvin Killed

BALTIMORE, Dec. 26.—Arthur C. Melvin, Fox salesman in this territory for many years, died in Franklin Square Hospital from injuries received when he was struck by an automobile while crossing North Ave. at Druid Hill. Melvin was well liked here and during his long years of faithful and efficient service with Fox he had built up a fine reputation for faithful service.

## F. E. Johnson Buried

AKRON, Dec. 26.—Funeral services were held here Monday for Fred E. Johnson, 55, widely-known exhibitor, who died suddenly at St. Paul, Minn., where he had gone with his wife to spend the holidays with his sister.

He was born at Kent, O., and at different times managed houses at Lorain, Zanesville, Cambridge, Cardington, Oil City and Wheeling.

## Big Board Trading Has Off Day

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 37½ | 37½ | 37½ | — ¼ | 300 |
| Consolidated Film Industries | 6 | 5⅝ | 5⅝ | — ⅛ | 1,000 |
| Consolidated Film Industries, pfd | 19¾ | 19¼ | 19⅜ | — ⅜ | 2,100 |
| Eastman Kodak | 111¼ | 110 | 110¼ | — ¾ | 1,200 |
| Eastman Kodak, pfd | 141 | 141 | 141 | +1 | 2,000 |
| Fox Film "A" | 13⅛ | 13 | 13 | + ⅛ | 900 |
| Loew's, Inc. | 34⅛ | 33¾ | 34 | ..... | 2,800 |
| Loew's, Inc., pfd | 103½ | 103½ | 103½ | — ½ | 100 |
| Paramount Publix, cts | 3⅜ | 3⅛ | 3⅛ | — ¼ | 6,400 |
| Pathe Exchange | 1⅛ | 1⅛ | 1⅛ | ..... | 200 |
| Pathe Exchange "A" | 14⅜ | 14 | 14 | ..... | 500 |
| RKO | 2⅝ | 2½ | 2½ | ..... | 600 |
| Warner Bros. | 4¼ | 4 | 4⅛ | ..... | 6,200 |

## Trans Lux Advances ⅜ on Curb

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 12¾ | 12¾ | 12¾ | — ¼ | 300 |
| Trans Lux | 2⅝ | 2¼ | 2½ | + ⅜ | 2,400 |

## G. T. E. Bond Issues in Decline

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 8⅝ | 8⅜ | 8⅜ | — ⅝ | 12 |
| General Theatre Equipment 6s '40, ctf | 8 | 8 | 8 | — ¾ | 4 |
| Paramount Broadway 5½s '51 | 45 | 44½ | 45 | ..... | 50 |
| Paramount F. L. 6s '47 | 62 | 61 | 61 | — ⅛ | 16 |
| Paramount Publix 5½s '50 | 62 | 61½ | 61¾ | ..... | 32 |
| Pathe 7s '37, ww | 100¾ | 100½ | 100½ | + ¼ | 3 |
| Warner Bros. 6s '39, wd | 58¾ | 58⅝ | 58⅝ | + ⅛ | 10 |

## Purely Personal

ARTHUR A. LEE, vice-president of Gaumont British; GEORGE W. WEEKS, general sales manager, and JACK SCHLAIFER, special sales representative, left for Chicago yesterday afternoon for conference with the midwest sales division.

MORRIS LANE, of the State Film Service, received a Christmas present in the form of a 10-pound son early Christmas morning. Both mother and child are doing well at the Madison Park Hospital, Brooklyn.

HYMAN RACHMIL, Brooklyn circuit owner, plans to leave for the coast the end of January to visit his son LEWIS for about two months. LEWIS RACHMIL is part owner of Goldsmith Prod.

BEATRICE LILLIE has been signed for a four-week engagement at the Rainbow Room, Rockefeller Center. RICHARD W. KRAKEUR of the LEO MORRISON office handled the deal.

E. M. SAUNDERS, western division manager for M-G-M, returned Monday from a month's trip, having visited a number of exchanges and the studios.

ALLEN RIVKIN is in New York from Hollywood. At the Waldorf until the 10th and expects to see 18 shows between now and then.

AL SELIG returned yesterday from Boston, where he spent three weeks on "Mighty Barnum" and "Private Life of Don Juan" campaigns.

LOUIS COHEN has postponed his trip to the coast where he intended to spend the holidays with his family. He plans to go later.

FRANK SULLIVAN's sketch, "A Ministering Angel," has been acquired by Paramount for a sequence in "The Big Broadcast."

BEN VERSCHLEISER, Monogram supervisor, may leave for the coast Saturday. He's visiting his folks here.

DAVE LEVY, who was forced to postpone his trip to Florida due to illness, leaves Saturday for Palm Beach.

EDDIE MCEVOY sailed yesterday on the *Monarch of Bermuda* for Bermuda. Vacation stuff.

ARTIE STEBBINS, in for the holidays, will remain in these parts for a number of days yet.

ADOLPHE MENJOU and his bride, VEREE TEASDALE, are due back on the coast tomorrow.

BEN SCHULBERG and his family sailed last night on the *Aquitania* for a short cruise.

TREM CARR, head of Monogram production, is scheduled to arrive in town next week.

WALTER EBERHARDT is on the last lap of the latest in his cycle of mystery yarns.

COMPLIANCE DIRECTOR SOL A. ROSENBLATT spent the Yule holiday with his family.

MADY CHRISTIANS is in town. At the Park Central.

WILLIAM FISKE is in Switzerland taking in the sports.

IRVING SHIFFRIN of RKO Radio is down with a cold.

A. H. SCHWARTZ leaves shortly on his annual Miami vacation.

41ST BENGAL-LANCERS

# FOUR YEARS AGO

the shot that will be seen around the world was taken—and Paramount's "The Lives of a Bengal Lancer" went into production.

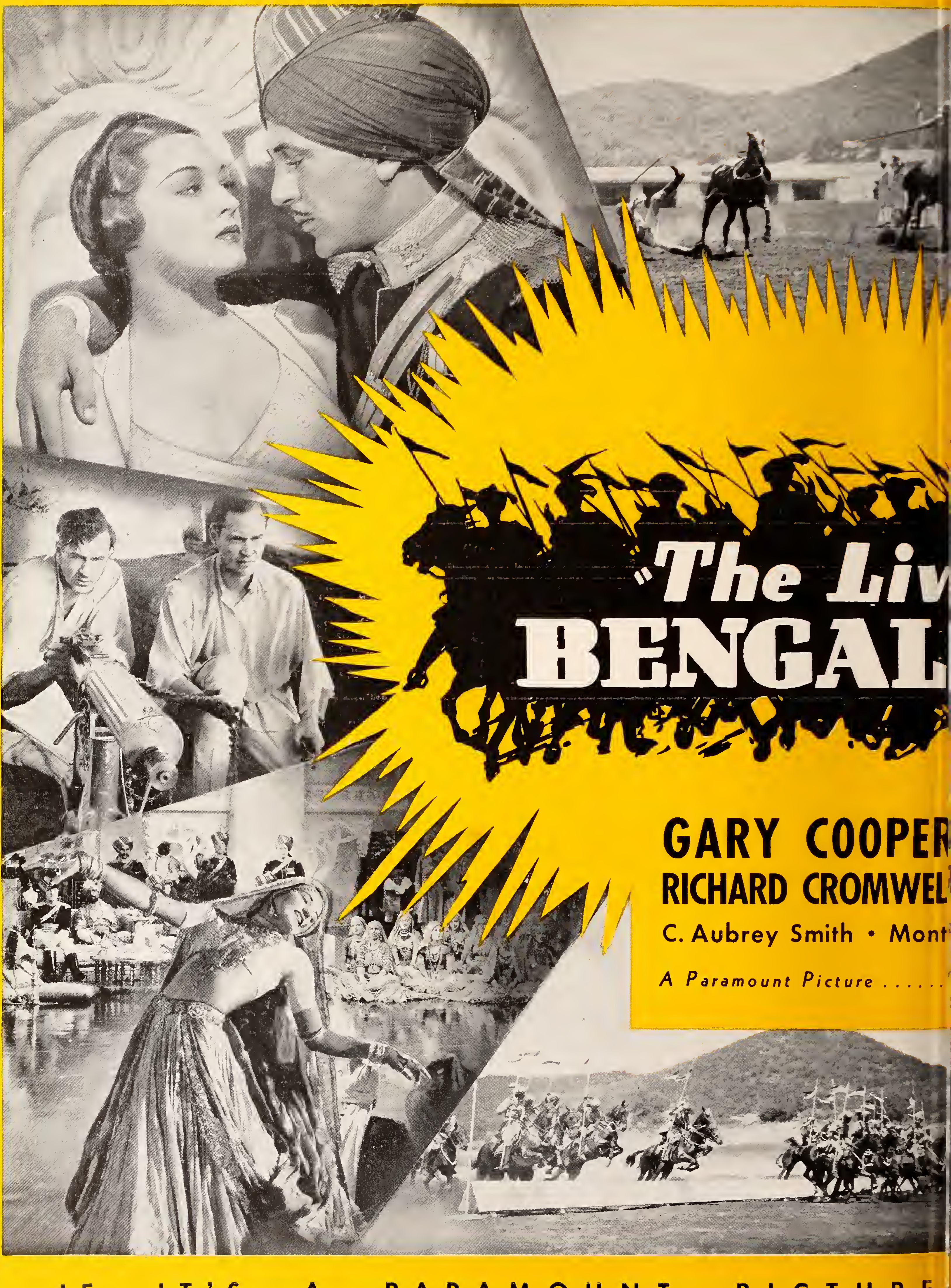
# FOUR YEARS LATER

. . . after many months of untiring effort, Paramount proudly presents "The Lives of a Bengal Lancer", a thrill-packed story of courage.

Paramount Pictures

GALLANTRY • ROMANCE • THRILLS • ACTION

BEAUTY • YOUTH • MYSTERY • ADVENTURE • DRAMA



"The Liv

BENGAL

**GARY COOPER**

**RICHARD CROMWEL**

C. Aubrey Smith • Mont

*A Paramount Picture* .....

IF IT'S A PARAMOUNT PICTURE

HEROISM • FASCINATION • INTRIGUE

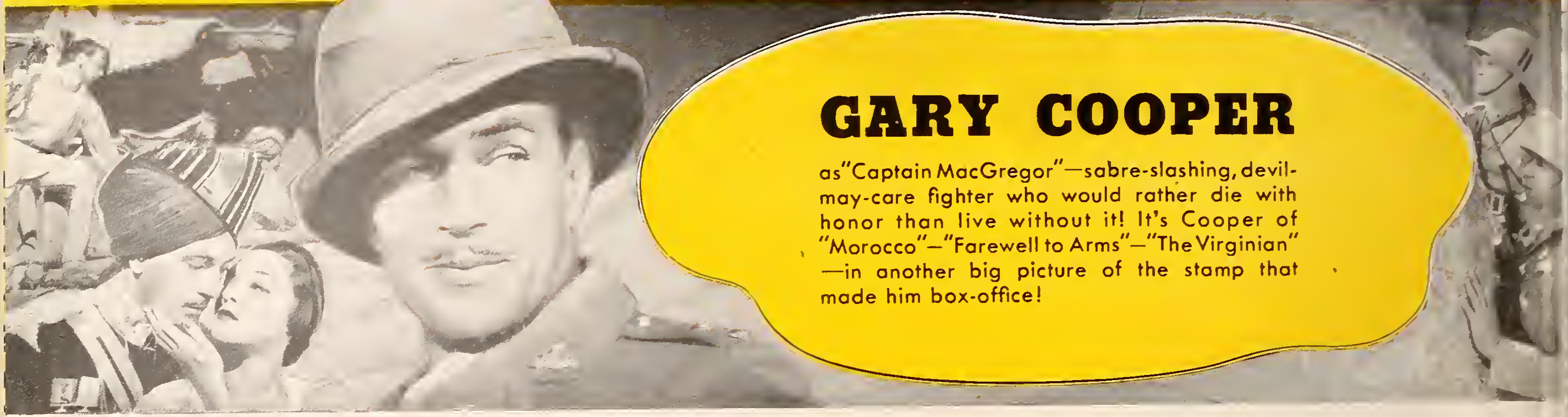
es of a
LANCER"

RANCHOT TONE
IR GUY STANDING
lue • Kathleen Burke
*ected by Henry Hathaway*

EXCITEMENT • ENCHANTMENT • SPECTACLE

T'S THE BEST SHOW IN TOWN...

# THE LIVES OF A BENGAL LANCER

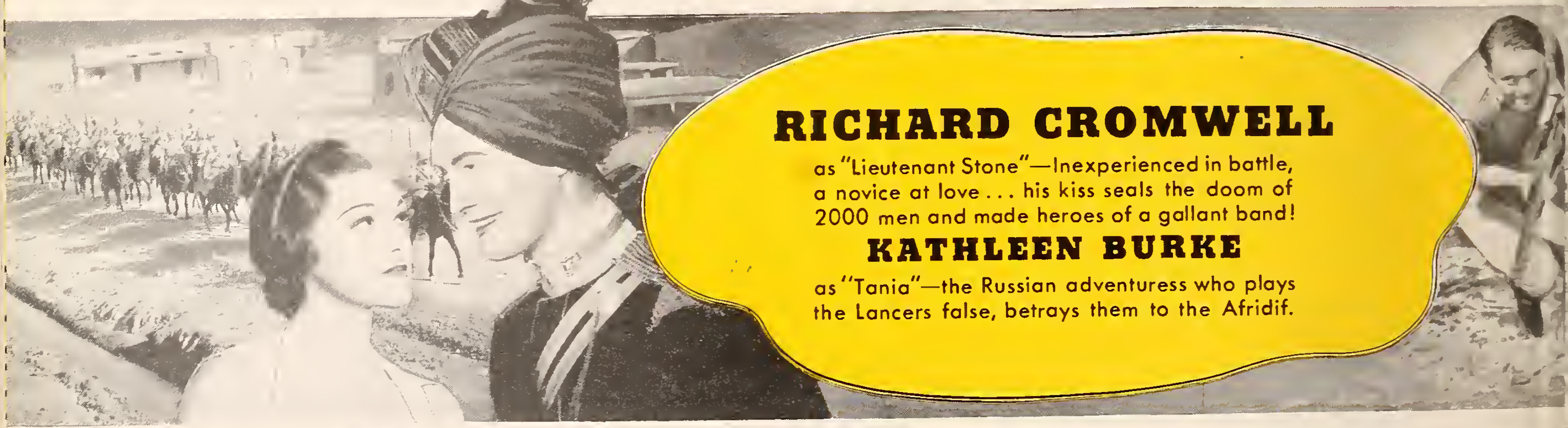


**GARY COOPER**

as "Captain MacGregor"—sabre-slashing, devil-may-care fighter who would rather die with honor than live without it! It's Cooper of "Morocco"—"Farewell to Arms"—"The Virginian"—in another big picture of the stamp that made him box-office!

**FRANCHOT TONE**

as "Lieutenant Forsythe"—a raw recruit under India's burning skies who becomes a seasoned campaigner . . . contemptuous of love and smiling at death. Franchot Tone steps out of a dress suit and into a uniform that will win him more plaudits than any role he's played!



**RICHARD CROMWELL**

as "Lieutenant Stone"—Inexperienced in battle, a novice at love . . . his kiss seals the doom of 2000 men and made heroes of a gallant band!

**KATHLEEN BURKE**

as "Tania"—the Russian adventuress who plays the Lancers false, betrays them to the Afridif.

**SIR GUY STANDING**

as "Colonel Stone"—Soldier, martinet, sly as a fox, but a fool when it comes to handling his own son. The best role yet for this player.

**C. AUBREY SMITH**

Gruff warrior of "Queen Christina" and "Cleopatra" makes another old war-dog believable and lovable on the screen.

**IF IT'S A PARAMOUNT PICTURE IT'S THE BEST SHOW IN TOWN**

# Outlook Good On Para. Plan; Few Opposed

(Continued from page 1)

and additions to the board, which may have a maximum of 20 members, are expected to be made.

Judge Coxe yesterday accepted the resignation as trustee of Charles E. Richardson, leaving the interim administration with Charles D. Hilles and Eugene W. Leake. Richardson is regarded as a strong candidate for a post on the new board later and also for vice-presidency of the new company. He declined to comment yesterday on reports linking his name with these posts, ascribing his resignation only to "pressure of private business affairs," the reason he gave when tendering his resignation as trustee last summer. At that time, however, he was prevailed upon to remain until Paramount reorganization had become a fact.

### Allied Opposition Expected

Principal opposition to acceptance of the reorganization plan by the court at today's hearing is expected to come from Allied Owners, one of the largest creditors of Paramount, which, impelled by its own bondholders, may ask for changes in the Paramount Broadway reorganization provisions, the settlement with the bank group and for assurances that industry men will be named to the board of the new company. Trustees of Allied, William Greve, Stephen Callahan and Percival Jackson, met yesterday to determine the company's stand on opposing or recommending the plan and are understood to have agreed upon a modified program of opposition which will be confined largely to recommendations for changes along the lines noted.

Samuel Zirn, counsel for small Paramount bondholder interests, has also stated that he would oppose the plan in several particulars but had no definite objections when queried last night. Saul E. Rogers, counsel for other Paramount bondholders, indicated that he found little objection to the major provisions of the plan and said he favored as speedy a rehabilitation as possible, in the belief that delay now might be disastrous to the company. All large creditor committees will appear in support of the plan.

# Para. Studies Plan To Telephoto News

(Continued from page 1)

past four weeks with the aim of testing the practicability of the apparatus and working out an estimate of the cost.

Transmitting laboratories would be located in 24 major cities. Negative would be rushed to these, developed and transmitted to the other keys by wire. Each station would also be equipped for receiving from other places.

It is figured that some of the expense could be cut by supplying telephoto pictures of spot news to newspapers, according to *Motion Picture Herald*. The first experimental transmission will be from Los Angeles to New York.

Gaumont British was the first to try the stunt on the finish of the England to Australia air race. It took 68 hours to do it by Radio, due to weather interference, and cost $30,264 for eight feet of film.

Paramount's private estimate of the added expense of telephoto is understood to be $10,000 additional on the weekly overhead.

Virtually all important newspapers now use telephotoed pictures of headline events. The newsreels must depend on specially chartered airplanes first to fly the negatives from the scene of action to the laboratory and then to fly the prints to the larger key city accounts.

## *Hollywood Personals*

**Hollywood, Dec. 26.—Mrs. Harry Carey signed for "Naughty Marietta" at M-G-M. . . . Violet Axzelle, former child star, gets a role in "The Wedding Night" for Goldwyn. . . . Helen Hayes and Charles MacArthur postpone their trip to Russia. . . . Cotton Warburton and Julie Bescos, football stars, playing bits in "Naughty Marietta." . . . Fox even put "production" into the trimming of the studio Christmas tree. . . . Three carpenters on a scaffold tied on the ornaments. . . . Fiske O'Hara, signed for "The Winning Ticket" at M-G-M, is working for Director Charles Reisner, who was his prop boy when O'Hara was a matinee idol. . . . Aileen Pringle is making a screen return in M-G-M's "Vanessa." . . . Frank Morgan shaves off his mustache for the first time in 17 years. . . . Alfred Santell opens his Idyllwild home for the first time since his return from England. . . . Sidney Blackmer signed for "The Little Colonel" at Fox. . . . Helen Barney of the Radio publicity department doing nicely following an appendicitis operation. . . .**

## *Shapiro Deals Denied*

BOSTON, Dec. 26.—Both Gene Gross and Celia Shapiro, executives of the Franklin Prod., Inc., independent Piedmont Street exchange, disclaim any knowledge of the progress made by William Shapiro, exchange owner, in acquiring British franchise rights in New England and possibly in the United States. They say the Hub film man should be home within a few days, at which time a statement will be forthcoming.

## *Ask New Award Rules*

HOLLYWOOD, Dec. 26.—Recommendation for changes in the rules for nominations for the annual Academy camera award has been made by cameramen representing the photographic section of the technicians' branch of the organization. The cameramen are in preference of having each member of the profession asked to submit the name of the two productions which he considers representative of his best work.

## *Two Firms Chartered*

ALBANY, Dec. 26.—Noah Productions, Inc., has been chartered to deal in talking pictures. Jerome F. Mayer, Harriet S. Taylor and James S. Linburn are directors and subscribers.

Berndt-Maurer Corp. has been chartered to exhibit. Morris Talbot, Lena Doroshkin and Harry Talbot are directors and subscribers.

## *"U" Signs Harburg*

HOLLYWOOD, Dec. 26.—Universal has signed B. Y. Harburg, New York musical producer, as head of the music department. This will be the first time such a post has been listed at Universal since "King of Jazz."

# *Action, Music Big Overseas: Reisman*

(Continued from page 1)

greater percentage consists of dialogue. They want action, he said. These type of films usually gross more abroad than in this country, Reisman averred. American pictures are preferred in all countries. He added English producers have shown a decided improvement. Business in England is very good, he stated.

Reisman announced that with the promotion of Ralph Hanaberry to the post of general manager of Radio Pictures, Ltd., W. W. Jay, formerly assistant sales manager, has been made sales manager. He also stated that Harry Leasin, managing director of RKO Radio Pictures, S.A., closed 1934-35 distribution contracts with Arta Films of Roumania, Cinea Alliance of Greece, Marak Films of Persia and Cinema Co. of Indo-China. Jack Kennedy, special representative for Radio Pictures International, closed deals with Meyrowitz Distribution Co. of Poland and another for Hungary.

## *Loew Protection Up*

Members of the I.T.O.A. today will meet to discuss alleged excessive protection by Loew's in this territory. The topic was to have come up at the last meeting, but was postponed until today because of protracted discussions revolving around the annual ball the unit will stage.

## *F. D. Has House Organ*

First Division is now publishing its own house organ, a weekly publication titled "Excel-erator," with Ruth Schwerin as editor.

Pat Garyn left last night for Chicago on a tour of mid-western states in connection with March of Time sales.

## *Norton Gets Post Job*

BOSTON, Dec. 26.—Elliot Norton has been appointed dramatic editor, vacated by death, on the *Boston Post*. Norton, previously a roving reporter on the paper, has been given a dinner by film and theatre men and contemporaries.

## *Plans New Shorts Series*

HOLLYWOOD, Dec. 26. — Harold Hecht, former dance director, is planning a series of shorts titled "Goonies," using for subjects the errors made by college students in filling out official forms.

Hecht will call his company, Goonies, Inc.

# Campi Ruling Is Due Today On Clearance

(Continued from page 1)

cases have been heard by the 64 local boards, of which only 20 per cent have been appealed. It is concluded from the statistics that this method of handling clearance cannot be superseded beneficially by schedules, according to codists. It is pointed out that if a clearance and zoning plan for a territory is adopted, exhibitors can still file individual complaints if they have been grieved.

The major obstacle confronting Campi on schedules is price-fixing, which is contained in all plans where releases are set, according to admissions. Price-fixing will not be tolerated by Code Authority and until this barrier can be hurdled no schedule will be adopted.

Meanwhile Kansas City, New Haven and Buffalo schedules are on the calendar today for discussion. It is expected they will be returned and local boards advised to revert back to the individual protest procedure, which has been held up in all territories where schedules have been promulgated. About 20 individual appeals on clearance and zoning will be heard next month by Campi committees.

# Film Lettering in Kansas City Starts

(Continued from page 1)

contemplated the use also of a "family" seal.

The Apollo is committed to a policy of selected pictures, both first and subsequent run, of a type appealing to discriminating audiences.

An all-time record for length of run in Kansas City was marked up by "One Night of Love" which has completed nine weeks at the Apollo. This was a subsequent showing. Conrad Mann, former president of the Chamber of Commerce, saw the picture 12 times, and Mrs. Mann attended 16 performances. It is estimated by James Long, manager of the Apollo, that 30 per cent of the audiences saw "One Night of Love" two or more times.

## *Film Plea to Governor*

Governor Lehman has been urged by the film committee of the Social Service Commission of the Protestant Episcopal Church of the diocese of New York to make suggestions in his message to the legislature for legislation to elevate the moral and social standards of the industry.

## *Say LeRoy Wants Talley*

KANSAS CITY, Dec. 26.—Warners are reported in contract negotiations with Marion Talley, opera star who hails from Kansas City. Mervyn LeRoy wants her for a picture, according to reports.

## *Votion Sheldon's Aide*

HOLLYWOOD, Dec. 26.—Jack Votion, former business manager, has been appointed assistant to E. Lloyd Sheldon at Paramount.

# "Evensong," Show, Top in Philadelphia

PHILADELPHIA, Dec. 26.—All downtown houses took a shellacing last week with the exception of the Fox, which had "Evensong" and a stage bill headed by Lee Sims and Ilomay Bailey. The $13,000 take was $1,000 over par.

"The Private Life of Don Juan" was somewhat better than fair with $7,000 at the Aldine.

Total first run business was $53,500. Average is $63,230.

Estimated takings for the week ending Dec. 20:

**"PRIVATE LIFE OF DON JUAN" (U. A.)**
ALDINE—(1,200), 35c-40c-55c, 8 days. **Gross:** $7,000. (Average, 6 days, $7,000)

**"WE LIVE AGAIN" (U. A.) (2nd run)**
ARCADIA—(600), 25c-35c-40c, 6 days. **Gross:** $1,800. (Average, $2,400)

**"EVELYN PRENTICE" (M-G-M)**
BOYD—(2,400), 35c-40c-55c, 3 days, 2nd week. **Gross:** $4,000. (Average, 6 days, $12,000)

**"BABBITT" (Warners)**
EARLE—(2,000), 40c-55c-65c, 6 days. Stage: Paul Ash, Charles Kemper, Stanley Twins, the Murrays, Ray Huling and Seal, Four Franks. **Gross:** $11,500. (Average, $12,000)

**"EVENSONG" (Gaumont-British)**
FOX—(3,000), 40c-55c-65c, 6 days. Stage: Lee Sims and Illomay Bailey, Jack Eddy & Co., Allen and Kent. **Gross:** $13,000. (Average, $12,000)

**"PAINTED VEIL" (M-G-M) (2nd run)**
KARLTON—(1,000), 25c-35c-40c, 6 days. **Gross:** $3,500. (Average, $3,500)

**"FATHER BROWN, DETECTIVE" (Para.)**
STANLEY—(3,700), 35c-40c-55c, 6 days. **Gross:** $7,500. (Average, $12,000)

**"MRS. WIGGS OF CABBAGE PATCH" (Para.)**
STANTON—(1,700), 35c-40c-50c, 6 days. **Gross:** $5,200. (Average, $6,000)

# "Lies" and "Gift" Big in Providence

PROVIDENCE, Dec. 26.—The Strand and Fay's were top houses here for the week, the former catching $8,300 with "White Lies" and "It's a Gift." Fay's, booking a vaudefilm show, caught a nifty $8,000, and the RKO Albee was close to that figure with a similar bill.

The holiday season did not interfere with trade at the downtown houses, but seemed to stimulate business.

Loew's failed to click with "Private Life of Don Juan" and "The Gay Bride," netting only $7,000, which is $5,000 under par.

Total first run business was $39,400. Average is $40,500.

**"IT'S A GIFT" (Para.)**
**"WHITE LIES" (Col.)**
STRAND—(2,300), 15c-40c, 7 days. **Gross:** $8,300. (Average, $6,500)

**"ST. LOUIS KID" (Warners)**
**"THE FIREBRAND" (Warners)**
MAJESTIC—(2,400), 15c-40c, 7 days. **Gross:** $7,000. (Average, $7,000)

**"I AM A THIEF" (Warners)**
FAYS—(1,600), 15c-40c, 7 days. Stage: "Music Hall Varieties." **Gross:** $8,000. (Average, $7,000)

**"PRIVATE LIFE OF DON JUAN" (U. A.)**
**"THE GAY BRIDE" (M-G-M)**
LOEW'S STATE—(3,800), 15c-40c, 7 days. **Gross:** $7,000. (Average, $12,000)

**"WEST OF PECOS" (Radio)**
RKO ALBEE—(2,300), 15c-40c, 7 days. Stage: "Tunes and Steps" revue. **Gross:** $7,900. (Average, $7,000)

**"WEDNESDAY'S CHILD" (Radio)**
RKO VICTORY—(1,600), 10c-25c, 4 days. **Gross:** $1,200. (Average, $1,000)

# "Imitation" 3rd-Week Top On the Coast

LOS ANGELES, Dec. 26.—"Imitation of Life" demonstrated its drawing powers in its third week at the Pantages in the face of a Christmas slump that hit nearly all the other first runs. The gross of $6,200 was nearly triple the usual take for the house.

"Evelyn Prentice" was the only other big draw of the week. It ran up to $6,000 at the United Artists, over par by $2,500. A dual, "Death on the Diamond" and "Gambling," was strong at the 4-Star, but elsewhere business was in a bad way.

Total first run business was $66,500. Average is $88,450.

Estimated takings for the week ending Dec. 19:

**"THE LAST GENTLEMAN" (U. A.)**
CHINESE—(2,500), 30c-65c, 7 days. Stage Sid Grauman's prologue, Raymond Paige and his orchestra. **Gross:** $7,500. (Average, $12,500)

**"DEATH ON THE DIAMOND" (M-G-M)**
**"GAMBLING" (Fox)**
4-STAR—(900), 30c-55c, 7 days. **Gross:** $3,500. (Average, $3,250)

**"THE LAST GENTLEMAN" (U. A.)**
LOEW'S STATE—(2,413), 30c-55c, 7 days. **Gross:** $8,000. (Average, $14,000)

**"ONE HOUR LATE" (Para.)**
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Rube Wolf and his orchestra, 5 Ring Circus. **Gross:** $12,500. (Average, $18,000)

**"ANNE OF GREEN GABLES" (Radio)**
RKO—(2,700), 25c-65c, 7 days. **Gross:** $7,700. (Average, $8,000)

**"EVELYN PRENTICE" (M-G-M)**
UNITED ARTISTS—(2,100), 25c-55c, 7 days. **Gross:** $6,000. (Average, $3,500)

**"ANNE OF GREEN GABLES" (Radio)**
WARNER BROS. (Hollywood)—(3,000), 25c-65c, 7 days. **Gross:** $7,500. (Average, $14,000)

**"I AM A THIEF" (Warners)**
WARNER BROS. (Downtown)—(3,400), 25c-40c, 7 days. Stage: Six acts vaudeville, Olive Jones, Oscar Baum and his orchestra. **Gross:** $7,600. (Average, $12,000)

**"IMITATION OF LIFE" (Univ.)**
PANTAGES—(5,000), 25c-40c, 3rd week, 7 days. **Gross:** $6,200. (Average, $3,200)

# "Murder" and Show Indianapolis High

INDIANAPOLIS, Dec. 26.—A combination of "Murder in the Clouds" and Olsen and Johnson lifted the Lyric out of the pre-Christmas slump in a big way by piling up $11,000. This tops par by $4,000.

The showing was outstanding, as all other downtown houses took it on the chin. "Music in the Air" took only $2,500 at the Apollo and "Behold My Wife" was just half the normal take at the Indiana.

Total first run business was $22,000. Average is $18,500 without the Apollo and Lyric.

Estimated takings for the week ending Dec. 22:

**"MUSIC IN THE AIR" (Fox)**
APOLLO—(1,100), 25c-40c, 7 days. **Gross:** $2,500.

**"WEST OF PECOS" (Radio)**
**"FIREBIRD" (Warners)**
CIRCLE—(2,800), 25c-40c, 7 days. **Gross:** $2,250.

**"BEHOLD MY WIFE" (Para.)**
INDIANA—(3,133), 25c-40c, 7 days. **Gross:** $3,500. (Average, $7,000)

**"MURDER IN THE CLOUDS"**
LYRIC—(2,000), 25c-40c, 7 days. Stage: Olson & Johnson. **Gross:** $11,000. (Average, $7,000)

**"GAY BRIDE" (M-G-M)**
PALACE—(3,000), 25c-40c, 7 days. **Gross:** $2,750. (Average, $4,500)

## *Some Outlook*

**Providence, Dec. 26.—Films in the future will be considered as seriously as the Elizabethan drama is today, in the opinion of Prof. S. Foster Damon of the English department of Brown University. As time goes on pictures will become more exalted, he told a large audience at an Institute of Art session in the Rhode Island School of Design.**

# "Girl," Show Detroit High With $18,600

DETROIT, Dec. 26. — "The Richest Girl in the World" made an excellent showing in a week distinguished by uniformly low grosses elsewhere. The take at the Fox, with six acts of vaudeville, was $18,600, over par by $3,600.

Every other first run was below average, but "The President Vanishes" was better than fair with a take of $9,300 at the United Artists.

Total first run business was $61,700. Average is $65,000.

Estimated takings for the week ending Dec. 21:

**"BACHELOR OF ARTS" (Fox)**
**"ELINOR NORTON" (Fox)**
ADAMS—(1,770), 10c-40c, 7 days. **Gross:** $4,200. (Average, $5,000)

**"RICHEST GIRL IN WORLD" (Radio)**
FOX—(5,100), 15c-55c, 7 days. Stage: 6 acts vaudeville. **Gross:** $18,600. (Average, $15,000)

**"EVELYN PRENTICE" (M-G-M)**
**"PURSUIT OF HAPPINESS" (Para.)**
FISHER—(2,975), 15c-40c, 7 days. **Gross:** $6,200. (Average, $10,000)

**"IT'S A GIFT" (Para.)**
MICHIGAN—(4,100), 15c-55c, 7 days. Stage: 6 acts vaudeville. **Gross:** $19,300. (Average, $20,000)

**"EVELYN PRENTICE" (M-G-M)**
**"MENACE" (Para.)**
**(2nd Run)**
STATE—(3,000, 15c-40c, 7 days. **Gross:** $4,100. (Average, $5,000)

**"PRESIDENT VANISHES" (Para.)**
UNITED ARTISTS—(2,070), 15c-55c, 7 days. **Gross:** $9,300. (Average, $10,000)

# "Herbert," Show Hit in Oklahoma

OKLAHOMA CITY, Dec. 26.—"Big Hearted Herbert," helped by a stage show, "Georgia Minstrels," managed to fight off the pre-Christmas slump with a take of $2,600 in four days at the Liberty. "Cheating Cheaters," which went on for the other three days took only $550.

Total first run business was $10,650. Average is $13,500.

Estimated takings for the week ending Dec. 22:

**"LIMEHOUSE BLUES" (Para.)**
WARNER—(1,900), 10c-20c-36c-41c-56c, 7 days. **Gross:** $2,900. (Average, $5,000)

**"GAY BRIDE" (M-G-M)**
MIDWEST—(1,500), 10c-26c-36c-56c, 7 days. **Gross:** $2,900. (Average, $4,000)

**"MUSIC IN THE AIR" (Fox)**
CAPITOL—(1,200), 10c-20c-26c-36c-41c, 7 days. **Gross:** $1,700. (Average, $2,000)

**"BIG HEARTED HERBERT" (Warners)**
LIBERTY—(1,500), 10c-15c-26c-36c, stage: "Georgia Minstrels," 4 days. **Gross:** $2,600. (Average week, $2,500)

**"CHEATING CHEATERS" (Univ.)**
LIBERTY—(1,500), 10c-15c-26c-36c, 3 days. **Gross:** $550. (Average week, $2,500)

# "Adventure," Show $13,000 In Pittsburgh

PITTSBURGH, Dec. 26.—The pre-Christmas slump here was just as severe as ever, with only two houses managing to withstand it. In both of these instances, there was strong stage support.

At the Alvin, the Mills Brothers bolstered "One Exciting Adventure" perceptibly and gave the house an excellent $13,000, while at the Penn, Guy Lombardo's Standard Oil show came in for two days only to enable "Evelyn Prentice" to gather $14,000 in its eight-day stay. One of the biggest flops of the season was "Student Tour" at the Fulton, where it was yanked after four days to $1,900, while "Anne of Green Gables" was hardly much better at the Stanley, collecting only $5,700 in five days.

Total grosses in six first runs were $43,500. Average is $46,500.

Estimated takings for the week ending Dec. 20:

**"ONE EXCITING ADVENTURE" (Univ.)**
ALVIN—(2,000), 25c-40c. 6 days. Stage: Johnny Perkins, Mills Brothers, Gregory and Ramon, Jules and Josie Walton, Jerry Mayhall's band. **Gross:** $13,000. (Average, $10,000)

**"STUDENT TOUR" (M-G-M)**
FULTON—(1,750), 15c-40c, 4 days. **Gross:** $1,900. (Average for 6 days, $4,500)

**"EVELYN PRENTICE" (M-G-M)**
PENN—(3,300), 25c-50c, 8 days. Stage: Two days only, Guy Lorbardo, Cross and Dunn, Joan Abbott and Pat Barnes. **Gross:** $14,000. (Average, $12,000)

**"LIGHTNING STRIKES TWICE" (Radio)**
PITT—(1,600), 15c-35c, 6 days. Stage: "Schooldays on Parade" unit, with Warren and Skinny Candler, Ruby Barth, Harry Richards, Cliff Carr, Lee Kramer, Bob, Babs and Bunny, Nelson Maples Collegians. **Gross:** $4,700. (Average, $6.000)

**"ANNE OF GREEN GABLES" (Radio)**
STANLEY—(3,600), 25c-50c, 5 days. **Gross:** $5.700. (Average for 6 days, $9,000)

**"WAKE UP AND DREAM" (Univ.)**
**"READY FOR LOVE" (Para.)**
WARNER—(2,000), 25c-40c, 6 days. **Gross:** $4,000. (Average, $5,000)

# "Imitation" High, 2nd Buffalo Week

BUFFALO, Dec. 26.—"Imitation of Life" still was well over average in its second week, getting $9,300 against a normal $6,500 in the Lafayette. Everything else was off. Snow, ice, slush and Christmas shopping were factors.

Total take was $36,700. Normal is $42,800.

Estimated takings for the week ending Dec. 21:

**"TRANSATLANTIC MERRY-GO-ROUND" (U. A.)**
BUFFALO—(3,500), 30c-55c, 7 days. Stage: Benny Davis and his "Star Dust" revue. with Jimmy Shea & Guy Raymond, Rollo Pickert, Edith Mann, Bobby Bernard. Jimmy Byrnes & Evelyn Farney, Blanche Lewis, Bobby Lane, Ruth King, Winstead Trio and Danny White. **Gross:** $12,500. (Average, $14,300)

**"READY FOR LOVE" (Para.)**
**"WAGON WHEELS" (Para.)**
CENTURY—(3,000), 25c, 7 days. **Gross:** $5,000. (Average, $6,000)

**"GENTLEMEN ARE BORN" (F. N.)**
**"MARIE GALANTE" (Fox)**
GREAT LAKES—(3,000), 25c-40c, 6 days. **Gross:** $3,800. (Average, $8,000)

**"THE PRIVATE LIFE OF DON JUAN" (U. A.)**
**"IT'S A GIFT" (Para.)**
HIPPODROME—(2,100), 25c-40c, 7 days. **Gross:** $6,100. (Average, $8,000)

**"IMITATION OF LIFE" (Univ.)**
LAFAYETTE—(3,300), 25c, 7 days, 2nd week. **Gross:** $9,300. (Average, $6,500)

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"The Gilded Lily"*

*(Paramount)*

Hollywood, Dec. 26.—Eentertaining and interesting from start to finish, this seems destined for certain popularity. The modern story, with light, dramatic romance sparkling with comedy, is lively wit, colorful action and dialogue intelligently directed for mass as well as sophisticate appeal. The entertainment quality is made punchy by several class performances. The film is packed to the hilt with unique potent selling angles.

The premise is intriguing. Claudette Colbert, a New York office girl, falls in love with a nobleman incognito (Ray Milland) amid sequences reflecting the hectic excitement of metropolitan life, and the recreation of romance is catchy. Jilted, however, Miss Colbert is built into a glamorous creature by Newspaper Man Fred MacMurray. Visiting England as the star of a show, the Milland affair is on again, only to have the swain's timidity force Miss Colbert into MacMurray's arms.

Ably assisted by Wesley Ruggles' clever direction, the Colbert-MacMurray-Milland trio does a grand job in capitalizing on all the hectic fun of Claude Binyon's screen play of the Melville Baker-Jack Kirkland story. C. Aubrey Smith, Luis Alberni, Ferdinand Munnier and Edward Gargan are outstanding in support.

No code seal. Running time, 80 minutes. "G."

## *"Charlie Chan in Paris"*

*(Fox)*

Hollywood, Dec. 26.—Well-timed for suspense, Charlie Chan again solves a mystery tangle in the philosophical formulae typical of the original Earl Derr Biggers character. The setting this time is in Paris, running from the social register to the sewers.

This one ranks high in the Chan category, supplying interest throughout. Warner Oland turns in a topnotch performance as the leading character, providing the solution to bond forgeries and a dual murder. Mary Brian and Thomas Beckett supply the romantic theme which is subordinated for the mystery plot. The climax features Oland's showup of the bank head and a drunken artist as the murderers and embezzlers, proving they worked in cahoots, posing alternately in the fictitious characterization of a cripple. The usual Chan solution shows the cops as a bunch of dumb flatfeet at the fadeout.

Erik Rhodes' cast portrayal as the drunken artist is a standout with Oland's performance measuring to par. Excellent suspense buildup is managed by Director Lew Seiler from an interesting original by Philip MacDonald. This one should set well with Chan followers.

Previewed without production code seal. Running time, 70 minutes. "G."

# *Looking 'Em Over*

## *"The Man Who Knew Too Much"*

*(Gaumont British)*

London, Dec. 4.—This is the British equivalent to gangster stuff—with a difference. Its big scene stages what amounts to a reproduction of the "Sidney Street siege" of pre-war days, when the London police and military shot up an anarchist gang in an East End house. Of equal importance is the high level of the characterization and the strong vein of humor, which is much more than the conventional relief.

It is a workmanlike production in all details and a lot of the credit is due to Alfred Hitchcock's direction. Hitchcock made good films in England when every good British film was a miracle, and this one shows that he still knows how to get the sort of acting from British players that they often only deliver when they get to Hollywood.

There is good plot value. Holiday making in Switzerland, a Londoner becomes possessed of information which would enable the British police to stamp on an assassination plot. His child is kidnapped and he is warned that she will die if he divulges the secret. So he decides to play a lone hand, back in London.

The chase leads him to Wapping, where he falls into the gang's clutches, but gets a warning through to his wife that the murder is to take place at a concert in the Albert Hall. She spoils the murderer's

(Continued on page 10)

DON'T LET THE BATHING SUIT FOOL YOU! IT'S PEGGY SHANNON, ONE OF THE HEAVENLY BEAUTIES IN "NIGHT LIFE OF THE GODS" . . .

*. . . Lowell Sherman's Universal Mirthquake!*

# Looking 'Em Over

## "The Man Who Knew Too Much"

(*Continued from page 9*)

aim and the celebrity is only wounded. The police besiege the Wapping retreat and there is a battle, ending the right way.

Production and box office values are both high. Using the 8,000-seat Albert Hall itself as his studio, Hitchcock has put over a really big scene in the depiction of the attempted assassination and all through maintains suspense at a high level. There is real laughter in secondary scenes, notably in the hero's encounter with a crook dentist, whom he gases, and in the predicament in which his friend and he find themselves at a "Church" service which is part of the gang's camouflage.

Acting, in the hands of Leslie Banks, Edna Best, Peter Lorre, Frank Vosper, Nova Pilbeam and Hugh Wakefield chiefly, is worthy of the imaginative direction, and even the most minor characters are carefully studied. An all-round good picture of its type.

Running time, 80 minutes. "G.."

## "Lady in Danger"

(*Gaumont British*)

London, Dec. 6.—This British effort is a farce-comedy made according to the well recognized Aldwych Theatre tradition. That means good situations, peppy dialogue from Ben Travers and good direction and good acting as well from Tom Walls. How it will go over depends entirely on an audience's reaction to Walls.

The story is that of a British business man trading in armaments who smuggles to England a Ruritanian queen whose country is having a revolution. There are the to be expected misunderstandings regarding his relations with the lady, whose identity has to be concealed. Fiancee, business partners and respectable servants all think the worst, until the king turns up from Paris.

There are lots of good laughs. Yvonne Arnaud as the queen makes the most of the possibilities in the way of innuendo presented by the fact that her English is always capable of being taken two ways. It is a strong company, all through, with Leon M. Lion, Hugh Wakefield, O. B. Clarence and Anne Grey among others.

If the American public likes the Walls touch it will enjoy all of it. Running time, 63 minutes. "G." British Censor Certificate: "A."

ALLAN

## "Ticket to a Crime"

(*Beacon*)

Thanks to its humorous content, "Ticket to a Crime" manages to be a fairly entertaining film. Although the production is a mystery melodrama, it depends on the fun arising out of the friendly enmity between two rival detectives, Ralph Graves and James Burke, for its chief appeal.

Neither the plot nor its method of development has much worth praising, and in its attempt to get laughs the picture seems to lose sight of the fact that its primary purpose should be to mystify. The acting does not always help matters, although there are in the cast a number of names that ought to prove an aid in exploiting the production, such as Graves, Lois Wilson and Lola Lane. Charles Ray is seen in a minor role. Among the other players are Edward Earle, Hy Hoover and John Elliott.

Mystery rears its head when Miss Wilson's father is murdered at a swanky party. There is no lack of suspects. A parcel of valuable pearls in the possession of the old man is the inspiration for the murder. Graves and Burke, the former as a private detective, work on the case. After a lot of hocus-pocus, some of it within the bounds of belief and some of it not, Miss Wilson's second husband is revealed as the culprit.

Graves and Miss Lane provide the film with a measure of romance.

Lewis D. Collins directed. No seal. Running time, 67 minutes. "G."

## "Don Quixote"

(*Valdemar D. Bell*)

Those who have read the Cervantes classic will be somewhat disappointed in the film transcription. There is so much richness of incident in the book that perhaps no screen treatment could do full justice to it. Even as it is, the version under discussion, turned out in Great Britain by Nelson Film, Ltd., in conjunction with Vandor Film, is attractive film fare that makes Quixote more of a tragic figure than Cervantes intended him to be.

Feodor Chaliapin plays the Don to good effect. The one serious fault is that he is not always intelligible. Many others in the cast are guilty of the same fault. The script gives the famous basso plenty of opportunity to exercise his singing voice.

The high quality of the settings and the beauty of the photography,

(*Continued on page 11*)

### Signs 29th Pact

**Buffalo, Dec. 26 — Frank Nowak, manager of the Lincoln and Universal's oldest customer, has just signed his 29th annual contract with the Buffalo Universal branch, headed by Dave Miller. Nowak sighs for the good old days before clearance, when he used to book films ahead of or simultaneously with the downtown houses.**

## "We Live" Is Fair in Lull At Cleveland

Cleveland, Dec. 26. — "We Live Again" was the best draw of a poor week. Christmas shopping and icy streets combined to keep people away from theatres. Nobel Sissle, a local boy, was a good draw at the Palace. Other first runs were much lower than recent weeks and neighborhood business was 'way off.

Total gross was $30,050. Average is $38,000.

Estimated takings:

***Week Ending Dec. 17:***

**"FIRST WORLD WAR" (Fox)**

ALLEN—(3,300), 20c-30c-40c, 5 days. **Gross:** $2,450. (Average, $3,000)

***Week Ending Dec. 21:***

**"MUSIC IN THE AIR" (Fox)**

WARNERS' HIPPODROME—(3,800), 30c-35c-44c, 7 days. **Gross:** $4,100. (Average, $6,000)

**"BY YOUR LEAVE" (Radio)**

RKO PALACE—(3,100), 30c-40c-60c, 7 days. Stage: Noble Sissle and His "Franco-Harlem" Revue. **Gross:** $12,000. (Average, $15,000)

**"WE LIVE AGAIN" (U. A.)**

LOEW'S STATE—(3,400), 30c-35c-44c, 7 days. **Gross:** $8,500. (Average, $10,000)

**"IT'S A GIFT" (Para.)**

LOEW'S STILLMAN—(1,900), 20c-30c-40c. 7 days. **Gross:** $3,000. (Average, $4,000)

### Reinhardt Suit Denied

Los Angeles, Dec. 26.—The breach of contract action brought by A. W. Haendler, head of a Paris theatrical agency, against Max Reinhardt was denied today by Superior Court Judge Wilson. The charge against the impresario was that he had failed to discharge a contract to produce "Die Fledermaus" in London.

### Take Baltimore House

Baltimore, Dec. 26.—The Preston, residential house, has been taken over by the Associated Theatres, Inc., from C. H. Lighhauser. This makes 12 theatres now operated by Associated here.

### Will Hays on the Coast

Hollywood, Dec. 26.—Will Hays, accompanied by his son, arrived here today for a two-week visit. The boy returns to Wabash College Sunday.

### Borzage Cracks Shoulder

Hollywood, Dec. 26.—Frank Borzage is recovering at Queen of Angels Hospital from a broken shoulder, suffered in a polo match Monday.

### Furrer Gets Clyde Job

Clyde, O., Dec. 26.—J. C. Furrer has been named manager of the Harkness, recently acquired by the Theatre Operating Corp.

## "Reclaimed," Show Chicago Hit, $30,000

Chicago, Dec. 26.—Big money in a mild week went to "The Man Who Reclaimed His Head," with "Folies Begere" on the stage, at the Palace. The $30,000 gross was over normal by $8,000.

"Babes in Toyland" did well at the Roosevelt, going $1,500 over the line on a take of $10,500. "One Night of Love" was still good for a par $5,000 in its seventh Loop week at the Garrick. "Desirable," helped by a vaudeville bill at the Oriental, took $17,000.

Total first run business was $138,500. Average is $139,600.

Estimated takings:

***Week Ending Dec. 18:***

**"BABES IN TOYLAND" (M-G-M)**

ROOSEVELT — (1,591), 25c-35c-50c, 7 days. **Gross:** $10,000. (Average, $11,000)

**"CHU CHIN CHOW" (Gaumont-British)**

McVICKERS—(2,284), 25c-35c-50c, 7 days. Stage: Shakespearean Plays. **Gross:** $10,500. (Average, $9,000)

***Week Ending Dec. 20:***

**"MAN WHO RECLAIMED HIS HEAD" (Univ.)**

PALACE—(2,509), 25c-35c-50c, 7 days. Stage: "Folies Begeres" Revue. **Gross:** $30,000. (Average, $22,000)

**"ONE NIGHT OF LOVE" (Col.)**

GARRICK—(900), 25c-35c-40c, 7 days, 7th Loop week. **Gross:** $5,000. (Average, $5,000)

**"EVELYN PRENTICE" (M-G-M)**

CHICAGO—(4,000), 25c-50c-68c, 7 days. Stage: B. & K. Seasonal Revue. **Gross:** $30,000. (Average, $34,600)

**"DESIRABLE" (Warners)**

ORIENTAL—(3,940), 25c-40c, 7 days. Stage: Owen McGivney, O'Connor Family, Billy Farrell & Dub Taylor. **Gross:** $17,000. (Average, $15,000)

***Week Ending Dec. 21:***

**"FLIRTATION WALK" (F.N.)**

APOLLO—(1,400), 25c-35c-50c, 7 days, 3rd Loop week. **Gross:** $8,000. (Average, $12,000)

**"KID MILLIONS" (U.A.)**

UNITED ARTISTS—(1,700), 30c-40c-60c, 2nd week, 7 days. **Gross:** $16,000. (Average, $17,000)

***Week Ending Dec. 22:***

**"FUGITIVE LADY" (Col.)**

STATE-LAKE—(2,776), 20c-25c-35c, 7 days. Stage: Dave Seed, Harriet Cruisem Stratford & Mayberry. **Gross:** $12,000. (Average, $14,000)

## "Toyland" Lincoln Hit Despite Slump

Lincoln, Dec. 26.—"Babes in Toyland" caused a pre-Christmas jump at the Lincoln box-office and on the six days neared $3,000, which is good business.

The Stuart's five days with "Music in the Air" and Orville Rennie's appearance was not a bit hot with $2,000 even. "Jealousy" at the Varsity was bad and "Gambling" with the Orpheum stage show was just so-so. There were no full weeks on the row, since everything was broken to permit a Christmas day opening with new attractions.

Estimated takings for the week ending Dec. 24:

**"MUSIC IN THE AIR" (Fox)**

STUART—(2,000), 10c-25c-40c, 5 days. **Gross:** $2,000. (Average, 7 days, $3,100)

**"BABES IN TOYLAND" (M-G-M)**

LINCOLN—(1,600), 10c-15c-25c, 6 days. **Gross:** $3,000. (Average, 7 days, $2,200)

**"JEALOUSY" (Col.)**

VARSITY—(1,100), 10c-25c, 5 days. **Gross:** $900. (Average, 7 days, $1,500)

**"GAMBLING" (Para.)**

ORPHEUM—(1,200), 10c-15c-25c, 4 days. Stage show. **Gross:** $1,700. (Average, 7 days, $2,300)

# Oil Poured on "U's" Ruffled Studio Waters

(*Continued from page 1*)

recently formed production cabinet, will keep a closer eye on production than has been his wont for several years now and at all times will maintain his control over studio activities.

Laemmle pere and Laemmle fils have had some differences of opinion over production policy and management. That, however, is understood to have been entirely straightened out, largely through the intercession of James R. Grainger, general sales manager, who arrived from the east a few days before Christmas. Grainger relayed to the elder Laemmle exhibitor reactions over the fact that several of the more important pictures pledged by Universal not only have not been delivered, but have not even been placed in production yet. With approximately 7,000 contracts sold this season to date, his arguments are reported to have carried the necessary weight in persuading the Laemmles to concentrate on making pictures.

Irene Dunne has been signed for the romantic lead in "Show Boat," for which plans are now moving. "The Return of Frankenstein" is scheduled to go before the cameras in two weeks and the same applies to "The Great Ziegfeld."

# Coast Production Drops for Holiday

(*Continued from page 1*)

week. In addition, there are 19 features and seven shorts in the final stages of preparation, while 36 features and 13 shorts are in the cutting rooms.

Paramount tops the list for activity with seven features in work, two preparing and three editing; M-G-M has four, one and nine; Radio, four, three and two; Fox, six, three and three; Warners, three, two and eight; Century, two, zero and zero; Universal, two, two and three; Goldwyn, one, zero and zero; Columbia, one, one and three; while the independents aggregate three, five and five.

In the short subject division Roach had two shorts in work, none preparing and three editing. M-G-M had one, three and three; Columbia, one, one and two; Warners, one, zero and zero; Radio, zero, three and five.

# *N. E. Allied Men to Meet in Boston Soon*

(*Continued from page 1*)

Jan. 8, according to Business Manager Arthur King Howard. It is believed that one day will be sufficient for all business including election of officers for the coming year.

Nathan Yamins heads the divisional activities which, in the past few months, have included the establishment and rejuvenation of units in all New England states but Connecticut and the jumping of membership to nearly two and one-half times its former figure. The spot for the meeting has not yet been picked.

# *Short Subjects*

## *"Mexican Idyl"*

(*First Division*)

Produced by Audio Prod. in Technicolor, panoramic beauty sweeps the various pastel scenes in a most intriguing and picturesque short. Robert C. Bruce guided the camera which caught all the beauty of the hills and mountains, sheep browsing in pastures and goats in quiet fields. There are the blue haze hills of Southern California which serve as a background of the Mexican hideaway, snuggled away by its lonesome to the contentment of its sparse dwellers.

Two musical interpolations, "Beautiful Sky" and "The Swallow," add to the enchantment of this color fiesta. It is truly a work of art and a pleasure to see. Production Code Seal, No. 274. Running time, 6½ mins. "G."

## *"Sunshine Makers"*

(*Van Beuren-Radio*)

This, the latest of the Rainbow Parade series of cartoons done in Cinecolor and produced by Van Beuren, is grand entertainment. It should please wherever played.

The story is laid in a mythical corner of Heaven where two groups of miniature people live. One is concerned with sunshine and happiness and the other with shadows and gloom. A war breaks out between the two factions and the happier of the two wins by bombarding the other with bottles of sunshine to completely do away with their old mode of living. Production Code Seal, No. 0242. Running time, 8 mins. "G."

## *"Perfectly Mismated"*

(*Columbia*)

Leon Errol's performance in this one is all that permits it to be classed as entertainment. With Dorothy Grainger, Vivian Oakland and Fred Malatesta also in the cast the picture is a series of slapstick situations. Everyone but Errol seems to do nothing but run about screaming, falling over each other and breaking furniture. Where old-fashioned slapstick is appreciated this one should please. Production Code seal, No. 371. Running time, 20 mins. "G."

## *"Buried Loot"*

(*M-G-M*)

HOLLYWOOD, Dec. 26. — "Buried Loot," the first of a new series titled "Crime Shorts," should be an asset to any program. The story unfolds a perfect crime that failed, the moral being: crime does not pay. Suspense elements in this one will provoke more audience interest than most program features.

Screen play and direction by George B. Seitz. Harry Rapf produced. Production Code Seal No. 376. Running time, 16 mins. "G."

## *"Spring in the Park"*

(*Universal*)

Oswald is a copper in this one. A nursemaid is the cause of a feud between him and a sergeant. When his superior tries to order him about and cop the gal, Oswald makes things pretty hot for him. It provides some hilarious moments. Code seal No. 383. Running time, 7⅓ mins. "G."

# *Looking 'Em Over*

## *"Don Quixote"*

(*Continued from page 10*)

credited to Nicholas Farkas, make amends for whatever shortcomings the production may have.

George Robey, the Ali Baba of "Chu Chin Chow," is vastly amusing in the role of Quixote's servant. Sidney Fox plays the niece nicely. Other players include Oscar Asche, Miles Mander and Emily Fitzroy.

The direction of G. W. Pabst is commendable. No code seal. Running time, 79 minutes. "G."

## *"Murder in the Clouds"*

(*First National*)

Those that want action and mystery should go for this in a big way. Exhibitors should have no trouble exploiting it, either. The story won't stand up under close scrutiny, but the thrills handed out, particularly in the flying scenes, more than make up for this.

The yarn opens at an airport where Lyle Talbot is the chief pilot, and pal of his co-pilot (Robert Light). Ann Dvorak, Light's sister, is also Talbot's sweetheart. Gordon Westcott is also a pilot at the same field and in love with Miss Dvorak. This sets the scene for the mystery to enter in the form of a new bomb sent to the War Department in Washington by a plane piloted by Talbot. He is slugged and Westcott takes his place, with Light as co-pilot. The Department of Justice, the aero police, state police and Talbot all join in the hunt for the missing cylinder when the plane carrying it is blown up. To make things more complicated Miss Dvorak is kidnapped by the culprits when she blunders onto their hideout. Talbot forces Westcott to the ground when he tries to fly away with the bomb and captures him, thus paving the way for his wedding with Miss Dvorak.

D. Ross Lederman directed capably and got the most out of a weak story. Warren Lynch's photography is good, especially on the air work.

Others in the cast are Charles Wilson, Henry O'Neill, Arthur Pierson and George Cooper, who effectively handles the comedy. Production Code Seal, No. 380. Running time, 61 minutes. "G."

## *"I Sell Anything"*

(*First National*)

Here is a picture that probably inspired great hopes in story form, but the finished product falls short. It, nevertheless, has swell exploitation possibilities and is good entertainment, the kind that goes over well in neighborhoods and small towns.

The picture is well cast, with Pat O'Brien giving a nice performance in a role that is suited to his particular ability. Ann Dvorak, Russell Hopton, Claire Dodd and Roscoe Karns all turn in good performances. Gus Shy's comedy is grand.

The story boils itself down to an expose of the auctioneer racket. O'Brien, as "Spot Cash" Cutler, is a cheap auctioneer specializing in talking people into buying things they don't want or need. After being taken himself by Miss Dodd he graduates to Broadway with that particular lady's assistance. Not satisfied with his new success and wanting to climb higher, O'Brien and Miss Dodd cook up a deal to sell fake antiques in the home of a now broke member of New York's aristocracy, claiming that the articles sold are old family treasures. The finish is novel, but one that is easily anticipated, and O'Brien winds up where he started, sadder but wiser with Miss Dvorak as his bride.

Production Code Seal, 234. Running time, 70 minutes. "G."

## *"The Prescott Kid"*

(*Columbia*)

Tim McCoy finds himself back in the saddle in "The Prescott Kid," as rip-roaring a western as the star has ever appeared in. Once he rides into the picture there is no doubt right will triumph over wrong.

The story details McCoy's efforts to bring law and order to a desert town ruled by ruffians. A sweeter mission he hardly could have taken upon himself. Things are made hotter for him when he is mistaken for the new sheriff, a mistake which is not discovered by the citizenry until the closing moments. By the time the sheriff turns up, Tim has paved the way for law and order pretty nicely.

The big moment for McCoy is when he unmasks as the villain-in-chief the man who holds Sheila Mannors' trust to the point that she is ready to marry him. By this master stroke Tim also succeeds in clearing himself of the suspicion of having robbed the girl's father in a stage holdup. The fadeout has Tim and Miss Mannors beaming upon each other.

Alden Chase is the public enemy No. 1 of the piece. David Selman directed. No code seal. Running time, 56 minutes. "G."

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# MOTION PICTURE DAILY

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VOL. 36. NO. 151 NEW YORK, FRIDAY, DECEMBER 28, 1934 TEN CENTS

# ONLY TWO OPPOSE NEW PARA. SETUP

### *Zirn, Palmer Examine Witnesses—Second Session Today*

Opposition to the Paramount Publix plan of reorganization was confined to two representatives of small creditor groups during the first day of hearings on the plan, which began yesterday before Federal Judge Alfred C. Coxe in U. S. District Court.

Following an all-day session during which witnesses were called to establish formal proof of Paramount assets for the information of the court and creditors an adjournment was taken until noon today, when testimony bearing on statements contained in the plan will be resumed.

Cross-examination of witnesses along lines revealing opposition to several phases of the plan was conducted only by Samuel Zirn, said to represent less than $40,000 of Paramount debentures, and by Archibald Palmer, counsel for stockholders and bondholders of Allied Owners Corp., one of the largest Paramount Publix creditors. Allied Owners, itself, interposed no objection to the plan yesterday, although its counsel, Monroe Goldwater, was present throughout the hearing. The court did not require Palmer to disclose whether or not he represented creditors of Paramount, although he stated unofficially that he

(*Continued on page* 8)

## RKO Gaining; 6-Month Net Is $231,348

### *Receiver Report Details 18 Months' Progress*

RKO had made substantial progress on the road to recovery by the end of June, this year, according to the final report of Irving Trust Co., as receiver. At that time the gross income of the company and its subsidiaries from Jan. 1, 1933, to June 30, 1934, approximately the period of the receivership, had reached $68,873,884, a profit above all charges, except Federal income tax, of $231,348.45.

This profit was for the six months from January to the end of June. For the 12 months of 1933 the company had a net loss of $4,384,064.09 on a gross income of $45,040,791.85. During 1932 the loss was $10,695,503.20 on a gross income of $61,078,722.94.

On Dec. 31, 1932, RKO and its subsidiaries had $2,798,000 in cash, exclusive of approximately $414,000 held

(*Continued on page* 2)

## Opposition Looms On Operator Scale

Although details of the temporary agreement reached by the fact finding committee for setting up basic wage scales for operators in New York have not been made public, opposition looms when the public hearing is held in Washington on Jan. 10.

Members of the committee are not openly discussing the agreement, but a number of exhibitors who have been

(*Continued on page* 8)

## Music Hall Pulls $82,500 on "Eyes"

"Bright Eyes" at the Music Hall tallied $82,500 for the week ending Wednesday night. Opening at the tail end of the pre-Christmas slump, the Shirley Temple film fared badly at the start but wound up the last few days with some of the biggest takes the house has had in some time. "Little Minister" succeeded "Bright

(*Continued on page* 12)

## *Bogue in Court, So Met Plan Goes Over*

Filing of the plan of reorganization for Fox Metropolitan Playhouses with Federal Judge Julian W. Mack, originally scheduled for yesterday, was

(*Continued on page* 8)

## Sinclair Men Row; Picture Leaders Relax

### *California's Epic Plan Outlook Dims a Bit*

San Francisco, Dec. 27.—With the opening of the 1935 legislature less than a week away film men are feeling a little easier on potential anti-industry legislation, thanks to a definite split in the Upton Sinclair "Epic" forces.

Rumors that there had been a split and even that a state of general disintegration had set in have been rife since the election of Governor Merriam, but had been denied. Because

(*Continued on page* 11)

## Attack Fox Claims In Tri-Ergon Case

Washington, Dec. 27.—Petitioners in the Tri-Ergon case today filed supplemental briefs with the U. S. Supreme Court attacking most of the points on which William Fox bases

(*Continued on page* 7)

## Chicago Now Agitated by Premium Ban

Chicago, Dec. 27.—One of the most fiercely contested controversies to agitate this city is raging on the question whether premiums should be banned under the code.

Ballots have been sent to exhibitors in the metropolitan area by the local board asking for an expression of those who want to discontinue giveaways. While B.&K. and other leading circuits are said to favor the proposal, it is predicted many independents, will not return the negative ballots, thus voting for continuance of the practice.

Giveaways are entrenched among lower-priced houses. Operators contend they must offer some inducement to

(*Continued on page* 8)

## *Schaefer Decries Strife; Hammons Hits Twin Bills*

**By E. W. HAMMONS**
*President, Educational Pictures*

General recognition of the evil character of the double feature practice, acknowledgment of the seriousness of this problem, and concentration on settling it, seem to me the most encouraging signs for the industry as we turn the corner into a new year. Except, of course, for the general improvement in business all along the line, which is now so increasingly obvious as to encourage all but the most confirmed pessimists.

It is true that double features have

(*Continued on page* 16)

**By GEORGE J. SCHAEFER**
*General Manager, Paramount Publix*

At this time of the year we have the usual predictions of pictures of box-office merit for the New Year, and of course, in a measure we will prosper depending upon the fulfillment of our ambitions and hopes.

This industry will only really prosper, however, when the continual strife from within is minimized. In no other industry do we see a selfish few who strive to rule or ruin. So

(*Continued on page* 16)

**George Weeks, Gradwell L. Sears and Jules Levy discuss the coming year outlook on page 16.**

## Stuart Webb Heads First Div. Board

First Division Exchanges, Inc., continued its expansion program yesterday by electing Stuart Webb, president of Pathe, as chairman of the First Division board.

Harry H. Thomas, president, announced the appointment of Amos Hiatt as his assistant. Hiatt has been

(*Continued on page* 11)

## Move on for Boost In All Admissions

A concerted move is under way to increase admissions in this territory, the plan providing that all independent and circuit houses go along simultaneously. A committee of circuit and independent leaders has been appointed to work out the plan. A meeting was

(*Continued on page* 11)

MOTION PICTURE
DAILY
(Registered U. S. Patent Office)

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## *ITOA Discusses Power*

Plans whereby independents can generate their own electricity by installing individual generators in theatres were discussed yesterday by the I. T. O. A. The device is said to cost around $90.

Twice scheduled, the Loew protection situation in the local territory did not come up yesterday. The matter is now believed to be a dead issue.

## *Donat May Do "Adverse"*

HOLLYWOOD, Dec. 27.—Robert Donat is being considered for the leading role in "Anthony Adverse." Warners are waiting for him to arrive from England for tests. His first picture under a long term contract with the company will be "Captain Blood."

## *Clardy Wins ASC Award*

HOLLYWOOD, Dec. 27.—R. B. Clardy has won the annual amateur award of the American Society of Cinematographers for a 200-foot reel, "New Horizon." Second prize went to Tatuschi Okamoto of Matsuyma, Japan, for a picture called "Tender Friendship."

## *Close Northwest Deal*

Bud Rogers, general manager of Liberty Pictures, has closed a deal with Elliott Film Co. of Minneapolis for distribution of Liberty product in the Minneapolis and North and South Dakota territory.

# RKO Gaining; 6-Month Net Is $231,348

(*Continued from page 1*)

by subsidiaries which subsequently went into bankruptcy or receivership. At the end of the receivership on June 30 the cash on hand was approximately $4,977,000, an increase of about $2,179,000. During this period the fixed indebtedness was reduced by $1,802,233.58 and interest on indebtedness was paid in the amount of $2,173,509.73.

### Report Covers Up to June 30

The report on the receivership covers the period only up to June 30, because on July 1 the company went into bankruptcy under Section 77B of the new bankruptcy law for purposes of reorganization. Since that time Irving Trust Co. has been acting as trustee in bankruptcy and shortly after the first of the year will file an accounting for the year's operations. It was stated yesterday that a loss probably would be shown for the 12 months, although it will be greatly reduced in comparison with last year's figures.

No petition for allowances has been filed yet by the trust company, although one will be in the near future. Income taxes were not included in the receiver's report, because under the changed law these cannot be consolidated with subsidiaries and the total income for the year is not known yet.

Little progress has been made on the settlement of claims against the companies and no reorganization plan is in sight as yet. Whether the company will be taken out of bankruptcy during 1935 is uncertain.

### Claims Filed Total $35,766,416

During the receivership claims filed totaled $35,766,416.60. Hearings on claims totaling $25,866,454.71 have been held by Special Master Thomas D. Thacher, but no decisions have been rendered. Others have been dismissed, some have been allowed and hearings on others are pending. Some additional claims have been filed since the bankruptcy status of the company began.

In discussing operations on subsidiaries the report says:

"During the year 1932 RKO Radio Pictures, Inc., and RKO Pathe Pictures, Inc., and their subsidiaries showed a combined loss of $5,381,051.18. During 1933 operations resulted in a loss of $1,290,685.48, an improvement of over $4,000,000. Substantially all this loss was incurred during the first six months wherein a loss of $1,212,947.07 was sustained. During the same six-month period of 1934 operations resulted in a profit of $275,783.74, before Federal income tax. The combined cash balances of these companies increased from approximately $330,000 on Dec. 31, 1932, to approximately $2,086,000 on June 30, 1934.

"The 1932 operations of Pathe News, Inc., resulted in a net loss of $134,830.78. During 1933 this loss increased slightly to $141,233.64. However, considerable improvement is indicated by the results of operations for the first six months of 1934, which show a net loss of $33,793.55, compared to a net loss of $82,192.29 for the same period in 1933."

## *Dreher Again on Board*

HOLLYWOOD, Dec. 27.—Carl Dreher, who has been chairman of the board of judges for the scientific and technical awards of the Academy for the past three years, has again been appointed to that post by Nathan Levinson, chairman of the Technicians' Branch. Each studio, equipment company and technician will be invited to submit nominations for various devices. Final decisions will be announced at the Academy banquet Feb. 27.

## *Ready Theatre Directory*

Annual directory of Greater New York theatres being compiled by the New York Film Board of Trade will be ready on Jan. 10. It will show more houses in operation than last year as well as an increase in the number of sound theatres.

## *"Bar Mitzvah" Started*

Henry Lynn, director for Sov-Am Film Corp., has begun shooting "Bar Mitzvah," second of the Yiddish talkers on its schedule. It will have a musical background and explanatory titles in English.

## *Warner Pfd. Drops Point on Big Board*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 37 | 36¾ | 36¾ | — ¾ | 300 |
| Consolidated Film Industries | 5¾ | 5½ | 5¾ | + ⅛ | 800 |
| Consolidated Film Industries, pfd | 20⅛ | 19⅜ | 19¾ | + ⅜ | 3,500 |
| Eastman Kodak | 111 | 109¾ | 109¾ | — ½ | 1,800 |
| Eastman Kodak, pfd | 141 | 141 | 141 | ..... | 3,000 |
| Fox Film "A" | 13 | 13 | 13 | ..... | 1,000 |
| Loew's, Inc. | 34⅛ | 33⅝ | 33⅝ | — ⅜ | 5,600 |
| Paramount Publix | 3¼ | 3⅛ | 3⅛ | ..... | 13,700 |
| Pathe Exchange | 1⅛ | 1 | 1⅛ | ..... | 1,000 |
| Pathe Exchange "A" | 13⅞ | 13½ | 13½ | — ½ | 600 |
| RKO | 2½ | 2⅜ | 2⅜ | — ⅛ | 2,600 |
| Warner Bros. | 4⅛ | 4 | 4 | — ⅛ | 7,500 |
| Warner Bros., pfd | 20½ | 20½ | 20½ | —1 | 5,000 |

## *Trans Lux Off Eighth on Curb*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13 | 12⅝ | 12¾ | ..... | 500 |
| Trans Lux | 2¾ | 2⅜ | 2⅜ | — ⅛ | 2,200 |

## *Warner Bonds Down One*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 8¼ | 7¾ | 7¾ | — ⅝ | 12 |
| General Theatre Equipment 6s '40, ctf | 8⅛ | 8 | 8 | ..... | 9 |
| Keith B. F. 6s '46 | 72 | 72 | 72 | +2 | 5 |
| Paramount Broadway 5½s '51 | 45½ | 45 | 45½ | + ½ | 8 |
| Paramount F. L. 6s '47 | 61 | 60¾ | 60¾ | — ¼ | 4 |
| Paramount Publix 5½s '50 | 61 | 60¼ | 60¼ | —1½ | 11 |
| Warner Bros. 6s '39, wd | 58¾ | 57⅝ | 57⅝ | —1 | 37 |

# ◂ *Purely Personal* ▸

HOWARD WAUGH, Warner advertising and publicity head in the Memphis zone, has been made a colonel on the staff of Governor HILL MCALISTER of Tennessee. There are less than 25 Tennessee colonels, so WAUGH feels pretty proud these days.

BURT GILLETT, director of the "Rainbow Parade" and "Toddle Tales," for Van Beuren will address the Pioneer Youth of America at the New School for Social Research tonight.

AL LICHTMAN, vice-president and general manager of United Artists, and PAUL LAZARUS, western division sales manager, leave today for Chicago to attend to second of a series of sales conferences.

KAREN MORLEY will leave for Washington tomorrow to attend a New Year's Eve dinner to be given by Attorney General HOMER S. CUMMINGS.

MARTIN JOHNSON and MRS. JOHNSON will be on the Little America broadcast to Admiral BYRD over the Columbia network next Wednesday night.

JOE RIVKIN leaves for the coast Jan. 5. He'll be gone for about three weeks conferring with HAL ROACH and HENRY GINSBERG on his new job.

ARCHE MAYERS and IRVING SHAPIRO celebrated the first anniversary of DuWorld by moving into larger quarters at 729.

DAVID C. WERNER leaves Universal tomorrow as story editor to go into business for himself. He leaves for the coast Tuesday.

A. M. BOTSFORD, new Paramount studio head, is in town for conferences with home office executives and to see the new plays.

BERT LYONS, formerly with Warners in Canada, is visiting for the holidays.

PHILLIP REED is spending the holidays in town and plans to fly back to Hollywood New Year's Day.

HERSCHEL STUART is due back today from Dallas where he visited his family.

JOE HORNSTEIN returned to his desk yesterday after a week at home with a bad cold.

JACK FULD is handling publicity for the Movie Ball, which takes place at the Astor on Jan. 12.

RAMON & ROSITA have been signed by Warners for "Gold Diggers of 1935."

NICHOLAS S. LUDINGTON, vice-president of First Division Pictures, left yesterday for the coast.

MADGE EVANS will arrive Sunday from the coast.

E. B. HATRICK is back from the coast.

LEON ROSENBLATT is getting over a bad cold.

LEO JUSTIN is on a West Indies cruise. He'll be back in two weeks.

J. R. MCDONOUGH and PANDRO BERMAN have returned to the coast.

NATE SPINGOLD will return from Miami around Jan. 15.

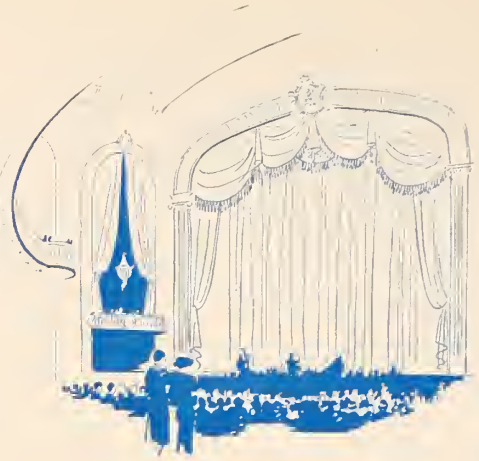
S. CHARLES EINFELD will return from the coast about Jan. 15.

*With pride and pleasure*

# FOX FILM

*presents*

# THE BIGGEST FIRST QUARTER LINE-UP THIS INDUSTRY HAS EVER SEEN



# For the month of JANUARY

## SHIRLEY TEMPLE

## in BRIGHT EYES

With JAMES DUNN. Produced by Sol. M. Wurtzel. Directed by David Butler.

## WILL ROGERS in THE COUNTY CHAIRMAN

By GEORGE ADE. With Evelyn Venable, Kent Taylor, Louise Dresser, Mickey Rooney and Stepin Fetchit. Produced by Edward W. Butcher. Directed by John Blystone.

## MYSTERY WOMAN

With Mona Barrie, Gilbert Roland, John Halliday, Rod LaRocque. Produced by John Stone. Directed by Eugene Forde.

## EAST RIVER

(Tentative Title)

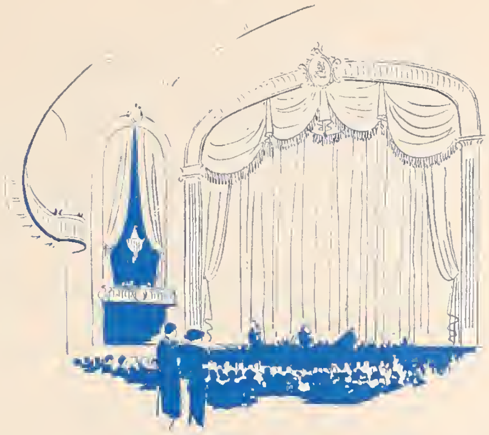
**with EDMUND LOWE**

**VICTOR McLAGLEN**

Florence Rice, Marjorie Rambeau, Charles Bickford, Siegfried Rumann. Produced by Robert T. Kane. Directed by Raoul Walsh. From the story by Bordon Chase and Edward J. Doherty.

## LOTTERY LOVER

With Lew Ayres, "Pat" Paterson, Peggy Fears, Walter King, Alan Dinehart, Reginald Denny, Nick Foran. Produced by Al Rockett. Directed by William Thiele. From the story by Siegfried M. Herzig and Maurice Hanline.



# *For the month of* FEBRUARY

## CHARLIE CHAN IN PARIS

With WARNER OLAND, Mary Brian, Thomas Beck, Erik Rhodes. Produced by John Stone. Directed by Louis Seiler. Based on the Earl Derr Biggers character.

**JANET GAYNOR**
**WARNER BAXTER** in

## ONE MORE SPRING

With Walter King, Jane Darwell, Grant Mitchell, Rosemary Ames, John Qualen, Roger Imhof, Nick Foran and Stepin Fetchit. Produced by Winfield Sheehan. Directed by Henry King. From Robert Nathan's novel.

**SHIRLEY TEMPLE** and
**LIONEL BARRYMORE** in

## THE LITTLE COLONEL

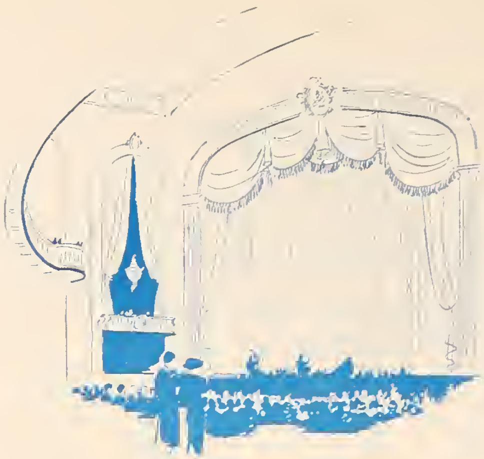
With Evelyn Venable, Bill Robinson. From the novel by Annie Fellows Johnston. Produced by B. G. DeSylva. Directed by David Butler.

**HAROLD BELL WRIGHT'S**

## WHEN A MAN'S A MAN

starring **GEORGE O'BRIEN**

With Dorothy Wilson, Paul Kelly. Presented by Sol Lesser and John Zanft. Produced by Sol Lesser. Directed by Edward F. Cline.



# *For the month of* MARCH

## WILL ROGERS in
## LIFE BEGINS AT 40

With Rochelle Hudson, George Barbier, Jane Darwell, Slim Summerville, Richard Cromwell. Produced by Sol M. Wurtzel. Directed by George Marshall. From Walter B. Pitkin's best seller.

## GEORGE WHITE'S SCANDALS

With Alice Faye, James Dunn, Lyda Roberti, Cliff Edwards, Ned Sparks, Eleanor Powell, Arline Judge and George White. Produced by George White. Directed by James Tinling.

## WARNER BAXTER in
## THUNDER IN THE NIGHT
### with KETTI GALLIAN

Herbert Mundin, John Qualen, Astrid Allwyn. Produced by Erich Pommer.

## REDHEADS ON PARADE

With John Boles, June Knight, "Chic" Sale, Dorothy Appleby. Produced by Jesse L. Lasky. Directed by Norman McLeod.

## RECIPE FOR MURDER

(Tentative Title)

### with EDMUND LOWE and VICTOR McLAGLEN

From the story by Vincent Starrett. Produced by Sol M. Wurtzel. Directed by Eugene Forde.

## Short Subjects

### "Dizzy and Daffy"

*(Vitaphone)*

Here is a short that might create more comment than the feature on whose bill it plays. Jerome (Dizzy) Dean and Paul (Daffy) Dean, Cardinal World Series heroes, are the names featured and the team expected to bring crowds to the box-office. But it is Shemp Howard who, in all probability, will be the member of the cast to create audience comment.

The story is negligible and serves only as a means of putting the Dean boys on the screen. It has them members of a small-time ball club of which Howard is the star pitcher. He is knocked out of the box and the Deans go in and save the game. Shots of the last World Series are interspersed, including all the highlights of the games.

Howard reaches new heights with his comedy here, and alone carries the picture. His antics and peculiar dialogue delivery should convulse with laughter any audience that sees this.

This short is to be highly recommended. Reviewed without production code seal. Running time, 20 mins. "G."

### "Jack Frost"

*(Celebrity)*

This Comi-Color cartoon is grand entertainment. It should have particular appeal to children, and adults will probably find themselves chuckling as they see it.

Done in color, it tells the tale of a bear cub that refuses to heed his parents' warning and hibernate for the winter. When Jack Frost comes around and paints the leaves to change them into the various autumn colors the cub runs away from home. He is overtaken by old man Winter and sealed in a hollow log but is rescued by Jack Frost. Appropriate music accompanies the action and dialogue. Reviewed without Production Code Seal. Running time, 8 mins. "G."

### "Pop Goes My Heart"

*(Vitaphone)*

A pleasant "Merrie Melodie" color cartoon that features the song, "Pop Goes Your Heart." It has little woodland creatures going through their musical capers and dancing antics to the tune of the song and should have particular appeal to children. Production Code Seal, No. 398. Running time, 7 mins. "G."

### "Two Lame Ducks"

*(Educational)*

Vince Barnett and Billy Gilbert fans may be disappointed in this one, even though it is fairly amusing. It concerns a duck shooting trip taken by the two comedians after their wives have removed their licenses to punish them. The ensuing comedy is fair. Production code seal, No. 365. Running time, 14 mins. "G."

### "Knickerbocker Knights"

*(Universal)*

A fair Mentone production consisting of a number of vaudeville turns, with Roy Atwell as master of ceremonies. Among the entertainers are Gypsy Nina, the Pearl Twins, Hayes, Haig & Howe, Jerome Mann, and the Cecil Mack choir of colored singers. A mixture of singing, dancing and comedy, with Mann outstanding. His imitations of prominent folk are accurate. Code seal No. 0177. Running time, 20 mins. "G."

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

### "I've Been Around"

*(Universal)*

Hollywood, Dec. 27.—This features Chester Morris and Rochelle Hudson. Mounted artistically by John Mescall photography and depicting a love triangle between Morris, Miss Hudson and G. P. Huntley with Isabel Jewel and Gene Lockhart furnishing sufficient comedy to prevent a somewhat weak story from dragging, this shows the conflict of love in the upper strata of society, affording ample opportunity for lavish settings and beautiful photography. The offering in its present form shows possibilities for fair entertainment when properly edited.

The story concerns an ambitious suitor, Morris, building up dreams for Miss Hudson, whom he finally marries only to have her regret it momentarily for love of Huntley, who marries another for convenience. It all works out well after tense dramatic situations capably handled by Phil Cahn, the director, who, with the aid of good acting of the entire cast, makes the best of weak story material from an original by John Meehan, Jr. The picture was produced by B. F. Zeidman. Production Code Seal, No. 361. Running time, 75 minutes. "G."

## Looking 'Em Over

### "Radio Parade of 1935"

*(Associated British Pictures)*

London, Dec. 13.—A concluding reel in Dufaycolor, the new British system, is a point of special interest in this comedy musical. It is used in big spectacular scenes, featuring Alberta Hunter and a skilful dancing troupe and, as a first effort, suggests possibilities. At present it has shortcomings, the color being variable, with uneven flesh tints, ultra vivid greens and an imperfect white.

General entertainment values are good in this picture presenting an array of British radio artists with a few Americans doing their stuff. The story link is strong and ingenious. A program director, deprived of all his artistes by a vaudeville bar, recruits a new bunch from the staff of the broadcasting station and, with the aid of a handy inventor, puts over a sensational hit by presenting the show, on screens erected in main streets, by television in color.

The comedy angle is emphasized, and the material is good and put over peppily. Though the big point of the skit on the methods of the official B. B. C. British station will miss in America, such incidents as the arrival of the staff in military formation are funny in themselves, the individual performances are good and the sidelights of the background of broadcasting full of interest.

There is a big array of names, some of which mean something in America, while the owners of the others all deliver their special line of goods. Helen Chandler is the secretary and fiancee of the young director, Clifford Mollison, and the others include Will Hay, Billy Bennett, the Western Brothers, Alfred Drayton, the Three Sailors, Alberta Hunter, Ted Ray, Clapham and Dwyer, Haver and Lee, Gerry Fitzgerald and Arthur Young, Ronald Frankau, Teddie Joyce and his band and the Buddy Bradley Girls.

It is live entertainment for any audience if that audience can take good stuff even if it is mainly expressed in the idiom of another country.

Running time, 85 minutes. "G."

ALLAN

*"Forsaking All Others," which opened at the Capitol Tuesday, was covered by Hollywood wire on Nov. 27.*

*"Little Minister," yesterday's opener at the Radio City Music Hall, was reviewed by wire from Hollywood on Dec. 11.*

*"West of the Pecos," which opens this morning at the Criterion, was reviewed by wire from Hollywood on Nov. 23.*

### Temple Benefit Planned

Temple Ezrath Israel, known as the actors' temple, will hold its annual benefit at the Imperial Jan. 6. Stage, screen and radio talent will supply the program.

## Attack Fox Claims In Tri-Ergon Case

(Continued from page 1)

his ownership of basic patents affecting the talking film.

The briefs were filed in the names of all of the companies associated in the case and contended that the development of talking pictures was the result of the separate efforts of many American scientists and that the German inventors were unable to develop their product in Germany with the aid of the patents.

Taking up the points on which Fox depends, the briefs take the attitude that the flywheel claims do not constitute invention, pointing out that Thomas A. Edison sought to secure a similar patent in connection with the phonograph, which was refused as not being a new invention.

With respect to printing, it is charged that a certain provision was not incorporated in the patent until 1929, after talking pictures had been developed and found commercially practicable.

### New Ohio Tax Start Put Back to Feb. 1

Columbus, Dec. 27.—Collection of the recently-enacted three per cent sales tax will not start until Feb. 1, according to Carlton S. Dargusch, vice-chairman of the State Tax Commission. It previously had been planned to make it effective Jan. 10 to 15. Delay in distribution of tax stamps by the state treasurer is indicated as the reason for the postponement.

Exhibitors, compelled to put the tax into effect Jan. 1, will not hereafter be required to detail the breakdown of their gross, as between established admissions and state tax, as was the case with the 10 per cent impost. Box-office signs and other advertising media need only show the gross admissions, followed by the words, "Including Ohio State Tax."

Tickets now on hand may be used by exhibitors until the supply is exhausted, or until advised to the contrary by the tax commission. Thereafter, special tickets which specify inclusion of the tax must be used.

### Name St. Louis Trustee

St. Louis, Dec. 27.—J. Porter Henry, an attorney, has been appointed special trustee for the fund of $20,962 deposited in the First National Bank under the name of "The Skouras' Employes' Mutual Aid Ass'n" by Circuit Judge Green. Under the court's order Henry will determine to whom the fund should be paid. Some weeks ago Thornton W. Sargeant, Jr., a former employe of the Skouras Brothers' Super Theatres Corp., brought suit seeking a distribution of the fund. The fund was established by the Skouras Brothers when they operated the Ambassador, Grand Central and Missouri for the benefit of their employes.

### Omaha to Have Shows

Omaha, Dec. 27.—First stage show to be seen here since June opens New Year's eve midnight at A. H. Blank's Orpheum featuring Harriet Calloway's Cotton Club revue. The attraction has been booked for three days.

# Only Two Hit Para. Plan at Court Hearing

(*Continued from page 1*)

was appearing for stockholders of the company.

Saul E. Rogers and Szold & Brandwen, counsel for independent bondholders, whose opposition to some phases of the plan would not have come as a surprise to leading reorganization factors, interposed no objections throughout the hearing. Rogers told Motion Picture Daily that he favored a "speedy reorganization of the company." In response to queries during a court recess, Zirn, one of the two objectors to the plan, told Motion Picture Daily that he believed the plan to be "very fair in practically all respects," adding that if it provided for a "slightly smaller" cash payment to the creditor bank group it would have his approval.

### Zirn First to Object

Zirn made the first objection of the day with the opening of the hearing. He moved that Judge Coxe refer the hearing on the plan to Federal Judge Murray W. Hulbert, who is presiding over current bankruptcy term in the district court here, on the grounds that Judge Coxe, who is presently assigned to the motions term, lacked authority to preside at the hearing. Judge Coxe overruled the motion and Zirn took an exception.

Alfred A. Cook, counsel for the debtor, Paramount Publix, who is also counsel for the stockholders' protective committee, gave a history of the development of the plan in which he detailed the prominent part played by Kuhn, Loeb & Co. in its formation. He stated that Paramount's bank creditors suggested the formation of the bondholders', stockholders' and bank group committees; recommended the chairman and members of those committees and their counsel.

### Traces Plan Drafting

Cook said that the bank committee then called upon Kuhn, Loeb & Co. to draw up a plan of reorganization, which the former Paramount banking house did after retaining Cravath, de Gersdorff, Swaine & Wood as its counsel. Several plans of reorganization were then developed by Kuhn, Loeb and its counsel for the committees, but when Kuhn, Loeb was named recently in an application of the Paramount trustees for leave to bring suits for recovery and accounting as a result of activities in connection with operation of a Paramount employes' stock purchase plan from 1929 to 1932, the banking house withdrew from activities in connection with the final plan of reorganization, its representatives resigned from the board of directors of Paramount and it disavowed representation on the board of the new company until such time as the trustees' actions have been disposed of.

Cook then proceeded to defend such outstanding provisions of the plan as the settlement of the $13,200,000 bank group obligation; the Paramount Broadway reorganization plan and the $2 assessment on stockholders. In discussing these subjects Cook anticipated the principal points which Palmer was to advance in opposition to the plan. Palmer had indicated in advance of yesterday's hearing that he would endeavor to obtain an examinization of all persons who had participated in drawing up the plan and would oppose the Paramount Broadway and bank group provisions.

## *62 Lawyers There*

**Legal talent in droves was attracted to the first day's hearing on the Paramount reorganization plan before Federal Judge Coxe yesterday, jamming a spacious courtroom until even standing room was at a premium. At one time a count tallied 62 gentlemen of the bar.**

**The day's session was uneventful except for occasional verbal clashes and exchanges of repartee between Alfred A. Cook, counsel for Paramount Publix, and Archibald Palmer, one of two lawyers who appeared in opposition to the plan.**

Cook stated that the $5,000,000 cash payment to the banks provided by the plan was justified because it represented repayment of a loan which financed production and thereby kept Paramount going in 1932. He defended the stock assessment which is intended to raise $6,500,000 because, he said, new bank money would not be available to the reorganized company.

### Keough First Witness

Austin Keough, Paramount secretary and counsel, was the first witness called. He described the corporate structure of Paramount. George Schaefer, Paramount general manager, testified as to the operations of the company. His testimony brought out, among other things, that Paramount has 8,000 exhibitor customers of a potential 13,000 total in the country; that 25 per cent of the company's distribution revenue is from its own theatres and that uncertainty in the minds of non-contact employes over their future, because of the company's bankruptcy, created a problem in morale throughout Paramount that made a speedy reorganization essential. He also testified that competitors have taken advantage of the situation to arouse dissatisfaction in the ranks of players and directors that was proving costly to the company.

### Freeman Also Gives Testimony

Y. Frank Freeman, vice-president of Famous Theatres, Paramount subsidiary, testified in relation to theatre operations, decentralization of the company's circuits and the new management and partnership operating agreements now in effect. Fred Morhardt, general auditor, identified and explained balance sheets attached to the plan, as did R. F. Storkey, of Price, Waterhouse & Co., who has been engaged for Paramount auditing for the past 14 years.

When testimony of this nature has been completed the court will take the plan under advisement. If it is then accepted by the court creditors will be given 30 days in which to approve or reject it. Two-thirds in amount of creditors of all classifications must approve the plan to make it effective.

## *Lease Negotiations End J. L. & S. Suit*

Suspension of preliminary motions in the anti-trust suit contemplated by McVickers, Chicago, against Paramount, Balaban & Katz and major distributors was brought about by the opening of negotiations for settlement of Jones, Linick & Schaefer's McVickers' lease claims against Paramount and B. & K., it was learned yesterday.

B. & K. relinquished its lease on McVickers last summer and the Loop theatre was reopened by Jones, Linick & Schaefer, lessors of the property. Recently the operators threatened the anti-trust suit alleging inability to obtain product for the house and asked leave in Federal court here to make Paramount and the trustees defendants in the suit. That motion was withdrawn Wednesday pending outcome of the negotiations for settlement of the lease claims.

## *Deny Nathanson to Join Montreal Bank*

Toronto, Dec. 27.—Reports that N. L. Nathanson would quit Famous Players Canadian to become an officer of the Bank of Montreal are denied here.

Nathanson and Sir Herbert Holt, president of the bank, have been closely associated for years in various enterprises.

Nathanson is now in Bermuda on a vacation.

## *Bogue in Court, So Met Plan Goes Over*

(*Continued from page 1*)

delayed because of the required attendance of Morton G. Bogue, of counsel for the Fox Met bondholders' committee, which developed the plan, at the Paramount Publix reorganization hearing. Bogue appeared at the latter hearing in his capacity as counsel for the Paramount creditor bank group. Indications are that the Fox Met plan now will not be filed until tomorrow or early next week.

## *Kansas Westerns at 10 Cents Found O. K.*

Kansas City, Dec. 27.—Finding that Columbia and Paramount contracts with O. K. Mason, Great Bend, Kan., permitted him to play westerns at 10 cents, the local grievance board dismissed a reduced admission complaint brought by Glen W. Dickinson Theatres.

On complaint of E. Van Hyning, Iola, Kan., the Dickinson, same town, was found guilty of reduced admission in playing a Fox picture below contract price provisions. Complaints involving the Dickinson as regards Universal and Consolidated film were dismissed when no contract violation was shown.

## *Schwartz Case Up Today*

A. H. Schwartz's appeal from an overbuying decision handed down recently by the New York grievance board will be heard today by a Campi committee. Morris Kutinsky, operating Community, Queens Village, L. I., complained that Schwartz tied up all the product for the Queens, same city, with the result that the local board ordered that Kutinsky be given all over 250 films bought for the Queens.

# Chicago Now Agitated by Premium Ban

(*Continued from page 1*)

overcome the protection advantage of competitors.

Premium interests are soliciting support among exhibitors against the proposed ban. One distributor is circulating a printed appeal "not to be misled and not to play into the hands of the chains." The experiences of Cleveland and Kansas City are cited. In the first-named city, some independents are said to be seeking to recall their signatures from the agreement against premiums. The grievance board in Kansas City has rescinded the ban previously imposed, ruling there was an insufficient number of signatures of unaffiliated exhibitors to the petition. Fox Midwest plans to put that issue up to Campi for final determination. The circular states the short-lived ban in Kansas City proved a hardship to exhibitors.

That the theatre premium business is a growing one here is indicated by the fact one company distributes 90,000 pieces of gift ware each week and another disposes of 40,000 weekly, besides smaller distributors.

## Opposition Looms On Operator Scale

(*Continued from page 1*)

given some of the details are not in favor of it. It is understood that in numerous instances booth costs will be increased. For other houses, it is said, decreases will be made, but not by more than one-third of the present scale.

Provided in the tentative pact is a clause calling for arbitration every two years during the 10-year life of the plan. The I. A. T. S. E. will supervise all details as far as the operators' unions are concerned, it is understood.

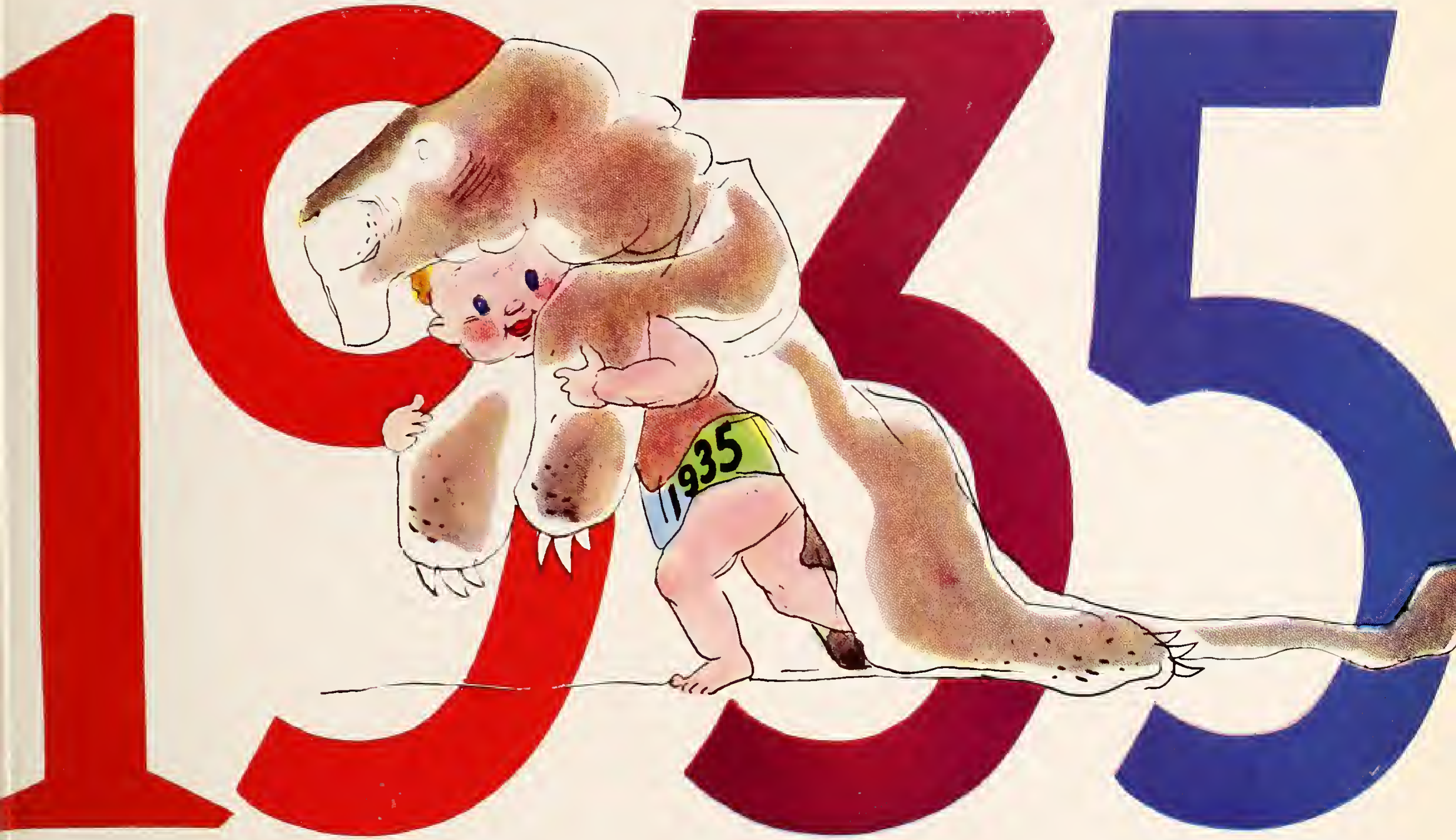
Meanwhile, several major circuits are said to be preparing new contracts under the provisions temporarily agreed upon. A meeting of major and independent theatre heads may be held next week to discuss new union pacts.

Presiding at the I. T. O. A. meeting yesterday, Harry Brandt told members that "everything will work out," but did not go into details. Circuit men will not discuss the arrangement, referring all queries to Compliance Director Sol A. Rosenblatt, who sat in at all the sessions held at Campi.

Picketing by Allied and Local 306 continues as heretofore and will most likely keep up until the plan is adopted. This is expected around Jan. 14. Sandwich men parading the Art, Star and Ritz in the Bronx have been removed, but this not general.

## *Indianapolis Cases Reach Total of 35*

Indianapolis, Dec. 27.—Thirty-five cases have been heard to date by the Indianapolis code boards, according to figures compiled by Miriam Yergin, secretary, who says not one decision has been reversed on appeal.



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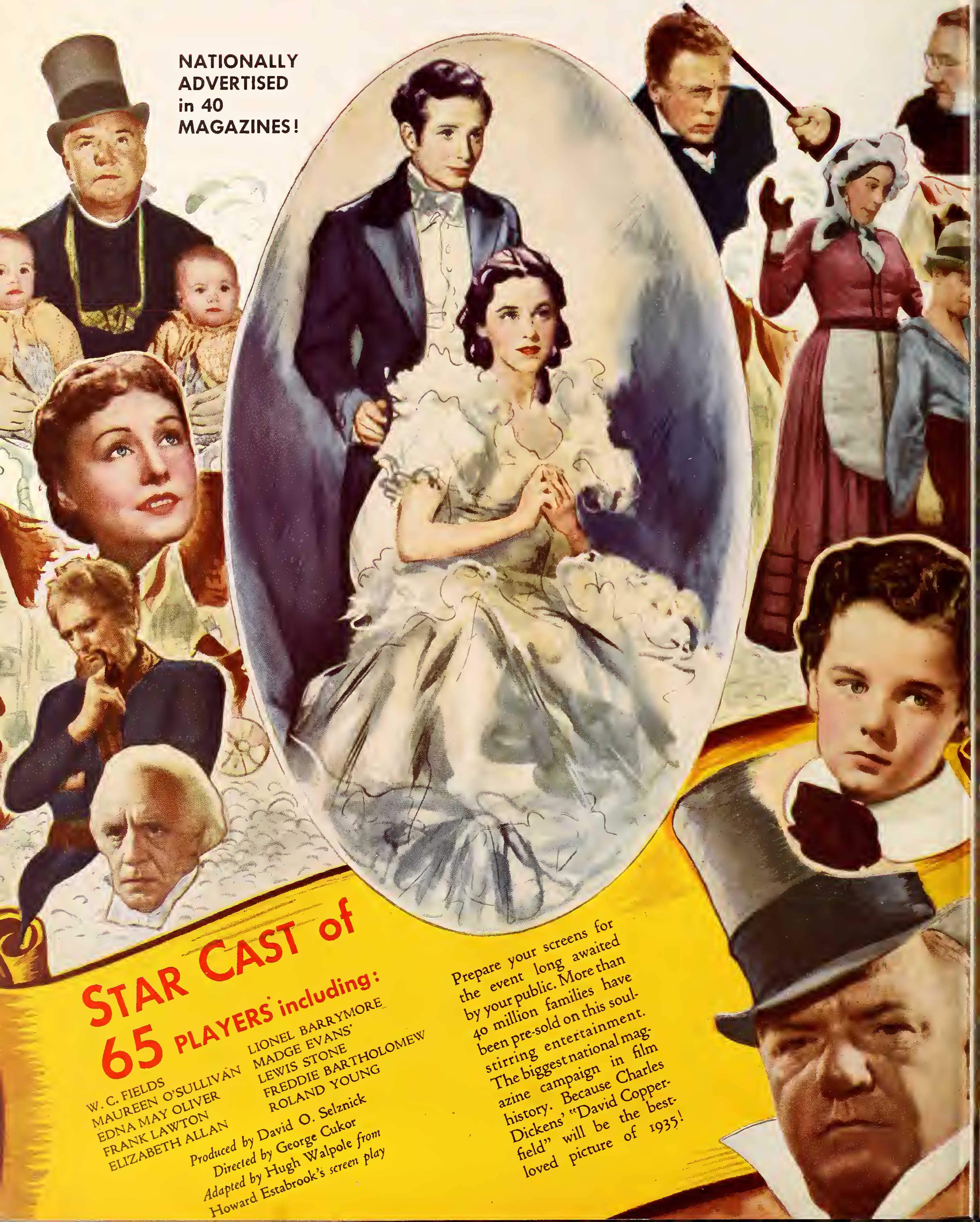

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## Sinclair Men Row; Film Leaders Relax

(*Continued from page* 1)

of Sinclair's radical economic program, the election of 27 Epic assemblymen has been a source of worry to the industry. This has been eased by Sinclair's own widely circulated weekly newspaper, *Epic News*, definitely announcing Sinclair's repudiation of Culbert Olson, lone Sinclair senator elected, and the chairman of the Democratic State Central Committee, who, next to Sinclair and Richard Otto (Sinclair's campaign manager), was the outstanding Sinclairite in California during the campaign. Sinclair urged Epic forces to remove Olsen. The schism all came about when Olson independently circulated a petition providing that of the State's $24,000,000 bond issue $6,000,000 should be expended to establish production-for-use colonies. While this apparently is what Sinclair's Epic plan itself urged Sinclair and Otto claim that Olson's initiative bill is nothing but a political move, designed to concentrate huge patronage power under a few individuals who will employ people and purchase supplies with which to launch the plan. Another objection to Olson is that Olson insisted that the word Epic, which was the catchy name of Sinclair's famed EPIC plan (End Poverty in California) be dropped. Sinclair contends that his original Epic plan was to be operated on a co-operative, self-governing basis, without dictators or patronage-dispensers.

How much strength Olson, as chief of the Epic elements in the legislature, will have, and how much Sinclair will retain will all come out in the wash. Anyway, film men feel a little easier, and hope the Sinclairites keep on fighting among themselves.

### *To Renovate in Toronto*

TORONTO, Dec. 27.—Along with declaring a regular dividend on preference shares for the quarter ending Sept. 30, 1928, amounting to 1¾ per cent, Marcus Loew's Theatres, Ltd., Toronto, has announced that $150,000 will be spent on the immediate modernization of Loew's Yonge St., the alterations to be done without interference with performances.

### *Cincy Sky to Be Club*

CINCINNATI, Dec. 27.—The 1,000-seat Sky, located on the roof of the Orpheum, surburban, is being converted into a night club to be known as the Club Orpheum. It will open around Jan. 1, with attendance limited to patrons of the theatre. M. Chester Martin, owner and operator of the Orpheum, is sponsoring the enterprise.

### *Contracts Are Singed*

OMAHA, Dec. 27.—Twelve contract approvals, mailed out of the New York office and which went through an airmail crash near Buffalo, reached D. V. McLucas, United Artists branch manager here, with the corners burned off and slightly toasted but still legible.

### *Brockton House Reopens*

BROCKTON, Dec. 27.—In the Campello section, Keith's, named for a factory and not for the circuit, has been reopened for twin features. L. Trask is the operator.

### *Tests Boxing Draw*

**Providence, Dec. 27.—It's a question of how much boxing will aid the box-office at the Modern where Tony Romano is booking in amateur ring bouts for Monday evenings. Instead of giving patrons an opportunity to dance, a fast-spreading fad, Romano is attempting to boost patronage by giving the customers an opportunity to watch others dance around a ring.**

## *Openings and Shifts On N. E. Theatre Map*

MARLBORO, Mass., Dec. 27. — Netoco-Marlboro Theatre Corp. has acquired the Princess. It also is connected with the Marlboro along with Publix.

SANFORD, Me., Dec. 27.—The E. M. Loew chain, which now operates well over two dozen houses in New England, has closed the State here and reopened the Capitol.

HUDSON, Mass., Dec. 27. — The Hudson, formerly a part of the Phil Smith independent circuit, has been acquired by George Markell, who is operating it on a double-feature policy.

RICHFORD, Vt., Dec. 27.—The Park, formerly operated by L. V. Hart on a six-day-a-week schedule with three changes, has changed to a policy of a four-day operation week with two changes.

BRISTOL, R. I., Dec. 27. — The Pastime, which replaces a house of the same name racked by fire, has been opened by Lon Vail, operator of the previous enterprise. The project was outfitted with DeForest sound by Harold Davidson, G.T.P.C. division engineer in New England.

BOSTON, Dec. 27. — The Modern, operated by Mullen and Pinanski, is the test spot for a new plan of high-intensity lighting which, it is claimed, gives a third-dimension effect to flickers. The system was devised by Joseph Rosen and T. J. Loftus of the theatre operating corporation.

Will Alperin, formerly cashier at the local Warner exchange, has gone with the rapidly expanding Fred E. Lieberman circuit. J. P. Jerome, formerly with Loew's, has also gone with the chain to manage the recently acquired Columbia.

### *Three Open in the West*

OMAHA, Dec. 27.—Three theatres with new equipment have opened in this territory. They are: Dodge, at Dodge, Neb.; Grand at Norfolk, Neb.; Pleasure at Sanborn, Minn., to be renamed.

### *Radio Signs Walter Lang*

HOLLYWOOD, Dec. 27.—Radio has signed Walter Lang to direct a musical, as yet untitled, to be produced by Felix Young. Jenie LeGon is the only one assigned to the cast.

### *"Bordertown" to Strand*

"Bordertown" will reopen the Strand about the middle of January.

## *K. C. Bowlers Raise $802 for Milk Fund*

KANSAS CITY, Dec. 27.—A milk fund for undernourished children in eight public schools in the poorer districts of Kansas City will be established with proceeds from a bowling tournament sponsored by the local Variety Club in conjunction with the *Kansas City Star*. Net proceeds were $802, obtained in two days of competition.

Conceived and engineered by Frank C. Hensler, M-G-M branch manager and president of the club, the stunt was one of the biggest ever put over for charity by any local organization. So successful was it that it probably will be an annual event.

There were 750 entries, obtained in less than a week. The proceeds represent tickets sold the bowlers at $1 each and, in addition, $50 given the fund by the Pla-Mor alleys.

All participants were given awards, ranging from tons of coal and turkeys to six-month passes to major theatres. The *Star* awarded plaques to the leading bowlers in the men's and women's divisions. Other prizes were contributed by theatre and film men and merchants. Variety Club's contribution was 25 neckties.

Hensler has turned the receipts over to the Junior Red Cross which will administer the fund with the cooperation of school authorities. About 250 undernourished children will receive daily a half-pint of milk and crackers from now until the end of the present school year.

### *Seek Receiver at Kent*

RAVENNA, O., Dec. 27.—Appointment of a receiver for the Kent Opera House Co. at Kent is asked in a suit filed in Common Pleas Court by John Paufi and his wife, Susie. Plaintiffs charge they leased the old Kent Opera House to the company at a rental of $250 a month on August 27, 1929, and that $5,003 is now due them. They ask that the court rule the lease null and void, and appoint a receiver to take charge of the property.

### *Schaefer Coming Here*

Gus Schaefer, general manager of Central Europe for Paramount, is due in six weeks on his annual business-vacation trip.

### *Sproules in Ft. Scott*

FT. SCOTT, KAN., Dec. 27.—Sproule Bros., exhibitors at Newton and Hutchinson, Kan., have taken over the new Yale here.

## Stuart Webb Heads First Div. Board

(*Continued from page* 1)

assistant secretary and assistant treasurer of Pathe News since 1931.

Nicholas S. Ludington, president of First Division Prod., left last night for the coast to supervise production for the next few months. John Curtis, vice-president, will leave by plane Jan. 6 to assist Ludington.

Al Friedlander, vice-president of First Division Exchanges, and director of publicity and advertising, will go to the coast about the middle of January to take charge of distribution and to handle the March of Time reel and other product. He will be out there for about six months.

## Move on for Boost In All Admissions

(*Continued from page* 1)

scheduled to be held yesterday, but was put off until a later date.

If, and when, the plan goes through every theatre from the Music Hall down to the smallest house, will hike the tariff. It is stated one major circuit and a few independents object to boosting admissions evenings because it has been found that low matinee admissions bring in more than night scales. Unless all theatres adopt increases simultaneously, the plan will be dropped, it is said.

### *Schlaifer Closes Deals*

L. J. Schlaifer, G. B. special sales representative, has closed two deals, one with the Publix Tri-State Theatre Circuit of Iowa and Nebraska, and the other with the Robb & Rowley Circuit of Texas for the first eight of the 16 set for release this season by his company.

### *McCollister to Wichita*

WICHITA, Dec. 27.—C. C. McCollister, at one time associated with the Joe Cooper enterprises here and in Oklahoma City, has returned to Wichita to manage the Nomar, the lease to which was recently relinquished by Roy and Howard Campbell. Remodeling will begin immediately.

### *Skourases Inspect Houses*

Spyros and George Skouras are making a round of all theatres operated by the latter in this territory in connection with a drive now on for the best holiday lobby.

Superfine Merchandise
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# "Broadway" Is Coast Smash; Gets $21,000

Los Angeles, Dec. 27.—"Broadway Bill" was the big Christmas week noise here. It piled up $21,000 with the stage show at the Paramount, thereby topping par by $3,000. This is outstanding in the face of the slump elsewhere.

Total first run business was $64,398. Average is $88,450.

Estimated takings for the week ending Dec. 26:

**"MUSIC IN THE AIR" (Fox)**
CHINESE—(2,500), 50c-65c, 5 days. **Gross:** $4,292. (Average, $12,500.)

**"BRIGHT EYES" (Fox)**
CHINESE—(2,500), 50c-65c, 2 days. **Gross:** $2,100.

**"BABES IN TOYLAND" (M-G-M )**
4 STAR—(900), 30c-55c, 7 days. **Gross:** $5,250. (Average, $3,250.)

**(State Rights)**
LOEW'S STATE—(2,413), 30c-55c, 5 days. **Gross:** $4.206. (Average, $14,000.)

**"BRIGHT EYES" (Fox)**
LOEW'S STATE—(2,413), 30c-55c, 2 days. **Gross:** $2,600.

**"BROADWAY BILL" (Col.)**
PARAMOUNT—(3,595), 30c-55c, 7 days. Stage: Rube Wolf and his orchestra, F. & M. revue. **Gross:** $21,000. (Average, $18,000.)

**"SWEET ADELINE" (Warners)**
RKO—(2,700), 25c-65c, 7 days. **Gross:** $5,700. (Average, $8.000.)

**"BABES IN TOYLAND" (M-G-M)**
UNITED ARTISTS—(2,100), 23c-55c, 7 days. **Gross:** $4.750. (Average, $3,500.)

**"SWEET ADELINE" (Warners)**
WARNER BROS. (HOLLYWOOD)—(3,000), 25c-65c, 7 days. **Gross:** $6,300. (Average, $14.000.)

**"WHITE LIES" (Col.)**
**"THE LAST WILDERNESS"**
**(Sta teRights)**
WARNER BROS. (DOWNTOWN)—(3,400), 25c-40c, 7 days. Stage: 6 acts vaudeville, Oscar Baum and his orchestra. **Gross:** $4,900. (Average, $12.000.)

**"IMITATION OF LIFE" (Univ.)**
PANTAGES—(5,000), 25c-40c, 4th week, 7 days. **Gross:** $3,300. (Average, $3,200.)

# "It's a Gift" Proves Portland Surprise

Portland, Dec. 27.—"It's a Gift" was just that for the Paramount, and likewise the stage show, with a take of $8,000, or $3,000 over average.

"Imitation of Life," after moving to the Music Box in its second Portland week, registered $2,400, or $400 over normal.

"Kansas City Princess," supplemented by a snappy stage show at the Orpheum, registered but $5,300, or $300 over the usual.

Total first run business was $31,200. Average is $27,000.

Estimated takings for the week ending Dec. 22:

**"THE GAY BRIDE" (M-G-M)**
BROADWAY — (1.912), 25c-35c-40c, 7 days. **Gross:** $4.700. (Average. $5.000)

**"GREAT EXPECTATIONS" (Univ.)**
ORIENTAL—(2,040), 25c, 7 days. **Gross:** $2.100. (Average. $2.000)

**"KANSAS CITY PRINCESS" (Warners)**
ORPHEUM--(1,700), 25c-35c-40c, 7 days. Stage show. **Gross:** $5,300. (Average, $5,000)

**"IMITATION OF LIFE" (Univ.)**
MUSIC BOX—(1.000). 25c-35c-40c, 7 days, 2nd week. **Gross:** $2,400. (Average, $2,000).

**"WAGON WHEELS" (Para.)**
**"READY FOR LOVE" (Para.)**
MAYFAIR — (1,700), 25c-35c, 7 days. **Gross:** $2,700. (Average. $3.000)

**"IT'S A GIFT" (Para.)**
PARAMOUNT — (3.008), 25c-35c-40c, 7 days. Stage show. **Gross:** $8,000. (Average, $5.000)

**"PRIVATE LIFE OF DON JUAN" (U. A.)**
UNITED ARTISTS—(945), 25c-35c-40c, 7 days. **Gross:** $6,000. (Average, $5,000)

## *Hollywood Personals*

Hollywood, Dec. 27.—George Brent and Kay Francis teamed in "Goose and Gander" at Warners. . . . Edward Everett Horton cast in "Caliente" at Warners. . . . Leon Schlesinger back at work after a nervous breakdown. . . . James R. Grainger arrived in town. . . Roger Pryor has postponed his trip to Broadway for a role with Billie Burke in "Her Master's Voice" at the El Capitan in Hollywood. . . . Warners have 612 lights, amounting to 35,000 amperes, on the big set for "Midsummer Night's Dream.". . . Jack LaRue gets a role in "Now I'm a Lady" at Paramount. . . . Amelia Earhart takes Myrna Loy and Cary Grant for a plane ride over Los Angeles. . . .

# "Veil" Only Draw in Dull Frisco Week

San Francisco, Dec. 27.—Even the Navy couldn't lift downtown houses out of the pre-Christmas slump. Only one spot, the Warfield with "The Painted Veil," had heavy grosses. The take for the week there was $26,000, up by $3,000.

"Babes in Toyland" and "Murder in the Clouds" were over par by $1,000 on a $12,000 take at the Paramount, but elsewhere box-offices were in the doldrums.

Total first run business was $77,500. Average is $83,000.

Estimated takings:

***Week Ending Dec. 18:***

**"SILVER STREAK" (Radio)**
GOLDEN GATE—(2,800), 25c-35c-40c, 7 days. Stage, band. **Gross:** $11,500. (Average, $13,000)

***Week Ending Dec. 19:***

**"I AM A THIEF" (Warners)**
**"BACHELOR OF ARTS" (Fox)**
FOX—(4,600), 15c-30c-40c, 7 days. **Gross:** $8,500. (Average, $11,000)

**"BABES IN TOYLAND" (M-G-M)**
**"MURDER IN THE CLOUDS" (Warners)**
PARAMOUNT—(2.670), 25c-35c-55c-65c, 7 days. **Gross:** $12,000. (Average, $11,000)

**"PAINTED VEIL" (M-G-M)**
WARFIELD—(2,700), 25c-65c, 7 days. Stage band. **Gross:** $26.000. (Average, $23,000)

***Week Ending Dec. 20:***

**"OVER NIGHT" (B. & D.)**
**"JEALOUSY" (Col.)**
ORPHEUM — (3,000), 15c-30c-35c-40c, 7 days. **Gross:** $7,000. (Average, $9,000)

**"COLLEGE RHYTHM" (Para.)**
ST. FRANCIS — (1,400), 15c-35c-55c, 7 days. **Gross:** $6,500. (Average, $8,000)

**"KID MILLIONS" (U. A.)**
UNITED ARTISTS—(1,200), 15c-35c-55c, 7 days, 4th week. **Gross:** $6,000. (Average, $8,000)

# Music Hall Pulls $82,500 on "Eyes"

(*Continued from page* 1)

Eyes" yesterday with a smash opening day.

The Roxy with "Anne of Green Gables" garnered an unusual $39,500 for the first seven days. Indications are that RKO's share for the two weeks will net around $20,000. "It's a Gift" goes in Jan. 4.

Following two weeks of "Here is My Heart" at the Paramount, "Sweet Adeline" is slated for two weeks. If the gross holds on the first seven days, the Warner film will be continued and followed by "Lives of a Bengal Lancer." If the picture is pulled after the first week, "Behold My Wife" will follow. Indications are that if "Sweet Adeline" goes two weeks, "Behold My Wife" will go into the Roxy.

# "Veil" Leads St. Paul in Dull 7 Days

Minneapolis, Dec. 27.—Grosses hit the toboggan on both sides of the river with "The Painted Veil" at the St. Paul Paramount, the only attraction to make a creditable showing. It took $6,000, over the line by $500.

Three Minneapolis houses succeeded in going over average. They were the Orpheum with "The Captain Hates the Sea" at $5,700, the Palace with "The Human Side" at $2,500 and the Time with "Jane Eyre" at $2,000.

Total first run business in Minneapolis was $24,200. Average is $23,000. Total first run business in St. Paul was $17,500. Average is $16,500.

Estimated takings:

***Minneapolis:***

***Week Ending Dec. 19:***

**"MUSIC IN THE AIR" (Fox)**
CENTURY—(1,650), 25c-40c, 7 days. **Gross:** $4.000. (Average, $4.000)

**"LIMEHOUSE BLUES" (Para.)**
LYRIC—(1,238), 20c-25c, 7 days. **Gross:** $1,500. (Average, $1,500)

***Week Ending Dec. 20:***

**"CAPTAIN HATES THE SEA" (Col.)**
ORPHEUM—(2,900), 25c-50c, 7 days. **Gross:** $5,700. (Average, $5,500)

**"IT'S A GIFT" (Para.)**
STATE—(2,300), 25c-40c, 7 days. Stage: "Spices of 1935." **Gross:** $5,500. (Average, $5,500)

**"THE HUMAN SIDE" (Univ.)**
PALACE—(900), 15c-25c, 7 days. **Gross:** $2,500. (Average, $2,000)

**"JANE EYRE" (Monogram)**
TIME—(300), 20c-30c, 7 days. **Gross:** $2,000. (Average, $1,500)

**"ONE NIGHT OF LOVE" (Radio)**
WORLD—(300), 25c-75c, 7 days, 3rd week. **Gross:** $3,000. (Average, $3,000)

***St. Paul:***

***Week Ending Dec. 19:***

**"THE PAINTED VEIL" (M-G-M)**
PARAMOUNT—(2,300), 25c-40c, 7 days. Stage show. **Gross:** $6,000. (Average, $5,500)

**"MUSIC IN THE AIR" (Fox)**
RIVIERA—(1,200), 25c-40c, 7 days. **Gross:** $3,500. (Average, $3,500)

**"KENTUCKY KERNELS" (Radio)**
ORPHEUM—(2,000), 25c-40c, 3 days. **Gross:** $2,000. (Average for week, $4,000)

**"CAPTAIN HATES THE SEA" (Col.)**
ORPHEUM—(2,000), 25c-40c, 4 days. **Gross:** $2,400. (Average for week, $4,000)

**"THE GAY BRIDE" (M-G-M)**
TOWER—(1,000), 15c-25c, 7 days. **Gross:** $3,000. (Average, $1,500)

**"THUNDER OVER MEXICO" (Princippal)**
WORLD—(300), 25c-75c, 7 days. **Gross:** $2,000. (Average, $2,000)

## *Film Crowd at Races*

Hollywood, Dec. 27.—Approximately 35,000 attended the opening meet at the Santa Anita track at Arcadia. Many picture people, some of them owning stables, were present. The meet lasts 52 days when the Agua Caliente track will open.

# Shoppers Give Boston Takes Heavy Wallop

Boston, Dec. 27.—Christmas shopping hit downtown houses a terrific wallop with the total take down to $54,450. Average is $94,000.

Even the big Metropolitan with a normal take of $28,000 was down to $21,000 with "Music in the Air" and a stage show, "Color Rhapsodies."

Estimated takings for the week ending Dec. 20:

**"CHEATING CHEATERS" (Univ.)**
RKO BOSTON—(3,426), 25c-50c, 7 days. Stage: Ranny Weeks and 7 acts vaudeville **Gross:** $13,000. (Average. $17,500)

**"I AM A THIEF" (Warners)**
**"ONE HOUR LATE" (Para.)**
FENWAY—(1,800), 30c-50c, 7 days. **Gross:** $6,750. (Average, $9,000)

**"THE MAN WHO RECLAIMED HIS HEAD" (Univ.)**
KEITH'S MEMORIAL—(3,500), 35c-65c, 4 days. **Gross:** $5,000. (Average, $16,000)

**"PRIVATE LIFE OF DON JUAN" (U. A).**
**"MEN OF THE NIGHT" (Col.)**
LOEW'S STATE—(3.700), 35c-50c, 7 days. **Gross:** $12,000. (Average, $16,000)

**"MUSIC IN THE AIR" (Fox)**
METROPOLITAN — (4,350), 30c-65c, 7 days. Stage: "Color Rhapsodies." **Gross:** $21,000. (Average, $28,000)

**"I AM A THIEF" (Warners)**
**"ONE HOUR LATE" (Para.)**
PARAMOUNT—(1,800), 30c-50c, 7 days. **Gross:** $6,700. (Average, $9,000)

# 'Limehouse,' Show, $12,000, Montreal

Montreal, Dec. 27.—Loew's survived the Christmas shopping ordeal, coming out on top with $12,000 with "Limehouse Blues" and Cab Calloway on the stage. The Capitol changed pictures after four days, the new bill being featured by "Babes in Toyland" which drew $4,000 for three days.

The Palace take on "Behold My Wife" and "It's a Gift" was $8,000, while the Princess didn't do badly at $6,000 on "Our Daily Bread."

Total business was $35,500. Average is $40,500.

Estimated takings for the week ending Dec. 22:

**"GREAT EXPECTATIONS" (Univ.)**
**"WAKE UP AND DREAM" (Univ.)**
**(4 Days)**
**"BABES IN TOYLAND" (M-G-M)**
**"THE CASE OF THE HOWLING DOG"**
**(Warners) (3 Days)**
CAPITOL — (2.547), 25c-35c-40c-50c-60c. **Gross:** $4,000. (First 4 days.) **Gross:** $3,500. (Last 3 days.) (Average for 7 days, $9,500)

**"ALL QUIET ON THE WESTERN FRONT" (Univ.)**
IMPERIAL—(1,914), 15c-25c-35c. 7 days. Added: "Cavalier of the West." **Gross:** $2,000. (Average, $3,500)

**"LIMEHOUSE BLUES" (Para.)**
LOEW'S—(3,115), 30c-40c-45c-57c-75c, 7 days. Stage: Cab Calloway and Cotton Club Orchestra; Aida Ward; 5 Percolators; Elma Turner and Nicodemus. **Gross:** $12,000. (Average. $10.500.)

**"BEHOLD MY WIFE" (Para.)**
**"IT'S A GIFT" (Para.)**
PALACE—(2,600). 30c-34c-40c-50c-65c. 7 days. **Gross:** $8.000. (Average. $11,000.)

**"OUR DAILY BREAD" (U. A.)**
**"I'LL FIX IT" (Col.)**
PRINCESS—(2.272). 30c-35c-50c-65c. 7 days. **Gross:** $6.000. (Average, $6,000.)

## *Shirley Portland Hit*

Portland, Dec. 27.—"Bright Eyes" broke all Christmas day records at the Paramount with a take of $2,500. It is expected to set a new 1934 record for the week.

# VARIETY

**WHAM!** in CINCINNATI

**SWELL!** in SAN FRANCISCO

**SOCKO!** in PROVIDENCE

**SMACKO!** in BALTIMORE

**CAPACITY!** in BUFFALO

**SMASH!** in CHICAGO

SUCH LANGUAGE!

# EDDIE CANTOR
in SAMUEL GOLDWYN'S production of
# KID MILLIONS
with ANN SOTHERN · ETHEL MERMAN
BLOCK & SULLY and the GOLDWYN GIRLS

*Released thru*
UNITED ARTISTS

# "Jealousy," Show, $7,500, Kansas City

Kansas City, Dec. 27.—The seasonal slump produced another dull week. "Jealousy," with the only stage show in town, at the Tower, drew $7,500, up by $500. "Flirtation Walk" also withstood the holiday shopping spree and did $5,000 at the Mainstreet in four days of a second week. "It's a Gift" hit par, and other grosses slipped.

Total first run business, including two weeks' grosses at the Midland, was $33,600. Average is $39,000.

Estimated takings:

***Week Ending Dec. 17:***

**"FLIRTATION WALK" (F. N.)**
MAINSTREET—(3,100), 15c-25c-40c, 4 days, 2nd week. **Gross:** $5,000. (Average, 4 days, films only, $4,700.)

***Week Ending Dec. 18:***

**"THE GAY BRIDE" (M-G-M)**
MIDLAND—(4,000), 15c-25c-40c, 7 days. **Gross:** $8,000. (Average, $9,000.)

***Week Ending Dec. 20:***

**"IT'S A GIFT" (Para.)**
NEWMAN—(1,800), 25c-40c, 7 days. **Gross:** $6,000. (Average, $6,000.)

**"JEALOUSY" (Cal.)**
TOWER—(2,200), 25c, 7 days. Stage: "Barnyard Follies," with Polly Jenkins, Jack Randall & Co., Chain and La Mont, Ben Dova, Paul Spor, others. **Gross:** $7,500. (Average, $7,000.)

**"HELL IN THE HEAVENS" (Fox)**
UPTOWN—(2,000), 25c-40c, 8 days. **Gross:** $3,100. (Average, 8 days, $3,900.)

***Week Ending Dec. 23:***

**"THE PRIVATE LIFE OF DON JUAN" (U. A.)**
MIDLAND—(4,000), 15c-25c-40c, 5 days. **Gross:** $4,000. (Average, 5 days, $7,500.)

# "Divorcee" Is Denver's High For 2nd Week

Denver, Dec. 27.—"The Gay Divorcee" was a second week sensation despite the handicap of snow and Christmas shopping. The $5,500 take at the Denham was $1,500 over par for a first week.

"The Painted Veil" was also strong at the Denver, going $1,000 over the line on a $7,000 take, and "The Captain Hates the Sea" was $1,500 up on a $6,500 take at the Orpheum.

Total first run business was $22,500. Average is $20,500.

Estimated takings for the week ending Dec. 20:

**"GENTLEMEN ARE BORN" (F. N.)**
ALADDIN—(1,500), 25c-35c-50c, 7 days. **Gross:** $2,000. (Average, $2,500)

**"THE GAY DIVORCEE" (Radio)**
DENHAM—(1,500), 25c-35c-50c, 7 days, 2nd week. **Gross:** $5,500. (Average, $4,000)

**"THE PAINTED VEIL" (M-G-M)**
DENVER—(2,500), 25c-35c-50c, 7 days. **Gross:** $7,000. (Average, $6,000)

**"THE CAPTAIN HATES THE SEA" (Col.)**
ORPHEUM—(2,600), 25c-35c-50c, 7 days. **Gross:** $6,500. (Average, $6,000)

**"CHEATING CHEATERS" (Univ.)**
**"ADVENTURE GIRL" (Radio)**
PARAMOUNT—(2,000), 25c-40c, 3 days. **Gross:** $600.

**"DOWN TO THEIR LAST YACHT" (Radio)**

**"STRANGE WIVES" (Univ.)**
PARAMOUNT—(2,000), 25c-40c, 4 days. **Gross:** $900. (Average for week, $2,000)

# *Variety Club Chatter*

## *Albany*

Albany, Dec. 27.—Herman Ripps, M-G-M salesman, has been accepted as a new barker, and even at this early date is accepting all challenges over the pingpong table.

The names of Al. Marchetti and Jim Faughman were added to the house committee.

Ted O'Shea of the Buffalo Tent was a recent visitor as a guest of First Assistant Barker Ralph Pielow.

## *Cincinnati*

Cincinnati, Dec. 27.—The Christmas party staged for orphans at the Netherland Plaza Sunday was one of the outstanding events of the season. Committee consisted of H. J. ("Pop") Wessell, Jake Gellman and Billy Byrne.

At the ladies' night last Saturday, the club's new portable dance floor was appropriately dedicated. A "special pre-censored" picture also was screened.

The mother of Abe Lipp, dough guy, is confined to a local hospital with a serious ailment.

Lipp is spending the major portion of his time at home as result of his automobile having been struck by another car. Nothing serious.

Tent No. 3 is maintaining open house, afternoon and evening, through Jan. 1.

Al Shmitkin is now a Cincinnati barker, having been transferred from the Indianapolis tent. The same is true of Joe Oulihan, who has taken a demit from the Washington tent.

Weekly meetings hereafter will be held on Saturday afternoons instead of Monday noon as formerly. It is hoped that this change will tend to increase attendance.

New barkers welcomed into Cincinnati No. 3 include Donald G. Stanley, in charge of checking at Warners' local branch, and Harold Harris, doing publicity for Columbia pictures. The latter is a non-resident membership.

Stan Jacques, RKO-Radio manager, is the personification of perseverance and optimism in sprouting a so-called moustache.

## *Columbus*

Columbus, Dec. 27.—Barker Milton Caniff, who is now on the non-resident list, having been called to New York for Associated Press work some time ago, is just coming into the limelight with his comic strip Terry Pirates, which is being syndicated from coast to coast.

At the recent election of officers, Barker "Duke" Clark was presented a beautiful bronze scroll. Presentation was made by Chaplain Donald Tippett.

Joe Carr, president of the National Football Ass'n., has just been elected to membership. The roster is now complete with 75 active members, and there is no possibility of new members being taken in unless openings are made through transfers.

Barker John Olsen, of Olsen & Johnson, was a recent visitor in Columbus, having placed his son and daughter in Ohio State University.

## *Kansas City*

Kansas City, Dec. 27.—Barkers are now turning their attention to the New Year's eve party Tent No. 8 will put on at the Muehlbach. Ed Shanberg and Col. Harry Taylor, barkers in charge, say advance reservations presage a capacity attendance.

Shanberg has shaken the dust of these parts and is basking 'neath Florida skies, the guest of his brother, M. B.

Frank H. Cassil, St. Joe exhibitor, is the newest member welcomed into the tent.

Hal Roach, comedy producer, was introduced to the clubrooms recently by Chief Barker Frank Hensler.

H. M. Wilcox, vice-president of Erpi, held a get-together with the local Erpi crew at the club.

## *Pittsburgh*

Pittsburgh, Dec. 27.—Members of Tent No. 1 are elated by the fact that they have raised about $3,500 for their charitable undertakings by means of three broadcasts over KDKA.

Monday was Kiddies' Day for members' children and any poor children any member might care to bring in. Entertainment, prizes and food featured the party.

Sol Edwards of Educational has been made an associate member.

The new chief barker, M. J. Cullen, and other officers take over the reins of the club from Chief Barker Harry Kalmine of Warners on the 30th. The officers to serve for 1935 beginning Jan. 1 are: Chief Barker, Cullen; assistant chief barkers, Art Levy, and Frank Smith; property master, James G. Balmer; dough guy, L. G. Beinhauer; canvasmen, William Gardner, C. J. Latte, Joe Blowitz, George Tyson and Al Barnett; clowns to national convention, H. C. Lund, Drs. A. I. Wise and M. R. Goldman and J. B. Clark.

## *Washington*

Washington, Dec. 27.—Variety Club will establish a precedent on Feb. 4, when Mrs. Carter T. Barron, wife of Loew's eastern division manager, and Mrs. Gene Ford, wife of the manager of Loew's Fox, will act as "queens for a day."

A. E. Lichtman, chairman of the Christmas fund of the tent, has issued an urgent call for contributions, and it is expected that the barkers will respond generously.

The following have been appointed to serve as kings for a day at the forthcoming meetings:

Dec. 31—Luncheon cancelled, because of holidays.

Jan. 7—W. E. S. Wilcox and Gene Ford.

Jan. 14—Harry E. Lohmeyer and Leonard Schloss.

Jan. 21—Frank Scully and Pete Macias.

Jan. 28—Edward des Melcher and William C. Ewing.

Feb. 4—Mrs. Carter T. Barron and Mrs. Gene Ford.

# "Limehouse," Show Ruffle Capital Calm

Washington, Dec. 27.—"Limehouse Blues," and a stage bill headed by Molasses and January were the only attractions in town to do business last week. The $18,700 gross at the Earle was $1,100 over normal.

"The Painted Veil," playing a return engagement at Loew's Columbia, went $500 over the line for a take of $3,600, but every other first run took it on the chin.

Total first run business was $53,300. Average is $71,200.

Estimated takings for the week ending Dec. 20:

**"LIMEHOUSE BLUES" (Para.)**
EARLE—(2,218), 25c-77c, 7 days. Stage: Molasses and January, William Hall, Three Queens, Balabanow Five. **Gross:** $18,700. (Average, $17,600)

**"THE PAINTED VEIL" (M-G-M)**
LOEW'S COLUMBIA—(1,264), 25c-40c, 7 days (return engagement). **Gross:** $3,600. (Average, $3,100)

**"HELL IN THE HEAVENS" (Fox)**
LOEW'S FOX—(3,434), 25c-66c, 7 days. Stage: Estelle Taylor, Great Yacopis, Si Wills & Joan Davis, Helen Compton & Her Bryn Mawr Orchestra. **Gross:** $16,500. (Average, $20,500)

**"COLLEGE RHYTHM" (Para.)**
LOEW'S PALACE—(2,370), 35c-77c, 7 days, 2nd week. **Gross:** $5,600. (Average, $14,500)

**"MENACE" (Para.)**
METROPOLITAN — (1,591), 25c-40c, 7 days. **Gross:** $3,700. (Average, $4,100)

**"CHU CHIN CHOW" (Gaumont-British)**
RKO-KEITH'S—(1,836), 25c-55c, 5 days. **Gross:** $5,200. (Average, seven days, $11,400)

# Seattle Dull, But "Streak" Pulls $5,100

Seattle, Dec. 27.—With all but two houses shifting programs for Christmas openings after five-day runs, grosses were in a bad way last week. "The Silver Streak" at the Orpheum came nearest to par by taking $5,100.

"Kid Millions," in its second week at the Music Hall, sliped to $4,100. Total first run business was $27,250. Average is $36,000.

Estimated takings for the week ending Dec. 24:

**"ANNE OF GREEN GABLES" (Radio)**
BLUE MOUSE—(950), 25c-40c-55c, 5 days. 4th week, extended run from Music Hall. **Gross:** $2,800. (Average, 7 days, $4,000.)

**"FLIRTATION WALK" (F. N.)**
FIFTH AVENUE—(2,500), 25c-40c-55c, 5 days. **Gross:** $4,900. (Average, 7 days, $7,000.)

**"ONE NIGHT OF LOVE" (Col.)**
LIBERTY—(1,800), 15c-25c-35c-50c, 5 days, 8th week. **Gross:** $3,100. (Average, 7 days, $4,000.)

**"IMITATION OF LIFE" (Univ.)**
MUSIC BOX—(950), 25c-40c-55c, 5 days, 3rd week, extended run from Music Hall. **Gross:** $2,450. (Average, 7 days, $3,500.)

**"KID MILLIONS" (U. A.)**
MUSIC HALL—(2,275), 25c-40c-55c, 5 days, 2nd week. **Gross:** $4,100. (Average, 7 days, $6,500.)

**"SILVER STREAK" (Radio)**
ORPHEUM—(2,450), 25c-35c-50c, 7 days. Vaudeville headed by Kitty Doner. **Gross:** $5,100. (Average, $5,500.)

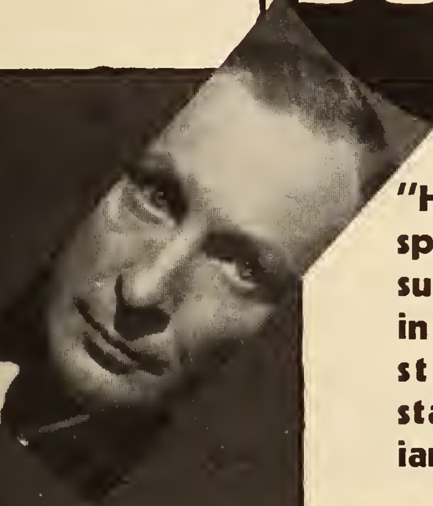
**"LIMEHOUSE BLUES" (Para.)**
**"BACHELOR OF ARTS" (Fox)**
PARAMOUNT—(3,050), 25c-35c, 7 days. Vaudeville headed by Mayer & Ray. **Gross:** $4,800. (Average, $6,000.)

"Intelligent, serious drama . . . gripping entertainment . . . to be one of the season's most talked-about productions!"
—*Motion Picture Herald*

"A dramatic offering of highest merit . . . absorbing intensity...suspense which will grip any audience. . . this offering hits the bullseye!"
—*Daily Variety*

# They mean BUSINESS!

"Fine and important picture . . . Universal deserves great credit...a picture that 6 months from now will be far ahead of the pack . . . give it everything!"
—*Hollywood Reporter*



"Highly dramatic... splendidly acted... superbly directed... in this finely written story the acting stands with brilliance!"
*Showmen's Round Table*

CARL LAEMMLE PRESENTS

**CLAUDE RAINS**

("The Invisible Man")

**JOAN BENNETT**

in

# THE MAN WHO RECLAIMED HIS HEAD

A UNIVERSAL PICTURE with

**LIONEL ATWILL**

**BABY JANE · HENRY O'NEILL**

**Henry Armetta** **Lloyd Hughes**

**Bessie Barriscale** **Carol Coombe**

Directed by EDWARD LUDWIG from the play by JEAN BART
Produced by CARL LAEMMLE, Jr.

"POWERFUL DRAMA . . . VIVIDLY HUMAN . . . SPLENDID CHARACTERIZATION . . . PROMISES TO TAKE RANK OF SEASON'S MOST DISCUSSED PICTURES"!
—*Motion Picture Daily*

# Levy Basing Optimism on Recent Gains

By **JULES LEVY**
*Vice-President, RKO Dist. Corp.*

While I do not believe in the conventional rose-colored view of the industry's New Year prospects which is customarily issued at this time each season, I do believe that today we have a basis of sound fact on which we can base an optimistic view of 1935.

Reports reaching me from all over the country indicate that Thanksgiving Week grosses were far ahead of last year's, showing that great box-office virility exists and that the business is there for us to get. I feel that there is a marked improvement in the quality of pictures, both from a box-office and an artistic point of view. Every major company has really big pictures to offer showmen.

Finally, it is my conviction that, with the quality of pictures now at their disposal, the issue is placed squarely before the country's exhibitors. By their efforts they can bring increased prosperity to the industry in the coming years.

## *Forest Work Shown In 6 Federal Films*

WASHINGTON, Dec. 27.—Completion of six features was announced here today by the Department of Agriculture.

Dealing with the activities of the department, the pictures, designed for use by farm and other interested organizations, depict the work of the Civilian Conservation Corps on erosion control, show the beaver, elk and porcupine "at home" and deal with questions of forest protection and development. Lectures on the subject dealt with have been dubbed into several of the pictures.

## *Charter RCA Mfg. Co.*

DOVER, Dec. 27.—RCA Manufacturing Co., Inc., has been incorporated here to deal in sound devices of all kinds, listing a capital of $100,000. The incorporators are Robert D. O'Callaghan, New York City; Williston Hurt, Jackson Heights, and Frank T. Zinn, Bronxville.

The new company is to take over the activities of RCA Victor Co. and RCA Radiotron Co. which have been consolidated under the new firm name and will begin operations Jan. 1. Officers of the two present corporations will be continued and the trade marks of each will remain undisturbed.

E. T. Cunningham is president of the new company and David Sarnoff is chairman of the board.

# *Schaefer Decries Strife; Hammons Hits Twin Bills*

By **E. W. HAMMONS**

(*Continued from page* 1)

actually been prohibited as yet in a comparatively few locations. But any illness has to be recognized first and a visit made to the doctor for a diagnosis before treatment can be started to effect a cure. The seriousness of the double feature has finally impressed itself on most people in the business and I believe we can look forward to further corrective steps being taken during 1935. Forward looking leaders among exhibitors, with the good of the whole industry at heart, can and undoubtedly will whip into line the few selfish ones who have blocked progress along these lines.

### Sees Short Subjects Menaced

Any further spread of the double bill habit would almost certainly have sounded the death knell of short subjects. And I take it that very few indeed will question the terrible effect on the whole business of any such development. For many years the short subject has furnished the spice and variety of entertainment, and much of the educational and cultural value of the screen. And, of course, every one in the picture business knows the importance of the short subject as a training ground for the big feature stars of tomorrow . . . the Charlie Chaplins, Harold Lloyds, Gloria Swansons, Shirley Temples, who but for the short subject might never be discovered or developed. One kind of short subject alone is sufficient to prove the case of the short subject as a great educational asset and as a big factor for the industry in meeting the demands of millions for more wholesome and more informative pictures. The travelogue alone is more responsible than any other thing for making the young American boy of today better informed on the character of other lands and other peoples, and therefore more tolerant, than was the most widely travelled man of 50 years ago.

### Calls Duals Cut Aid to All

All branches of the business, including producer and exhibitor alike, stand to gain by the curtailment of the double feature practice. I believe that this is finally acknowledged by a majority so big as to represent almost the entire body of the industry. I feel confident that the will of this vast majority must and will prevail and that restrictions on this evil habit will be enforced on a much greater scale during 1935. And so, with the general recovery to build on, I look for a much better year. Short subject producers, encouraged by the changing attitude toward double features, are already spending more money on their pictures and the pictures, better this season, will be still better next year. Features, with a great fall season to their credit, will most certainly keep up the progress. Box-office grosses must show an increase almost everywhere.

Everyone connected with motion pictures has reason aplenty to look forward to 1935 more cheerfully and more hopefully than they have greeted any new year since the depression began.

By **GEORGE J. SCHAEFER**

(*Continued from page* 1)

persistent is this in our industry that organized efforts are continually being made by a small minority to sway public and legislative opinion to one end only—that our industry as a whole will eventually suffer.

It is also a well-known fact that in the past the first run theatres in the first 400 cities of the United States paid 50 per cent of the gross film rental income. This percentage is rapidly decreasing and has now dropped to 40 per cent. Unless this condition is rectified one of two things must happen: Either the small fellow will have to absorb the difference, or quality will suffer.

Cost of operation continues to go up. The first run theatres which have a burden of heavy carrying charges must be permitted to charge a reasonable admission price and not have the unfair competition of having the same pictures shown immediately thereafter at an unfair differential and admission price. If that practice continues the entire structure will be undermined. The small fellow will suffer in the same proportion if quality is affected. In fact, the first run theatres must be kept in a healthy condition if the subsequent run theatres and the theatres in the small towns are to exist and if this industry is to prosper.

## *Akron Theatres Gaining*

AKRON, Dec. 27.—Theatres are showing definite signs of an upswing here, reflecting increased employment and wages in the rubber factories.

# Reports Show General Gain, Asserts Sears

By **GRADWELL L. SEARS**
*Western Sales M'g'r, Warners*

While I can't claim to be a psychic, I feel moved to prognosticate that 1935 will be even more prosperous for the makers, distributors and exhibitors of first-class pictures.

This is a time for hard work and concentration on the part of everybody in this industry, from the workers in Hollywood at one end of the line to the salesmen in the field and the theatre men at the other. Things all over the country are getting better. We can and we will take advantage of the improved conditions that are opening up to us new possibilities of achievement.

The entertainment business—and especially the motion picture business—is a human necessity. The entire public is our field, and with the public as a whole in a position to pay more conveniently for entertainment, the answer is obvious.

I believe we are going to have a Happy New Year.

# Trend Better In '35, Says George Weeks

By **GEORGE WEEKS**
*General Sales M'g'r, Gaumont British*

Material indications are that during 1935 the industry will definitely proceed further along the road towards recovery — toward box-office grosses substantially in excess of those of the past year. National improvement of economic conditions, coupled with an increasingly good grade of product, both foreign and domestic, will assure this, in my opinion.

That business is better than a year ago is a statement which, I believe, no one will dispute. Reports show that grosses are from 10 to 30 per cent improved with some exceptions, of course. With the entire country displaying an improved morale, due to new stability, general business conditions are bound to further right themselves during the new year and this improvement is certain to be reflected at the box-offices of the nation.

As far as this industry's jurisdiction goes, only one thing will give impetus to bigger grosses. That is—good audience entertainment.

Briefly, it's up to the studios, both here and abroad, to turn out pictures which possess those elements which satisfy picturegoers. Good taste must be exercised in the making of this product. Public insistence that high standards be adopted has evidenced itself in recent reform moves. Apart from this demand, the industry must broaden the box-office appeal of its attractions by using material which satisfies the entire family.

## *Famous Canadian to Give 5% Pay Raises*

TORONTO, Dec. 27.—Employes of Famous Players Canadian receiving $35 per week or less will have their salaries raised five per cent, effective Jan. 2. This restores their last five per cent cut.

Theatre managers will receive four per cent of any increase in gross profits for the season, to be paid at the annual convention here next August.

## *Lincoln Sees Vaude Gain*

LINCOLN, Dec. 27.—It is believed vaudeville will gain a second spot here after the first of the year at the Varsity, a Westland house. Present stand is at the Orpheum, a J. H. Cooper house. The two factions are warring in four states. Cooper has most of the good picture product in this situation. When the move is made both spots probably will run two full weeks. Four days is the limit now. Westland is trying to operate two houses, one a split week spot, on the output of Columbia and Gaumont British and a few independents.

# FIRST FIVE HOURS ON OPENING DAY

# 11,694

## ADMISSIONS

***as wind-swept, shivering crowds storm doors of***

**RADIO CITY MUSIC HALL**

*to see*

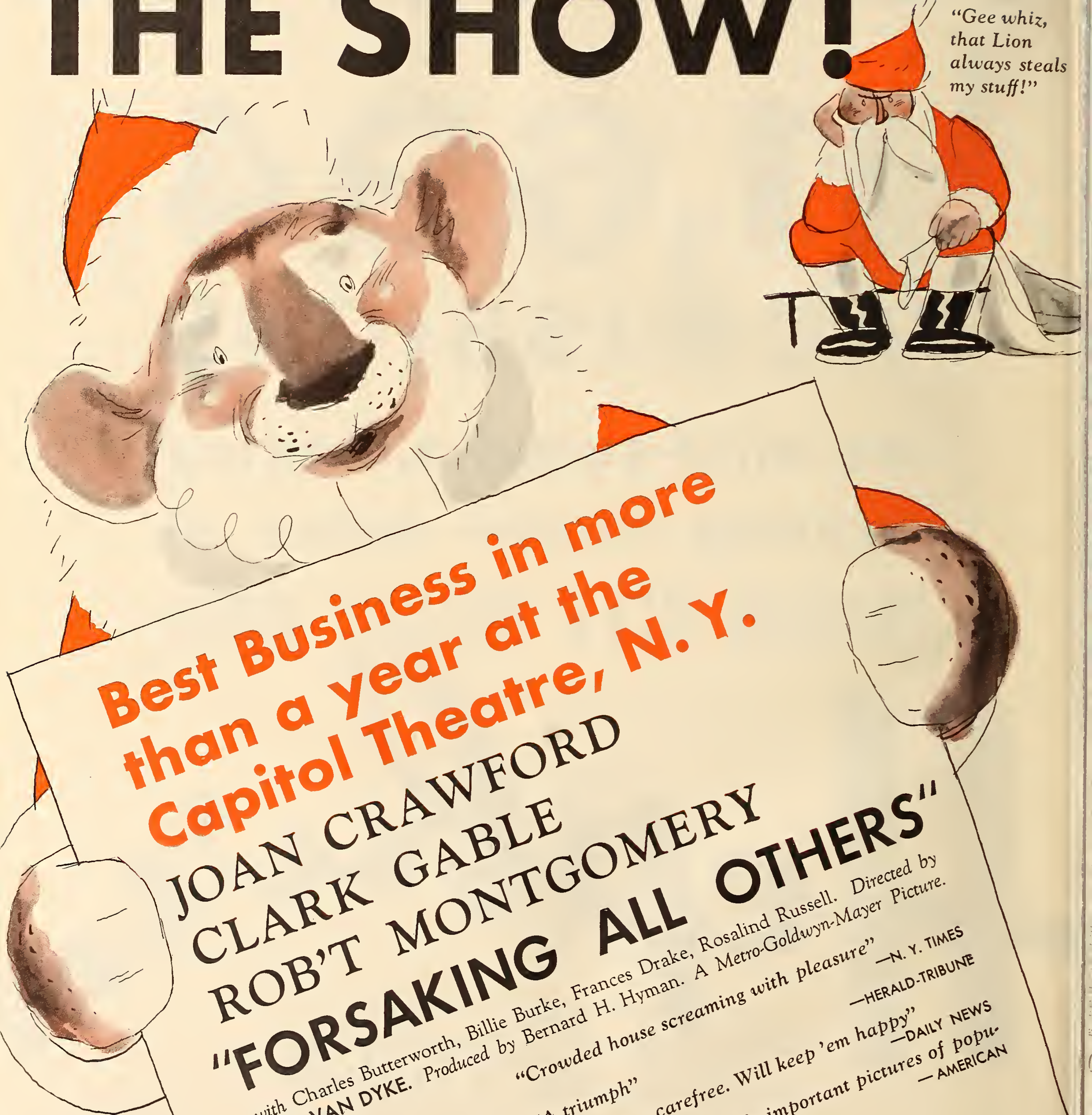
# Hepburn

SIR JAMES M. BARRIE'S

## "THE LITTLE MINISTER"

RKO-RADIO PICTURE

# LEO STOLE THE SHOW!


"Gee whiz, that Lion always steals my stuff!"

**Best Business in more than a year at the Capitol Theatre, N. Y.**

JOAN CRAWFORD
CLARK GABLE
ROB'T MONTGOMERY

## "FORSAKING ALL OTHERS"

with Charles Butterworth, Billie Burke, Frances Drake, Rosalind Russell. Directed by **W. S. VAN DYKE.** *Produced by* Bernard H. Hyman. A Metro-Goldwyn-Mayer *Picture.*

*"Crowded house screaming with pleasure"* —N. Y. TIMES

*"A triumph"* —HERALD-TRIBUNE

*"Merry, gay, carefree. Will keep 'em happy"* —DAILY NEWS

*"First rate among really important pictures of popular approval".* —AMERICAN

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VOL. 36. NO. 152 NEW YORK, SATURDAY, DECEMBER 29, 1934 TEN CENTS

## Para. Hearing Off for Study Of Court Data

### *Creditors' Counsel Get Delay to Jan. 10*

After a second day of testimony involving formal proof of statements contained in the Paramount Publix plan of reorganization, Federal Judge Alfred C. Coxe yesterday adjourned the hearing to Jan. 10 to provide creditors' attorneys an opportunity to examine a number of voluminous reports filed with the court during the day by the Paramount trustees.

The reports filed include one on the status of pending litigation begun by the trustees; one on the status of the claims filed against Paramount and a report on executory contracts of the debtor, Paramount Publix. So pertinent to the reorganization proceedings were they held to be by Archibald

(*Continued on page* 4)

## Majority Served in Para. Trustee Suit

More than half of the defendants named in suits being brought by the Paramount Publix trustees for accountings in connection with operations of the Paramount employes' stock purchase plan of 1929 to 1932 have been served and will be required to file answers within the next few weeks, it was learned yesterday.

Among defendants who have been served are Jules E. Brulatour, Harold

(*Continued on page* 4)

## *Tri-Ergon Wants to Widen Para. Claim*

A motion by American Tri-Ergon for leave to amend its claim against Paramount Publix for alleged infringement of the flywheel patent also will be heard by Federal Judge Alfred C. Coxe, Jan. 4. The claim involving the double print patent is for an indeterminate amount, as will be the flywheel patent claim in the event the amendment is allowed.

## *Omaha Men Protest Newspaper's Shows*

OMAHA, Dec. 28.—A committee representing local exhibitors plans to call upon Henry Doorly, publisher of the Omaha *World-Herald*, in protest

(*Continued on page* 2)

*Be assured of dependable delivery and ship via National Film Carriers, Inc.*—Adv.

## Lewen Pizor Again Heads Penn. MPTO

### *Members Pledge Support Of Indie Production*

PHILADELPHIA, Dec. 28.—Lewen Pizor was re-elected today as president of the M.P.T.O. of Eastern Pennsylvania, Southern Jersey and Delaware after an absence of one year from office, succeeding Charles Segall.

Ben Fertel was elected financial secretary and George P. Aarons and Mike Lessy were re-elected as secretary and treasurer. Vice-presidents are Mike Egnal, Harold D. Cohen and Joe Conway, and board members are Segall, Ed Jeffries, Abe Sablosky, Leonard Schlessinger, Luke Gring, Morris Gerson, Fred Leopold, Morris Handle, Mort Lewis, I. Hoffman, Lew Felt, Norman Lewis, Forman Corbett, Arthur Smith, Joseph Schwartz, George Gravenstine, George Kline and Ben Amsterdam.

One of the developments of the meeting was a pledge to support independent production by having each member agree to purchase independent

(*Continued on page* 2)

## Webb in 1st Div. To "Give Advice"

Stuart Webb said last night that he had become chairman of the First Division board because a number of men interested in the company felt that his advice would be useful.

"There's nothing mysterious or secret about it," he said. "I had something to do with bringing *Time* and First Division together for distribution of the March of Time news-magazine reel, and First Division has

(*Continued on page* 2)

## *Columbia Asks for Stock Registration*

WASHINGTON, Dec. 28.—Application for registration under the Securities Exchange Act of 1934 of two Columbia issues was announced today by the Securities and Exchange Commission.

One of the applications is by Columbia Pictures, Harry Cohn, et al, as voting trustees, for registration on the New York Stock Exchange of voting trust certificates for 5,023 shares of no-par common stock. The other is by Columbia Pictures for registration on the New York Curb Exchange of 4,340 shares of no-par common stock.

### *Claim New Record*

**"Little Minister" established a new opening day record at the Music Hall Thursday, with 23,495 admissions and a gross of more than $14,000 for the day, RKO Radio reported yesterday. The attendance bettered the old record, held by "Little Women," by more than 1,000 admissions, it was said.**

**Portland, Dec. 28.—Despite heavy rain, the Orpheum today opened with "Little Minister" grossing $2,000. Long lines of standees waited in the rain all day.**

## Theatres in Europe Dull, States Lange

Theatre conditions in all countries on the Continent are generally bad and only outstanding pictures, few and far between, make money, Fred W. Lange, general manager on the Continent for Paramount, stated yesterday. Conditions in these countries have gone back to the days we had in the United States several years ago, he said. Since last April there has not been one outstanding American picture on the Continent, the only pictures drawing above average having been two native produced attractions, Lange stated.

In Germany theatre business is better than in any other country on the Continent, the Paramount foreign executive declared. Because of the few American pictures shown in this country, the results have been good for the few shown. In Sweden local-made films are doing very well and there have been some that have been shown

(*Continued on page* 4)

## *Bars Missouri Tax On Interstate Ads*

KANSAS CITY, Dec. 28.—Advertising placed in Missouri newspapers and publications by agencies and advertisers outside the state is not subject to the state sales tax of one-half of one per cent, Judge Brown Harris in Circuit Court here has ruled.

The decree was in a suit brought by Kansas City newspapers to test a ruling of the state auditor. The tax on advertising placed by accounts in Missouri is absorbed by the papers in most instances.

## Campi to Rule On Selective Contract Row

### *Unfair Buying Method, Appeals Group Told*

Selective contracts, because of the power given to purchasers, are unfair and exchanges do not want to sell them, but are forced to do so in some instances, Louis Nizer, attorney for Morris Kutinsky of the Community, Queens Village, L. I., stated yesterday before a Campi appeal committee comprising W. C. Michel, Max Levinson and A. J. Mertz.

Nizer appeared for Kutinsky in an overbuying case against A. H. Schwartz's Queens, same village. A decision in favor of Kutinsky was handed down by the New York grievance board, but was appealed by Schwartz. Mitchell Klupt acted for the Queens.

In his opening statement, Nizer stated "there is nothing wrong with selective contracts, but when Schwartz buys this way with every company he is using this method as a device to choke off Kutinsky. The way Century circuit has bought, it is impossible for the Community to get pictures," Nizer said, adding that "Paramount wanted to sell Kutinsky a split

(*Continued on page* 4)

## Four Features Set For Day's Program

Residents of Queens Village are in for a treat Monday. Four top line features are scheduled on one program at the Queens, A. H. Schwartz unit. The show is broken up into two parts. Starting at 2 o'clock will be "The White Parade" and "The Last Gentleman." At 6 o'clock "The

(*Continued on page* 4)

## *Operator Scales Up For Further Talks*

Another meeting of the NRA fact finding committee to discuss further the basic wage scale for local operators is slated for today at Campi. With Compliance Director Sol A. Ro-

(*Continued on page* 4)

### *No Paper Tuesday*

***Motion Picture Daily*** **will not publish New Year's Day, Tuesday.**

MOTION PICTURE DAILY

(Registered U. S. Patent Office)

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MAURICE KANN
Editor
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Advertising Manager

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## *Omaha Men Protest Newspaper's Shows*

(*Continued from page* 1)

against the newspaper's invasion of the amusement field. Last month the publication sponsored a local engagement of the San Carlos Opera, which in four days played to an attendance of 15,000. The newspaper is now understood booking in other attractions.

Everet R. Cummins, district manager for A. H. Blank, called exhibitors to a protest meeting yesterday.

## *Defer AFA Vaude Plan*

Development by the American Federation of Actors of plans for establishment of traveling vaudeville units to play cities where no vaudeville is offered currently has been delayed by the illness of Ralph Whitehead, A. F. A. executive secretary, but may be concluded early next week, it was stated at A. F. A headquarters yesterday. The move is being discussed as a means of reviving interest in vaudeville in localities from which it has been withdrawn by theatre operators, according to A. F. A.

## *Mirisch Father of Girl*

MILWAUKEE, Dec. 28.—Harold J. Mirisch, Warner district manager of the Wisconsin zone, is the father of a daughter born Christmas day. The new arrival weighed seven and a half pounds and both she and her mother are reported doing well.

## Lewen Pizor Again Heads Penn. MPTO

(*Continued from page* 1)

films several days each year. A committee to secure the pledges is headed by Lessy.

Another committee was appointed to confer with the I.E.P.A. on the possibility of a merger. All previous moves along this line have failed. The committee includes Jim Clark, Gring, Handle, Martin Ellis and Joe Conway.

Segall reported an agreement with Operators' Local 307 through Lew Krause whereby service charges will be cut.

The grievance committee on rentals was retained. It was decided to ask Ed Kuykendall for clarification of the cancellation clause and an increase of the cancellation privilege from 10 to 20 per cent.

## *Lowell Sherman, 46, Dead of Pneumonia*

HOLLYWOOD, Dec. 28.—Lowell Sherman, 46, died of a lung congestion today at Cedars of Lebanon Hospital, to which he had been taken three days ago suffering from pneumonia. His mother survives. He had half finished directing "Becky Sharp" for Pioneer when stricken.

## *Vincent Lynch Passes*

CHICAGO, Dec. 28.—Vincent Lynch, well known theatre owner and operator of the Tiffin, Alamo and York, passed away this week following a lingering illness. Lynch had been at a sanitarium for some time.

## *Fox Moves in Boston*

BOSTON, Dec. 28.—Fox's new exchange building here was formally opened today. Tom Baily was present along with Edward Callahan and John Scully, local managers for Fox and Gaumont British respectively.

## *Sells Talmadge Series*

Ajax Pictures Corp. has sold the Dick Talmadge series of six to be released in 1935 to Times Pictures Corp. for greater New York distribution.

## Webb in 1st Div. To "Give Advice"

(*Continued from page* 1)

for some time been handling product in which Pathe is interested.

"Harry Thomas continues as head of the company and can take my advice or leave it as he sees fit."

In the trade it has been known that Webb was a factor in bringing the *Time* project to First Division. For some time Pathe had had more or less close relations with First Division on film printing contracts and attendant affairs.

The *Time* connection was an obvious consequence of a series of negotiations which found most of the major distributors with existing newsreel commitments, either involving their own reels or in playing time trades with contemporaries in circuit theatres. *Time* to get "in" had to buy an independent avenue.

It was about this time that Nicholas S. Ludington and William M. L. Fiske, III, acquired an interest in the company.

Webb's assumption of the chairmanship follows closely the appointment of Amos Hiatt, since 1931 assistant secretary and treasurer of Pathe News, subsidiary of RKO, as vice-president of First Division.

## *Ellman Near a Deal With First Division*

CHICAGO, Dec. 28.—Negotiations whereby Henri Ellman will represent First Division in this territory are expected to be closed next week when contracts are slated to be signed.

Ellman has returned from New York where he attended the first convention of First Division at the Park Central. Harry H. Thomas, president, was here recently looking over exchange quarters.

## *Monday Office Closings*

The Columbia, First Division, Paramount and Warner home offices will be closed Monday and indications are that others will follow suit. Radio will dismiss its employes early. The Hays office will remain open all day.

## *Eastman Leads Rise on Big Board*

(*Quotations at the close of Dec. 28*)

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 38 | 37¼ | 38 | +1¼ | 300 |
| Consolidated Film Industries | 6 | 5⅞ | 5⅞ | + ⅛ | 700 |
| Consolidated Film Industries, pfd | 20⅛ | 19¾ | 20 | + ¼ | 1,600 |
| Eastman Kodak | 111½ | 110¼ | 111½ | +1¾ | 1,400 |
| Fox Film "A" | 13½ | 13⅜ | 13½ | + ½ | 200 |
| Loew's, Inc. | 35 | 33⅞ | 35 | +1⅜ | 3,000 |
| Loew's, Inc., pfd | 104⅛ | 104⅛ | 104⅛ | + ⅝ | 100 |
| Paramount Publix | 3¼ | 3¼ | 3¼ | + ⅛ | 3,300 |
| Pathe Exchange | 1¼ | 1⅛ | 1⅛ | ..... | 900 |
| Pathe Exchange "A" | 15 | 13⅞ | 15 | +1½ | 3,000 |
| RKO | 2½ | 2⅜ | 2⅜ | ..... | 2,600 |
| Warner Bros. | 4⅜ | 4⅛ | 4⅜ | + ⅜ | 2,800 |
| Warner Bros., pfd | 21 | 21 | 21 | +(½ | 8,000 |

## *Curb Issues Show Slight Gains*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13 | 12¾ | 13 | + ¼ | 1,000 |
| Trans Lux | 2½ | 2½ | 2½ | + ⅛ | 600 |

## *Keith Bonds Climb One Point*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 8⅜ | 8⅜ | 8⅜ | + ⅝ | 1 |
| General Theatre Equipment 6s '40, ctf | 8¾ | 8½ | 8¾ | + ¾ | 7 |
| Keith B. F. 6s '46 | 73 | 71½ | 73 | +1 | 9 |
| Loew's 6s '41, ww deb rights | 105¼ | 104⅞ | 105¼ | — ½ | 14 |
| Paramount Broadway 5½s '51 | 45⅜ | 45¼ | 45⅜ | — ⅛ | 5 |
| Paramount F. L. 6s '47 | 61⅞ | 60½ | 61⅞ | +1⅛ | 18 |
| Paramount Publix 5½s '50 | 62 | 60½ | 61⅞ | +2⅝ | 46 |
| Pathe 7s '37, ww | 100¾ | 100¾ | 100¾ | + ¼ | 1 |
| Warner Bros. 6s '39, wd | 58⅞ | 57½ | 58½ | + ⅞ | 15 |

## *◀ Purely Personal ▶*

JACQUES KOERPEL of Eureka Prod. has sold Mexican rights to "Forgotten Men" to Dr. HETOR DE MANJARREZ, with Hungarian distribution acquired by William Mezai & Co. of Budapest. "Jungle Killer" has been sold to Company Pelliculas Uruguayan for distribution in Uruguay and Paraguay.

GERALD BROOKS and DR. JULIUS KLEIN, members of the new board of Paramount, and FRANK A. VANDERLIP, head of the principal Paramount bondholders' committee, were interested galleryites at the hearing on the reorganization plan in Judge Alfred C. Coxe's courtroom yesterday.

ARTHUR LOEW, DAVID LOEW, E. B. HATRICK, FELIX FEIST, MARTIN QUIGLEY, MONROE GREENTHAL, JACK ALICOATE, SAM BERGER, CHARLES MOSKOWITZ, JOE VOGEL, LOUIS NIZER, PHIL REISMAN and SAM DEMBOW all lunched at the M. P. Club yesterday.

WILLIAM FAIT, who recently closed a deal to distribute Monogram product in Brazil, sails on the *American Legion* for Rio de Janeiro on Jan. 5 with prints of the first six productions contracted for.

BENJAMIN MIGGINS, European director of Fox Movietone News, and JACQUES CHARLES, producer in France of "Folies Bergere," depart today aboard the *Ile de France.*

JOHN REINHARDT gets in from the coast tomorrow to direct "The Day That She Loved Me," Spanish-language film being made by Exito Corp. for Paramount release.

JOE LEE sails on a Mediterranean cruise Feb. 11. He will undergo another throat operation before he takes the trip.

WILLIAM SHAPIRO is back in town.

LEE OCHS is on a diet.

## *Flash Preview*

*Life Begins*—Produced with montage effects and startling camera angles, the film moves from a mild start to a breath-taking finish, revealing an amazing discovery so powerful and truthful that this high point transcends all else.

*This film will be reviewed in full in a later issue of* MOTION PICTURE DAILY.

## *S. R. Kent Delays Trip*

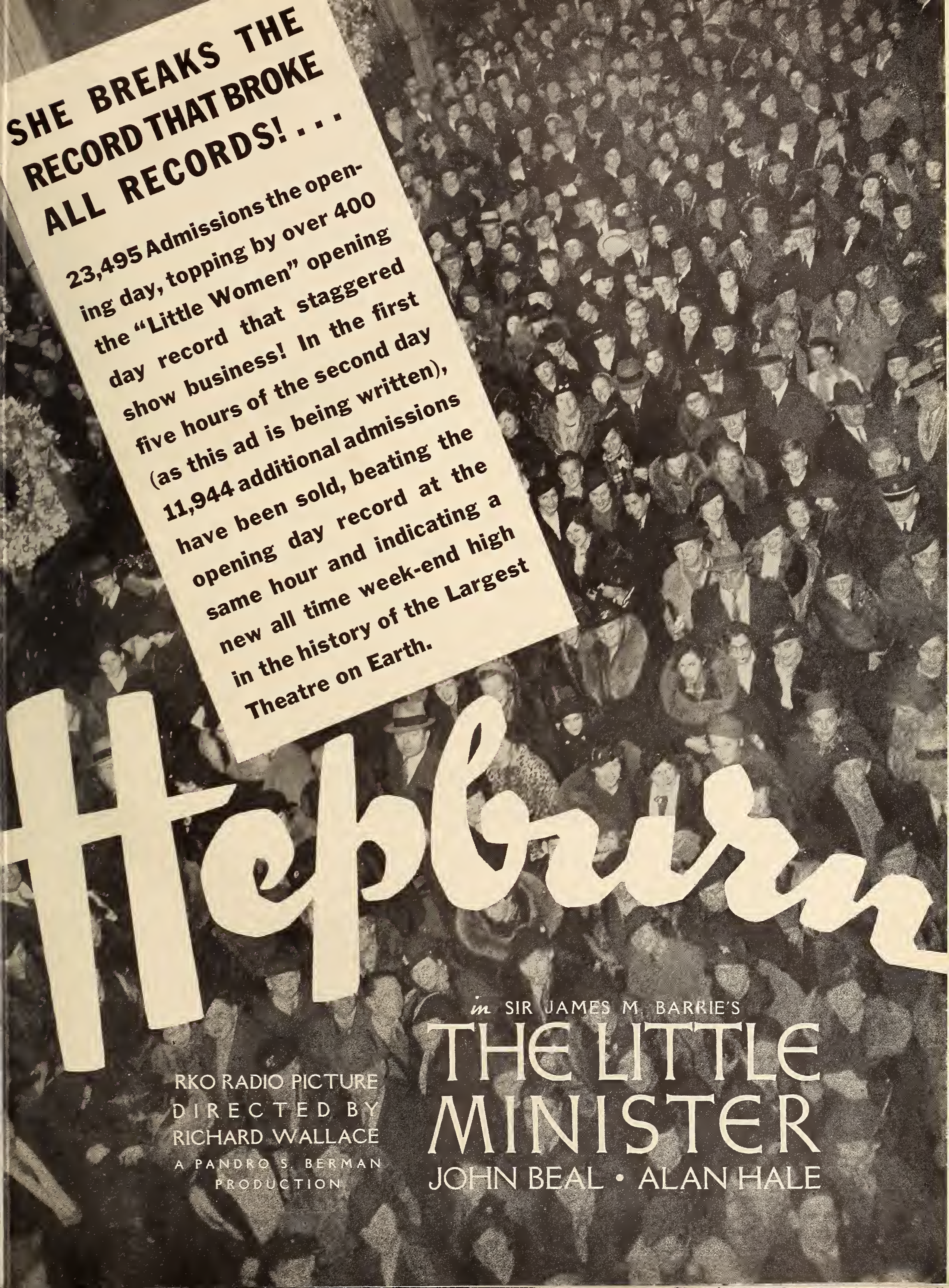
S. R. Kent, Fox president, slated to leave for the coast today, has put the trip off until the early part of next week. Dan Michalove, who had planned to accompany Kent, has changed his plans and may go later.

## *Carr Starts East Jan. 2*

HOLLYWOOD, Dec. 28.—Trem Carr will start east Wednesday to confer on Monogram's films for next season, which he now believes will total 52, with only six left on the current schedule.

## *Pick Frolic Directors*

Louis K. Sidney, Loew executive and production chief at the Capitol, will supervise the next Friars' Frolic, which will be held at the Majestic Feb. 24. Fred Block is manager of the entertainment.



## SHE BREAKS THE RECORD THAT BROKE ALL RECORDS! . . .

**23,495 Admissions the opening day, topping by over 400 the "Little Women" opening day record that staggered show business! In the first five hours of the second day (as this ad is being written), 11,944 additional admissions have been sold, beating the opening day record at the same hour and indicating a new all time week-end high in the history of the Largest Theatre on Earth.**

# Hepburn

*in* SIR JAMES M. BARRIE'S

# THE LITTLE MINISTER

JOHN BEAL • ALAN HALE

RKO RADIO PICTURE
DIRECTED BY
RICHARD WALLACE
A PANDRO S. BERMAN
PRODUCTION

# Para. Hearing Off For Study of Data

(Continued from page 1)

Palmer, counsel for undisclosed interests, and Nathan Burkan, counsel for the merchandise creditors' committee, that these two requested an adjournment of 30 days to examine the reports. Samuel Zirn, counsel for a small group of Paramount bondholders, who, with Palmer, has furnished the only opposition to the plan to date, advocated a two weeks' adjournment, while committees favorable to the plan sought one week.

Walter B. Cokell, Paramount treasurer, the the only witness called yesterday. He identified and explained numerous items contained in the balance sheets appended to the reorganization plan. He was cross-examined at great length by Palmer, who attempted to show that Paramount's cash position on reorganization would be such that the proposed assessment on stockholders would be unnecessary. The $2 stock assessment is calculated to raise $6,500,000. Cokell stated that he believed it was necessary because of the plan's provisions for a $5,100,000 cash payment to the creditor bank group, to meet the expenses of reorganization and to provide operating revenue, since new bank credits would not be immediately available to Paramount. The company has approximately $17,000,000 cash on hand.

### Hits Lack of Warranties

Palmer criticized the lack of warranties by the trustees or the reorganization committees for the financial statements contained in the plan and sought to show that without them the statements were no more than unofficial estimates. Some of the statements concerning assets, Cokell admitted in reply to questioning, were estimates based on probable receipts from companies such as Saenger and Olympia, as a result of their impending reorganization.

Palmer asked authorization to call the trustees, Charles D. Hilles, Eugene W. Leake and Charles E. Richardson; Percy Johnston of the creditor bank group; Duncan Harris of the bondholders' committee; Robert Goelet or Robert Dowling of the Paramount Broadway bond committee, and Duncan Holmes of the stockholders' committee, for questioning as to why they believed the plan to be a good one for the company. Judge Coxe denied the application, stating that "argument would show whether or not the plan was a good one" and that "it didn't make any difference whether bankers, lawyers or trustees were on the stand."

Palmer also advocated divorcing of the Paramount Broadway reorganization plan from the Paramount Publix plan, of which it is a part. Monroe Goldwater, counsel for trustees of Allied Owners, one of the largest Paramount creditors, stated that his interests were "particularly interested" in the Broadway plan, but added that they were making no objections to it now. Malcolm Sumner, counsel for Broadway bondholders, stated that he believed the Paramount reorganization would be speeded if carried on separately from that of Paramount Broadway, but was agreeable to leaving the decision on a separation up to the court. Zirn favored the Broadway plan as it stands and as a part of the Paramount plan, he said, adding that his principal objections to the latter were centered on the amount of the cash payment which the plan provides shall be made to the bank group.

Burkan reminded that his committee has not yet approved of the Paramount plan, indicating the possibility of objecting later to some of its phases.

# Majority Served in Para. Trustee Suit

(Continued from page 1)

B. Franklin, Sir William Wiseman, Adolph Zukor, Sidney R. Kent and Eugene Zukor. Associates of Kuhn, Loeb & Co., in addition to Wiseman, are also being served in connection with the actions which ask for accountings of actual or potential profits in connection with the stock purchase plan and any resultant loss which may have been incurred by Paramount as a result of it.

Separate actions for recovery of salaries or bonuses in excess of a reasonable amount are also being pressed by counsel for the trustees against Zukor, Jesse L. Lasky, Sam Katz, Ralph Kohn and Kent. A trustees' report on the status of all pending litigation instituted by them was filed with Federal Judge Alfred C. Coxe yesterday in connection with hearings on a plan of reorganization for the company.

The name of Maurice Newton of Hallgarten & Co., a former Paramount director, has been eliminated from the list of defendants in the contemplated stock actions after having been included earlier through an error on the part of the trustees' counsel, Root, Clark, Buckner & Ballantine.

# *Para. May Do Three Pictures in Sweden*

Paramount is considering production of two to three pictures in Sweden, in addition to eight planned at the Joinville Studios in Paris. The Swedish films are planned for this season's schedule with a native producer making them for the company.

Whether Paramount will engage an outside producer for the French series has not yet been decided, but in any event they will be made at the Joinville plant under supervision of Ike Blumenthal, in charge of the studio. The company does all its French "dubbing" at the Paris studio and actual production by the company has been at a standstill for the last few years. "Dubbing" of German, Spanish and Italian versions is done in those countries by outside companies.

# *Para. Trustees to Request Rehearing*

An application for a rehearing of the Paramount Publix trustees' petition for allowances is expected to be filed with Federal Judge Alfred C. Coxe within the next two weeks, it was learned yesterday.

The trustees, Charles D. Hilles, Eugene W. Leake and Charles E. Richardson, the latter since resigned, filed applications for allowances of $100,000 each, which were reduced to $32,500 by Judge Coxe on the grounds that the new bankruptcy law fixes trustees' fees on the basis of a percentage of moneys expended by them in administering a bankrupt estate.

# European Theatres Dull, Says Lange

(Continued from page 1)

as long as 16 weeks in one theatre. Scandinavia generally is not badly off. Theatres in France, Italy and Spain are not doing well, he said.

Believing that political uncertainties are straightening themselves out, Lange sees a turn for the better during the 1935-36 season. He said all companies plan to distribute more pictures than ever before. Paramount releases a maximum of 45 on the Continent. In some countries this number is less because of difficulty in "dubbing." About 30 films will be released in Italy, 28 in France and 45 in Scandinavia.

Censorship problems also enter into the Continental situation and in some countries the censors have such weird angles for condemning pictures that it works a hardship on the distributor.

"The foreign market, however, is getting more important every day," Lange declared.

Here with his daughter for home office conferences and a vacation, Lange plans to sail for home on Jan. 12.

# Four Features Set For Day's Program

(Continued from page 1)

Gay Divorcee" and "Captain Hates the Sea" go on.

While this is unusual for the Queens Morris Kutinsky can't get a single feature for the Community, a block away, Louis Nizer, attorney for Kutinsky, stated yesterday at a code appeal hearing on overbuying charges against Schwartz. Shorts and newsreels are also included.

# *Operator Scales Up For Further Talks*

(Continued from page 1)

senblatt aboard the *Empress of Britain* on a West Indies cruise, it is believed Deputy Administrator William P. Farnsworth will attend.

It is understood that many of the details of the temporary agreement reached earlier in the week have to be worked out and that exhibitors and the I. A. T. S. E. are far from an accord on the final scale.

Rosenblatt returns Jan. 7.

# *G. B. Men Hear Rosy Reports at Chicago*

CHICAGO, Dec. 28.—Encouraged by word from Aaron Jones of Jones, Linick & Schaefer on business done on "Chu Chin Chow" during its two weeks at the McVickers and the further word from Jones that "Power" opened strong, middle west sales representatives of Gaumont British Pictures held an enthusiastic sales meeting at the Blackstone hotel.

Arthur A. Lee declared that the encouraging reports from Jones constituted a better message than any he might venture and aside from his predictions on the outlook for 1935 already given MOTION PICTURE DAILY, he would say only that he felt G. B. had a fine sales organization.

In addition to Lee, George Weeks and L. J. Schlaifer are here from New York. Schlaifer will proceed to Atlanta for the next sales conference.

# Campi to Rule on Selective Contracts

(Continued from page 1)

of this season's pictures, but Schwartz wanted all."

Nizer then declared that if Schwartz exercises the power of his selective agreement with Paramount, Kutinsky will be held up a year before he can get a release. Nizer said a slow and deliberate selection will close the Community. He also held that exchanges lose money on this type of contract and in this instance "they are in the clutches of Century circuit's buying power." It was pointed out later that out of the 25 houses Schwartz buys for only seven have selective compacts.

Klupt, in rebuttal, held that in most of the contracts titles, stars and stories are not mentioned. In others no production numbers are listed to guide the exhibitor. He stated that under selective deals, Century can look at the picture to see if it wants it or not, otherwise the circuit could not know where it was at. He admitted that the circuit pays for the privilege of selection, but this does not prevent distributors from selling the difference between the selected number and total pictures released.

### Century's Product Revealed

According to figures introduced, Century has a selection of 42 of 51 from M-G-M, 44 of 64 from Paramount, 44 of 60 from Warners-First National, 40 of 56 from Fox, 20 of 42 from Universal, and 18 of 49 from Columbia, a group of 208 out of a total of 322 to be released. In addition, one U. A. film has been purchased.

The lower board held that all over 250 films should be released to Kutinsky forthwith. Klupt insisted that Century was obligated to play only 209 pictures and therefore was not overbought. Nizer then stated that in addition to the 63 leftovers from last season, Century had around 275.

Levinson pointed out that if Schwartz wanted to exercise his rights under the Paramount contract he could take the first 44 releases that came along, which would not make a single film available to Kutinsky until the last one was dated.

Nizer declared that last year the plaintiff had 193 films while Schwartz had only 176, of which five were on a selective basis.

# *Campi Again Passes Up Clearance Issue*

Convinced the present method of handling clearance and zoning problems by individual protest does not necessitate immediate action on schedules, Campi Thursday tabled the subject until the next meeting, devoting practically all day to internal problems, amendments to the code and decisions on numerous appeals.

# *Roy Hunter in New Post*

HOLLYWOOD, Dec. 28.—Roy Hunter, head of Universal's laboratory, scheduled to close on Jan. 1 under the recent deal calling for Consolidated to do all of the company's processing, goes to Consolidated's Santa Monica Boulevard plant as superintendent. Coincidentally Darryl Zanuck is transferring his print work to the M-G-M laboratories and Walter Wanger to the Paramount plant.

The Leading Daily Newspaper of the Motion Picture Industry

# MOTION PICTURE DAILY

Alert, Intelligent and Faithful Service to the Industry in All Branches

VOL. 36. NO. 153 NEW YORK, MONDAY, DECEMBER 31, 1934 TEN CENTS

# Saenger Loses 122 Theatres To 4 Circuits

## *Paramount's Splitup in South Is Detailed*

Four Paramount theatre subsidiaries in the south and southwest have their operations increased by 122 theatres which are withdrawn from the Saenger circuit under the decentralization program carried out in the Saenger plan of reorganization, it was learned Saturday.

The Wilby-Kincey circuit has assigned to it 42 houses in North Carolina and Virginia which were formerly a part of the Saenger interests; Jefferson Amusement Co., operated by Sol Gordon and Joseph Clemmons of Beaumont, Tex., receives 45 former Saenger theatres in Texas; Central Florida Theatres, operated by E. J. Sparks, receives 23 theatres, and Publix-Saenger-Sparks Corp., also

*(Continued on page 2)*

## Hope for New FWC Setup Next Month

Progress on absorption of other Wesco subsidiaries is expected now that the Federal Court in Los Angeles has approved sale of assets to National Theatres Corp. Unless an appeal by Marshall Square Theatres of San Francisco and Harry L. Hartman of San Diego from approval of the sale order by U. S. District Judge George Cosgrove holds up reorganization plans of the circuit, the Fox West Coast group will be operating under the new setup by the end of

*(Continued on page 2)*

## *Yamins Slated for Allied Reelection*

Nathan Yamins is slated to be reelected president of the Independent Exhibitors of Mass. at the annual meeting of the unit on Jan. 8 at the Statler in Boston.

Members of the organization are in favor of continuing Yamins in his post and highly compliment his work in connection with the code. More than 100 are expected to be on hand for the one-day meet.

## *Free Shows Stopped In Boston Theatres*

Free shows in Boston are virtually at an end, Max Levinson, alternate for Nathan Yamins on Campi, stated Saturday prior to his departure for

*(Continued on page 6)*

## *Mexican Law Places Industry Under Exclusive Federal Rule*

**Mexico City, Dec. 30.—All phases of the film industry will be placed under Federal supervision under the terms of a bill just passed by Congress.**

**The sponsor of the measure contends this will be a benefit to the industry, as Federal jurisdiction will assure uniformity of regulations, taxes, etc., throughout the country. At present, there are innumerable Federal, state and municipal regulations.**

# KMTA Closely Watching Two Legislatures

KANSAS CITY, Dec. 30.—Legislative representatives of the Kansas-Missouri Theatre Ass'n are keeping a vigilant eye on the capitals of the two states with a view to protecting the industry against adverse legislation when the general assemblies swing into action. The Missouri legislature convenes Jan. 2 and the Kansas body Jan. 8.

John C. Stapel, K.M.T.A. president and prominent in state Democratic

*(Continued on page 6)*

# Mexico Is Hit By the Start Of Free Show

By JAMES LOCKHART

MEXICO CITY, Dec. 30.—Free show problems have hit this city. A savings bank has leased the Cine Principal, recently converted for film use, and is running a series of free Sunday morning shows. Holders of pass books get in without payment.

The programs are made up of second run American features and six shorts. The stunt is clicking with the

*(Continued on page 6)*

# *Business Revival Forecast; One Exhibitor Body Urged*

By EMMETT THURMON
*Sec'y, Counsel, Rocky Mountain Theatre Owners Ass'n*

DENVER, Dec. 30.—The participants, as a whole, in the theatre industry are to be congratulated upon the wonderful stride that has been made within the last year. There have been produced and exhibited more and better pictures that appeal to the general public than have ever been produced in any one year. The production of cleaner family pictures has been the trend. It seems to have been recognized that it is essential, for the fu-

*(Continued on page 6)*

By M. E. COMERFORD
*Circuit Operator*

SCRANTON, Pa., Dec. 30.—In the very nature of things, some difficulty attaches to anything that may suggest even a good guess. We are very definitely affected by what is left of the general depression.

As our revenue comes from the ability of the people to spend after they have supplied their more pressing necessities, any degree of exhaustion of the public purse is felt in a definite way by the theatres.

*(Continued on page 6)*

**Clayton P. Sheehan, John W. Hicks, Jr., Arthur W. Kelly, Joseph H. Seidelman and Charles R. Rogers talk about 1935 on page 8.**

# Propose 75¢ As Hourly Low In Booth Wage

## *30-Hour Week Part of Plan for N. Y.*

By CLARENCE LINZ

WASHINGTON, Dec. 30.—A minimum booth cost of 75 cents an hour for theatres seating from 400 to 600 where admissions are 25 cents or less is a major proposal in the tentative agreement designed to bring solution to the troublesome operator situation in the New York area.

This and other scales were made public Saturday by Deputy Administrator William P. Farnsworth and will be discussed at a public hearing, originally set for Jan. 10, but now set back one additional day because of the Campi meeting in New York on the first named date.

The rate increases 25 cents an hour with each increase of 200 seats until a rate of $5 an hour is provided in houses of 3,800 to 4,000 capacity. The scale is 10 cents an hour higher than the base for houses with 30 cents admissions, 15 cents higher for theatres charging 35 cents and 25 cents higher for houses charging 40 cents or more.

*(Continued on page 3)*

## No Code Breach Is Found at Hamilton

WASHINGTON, Dec. 30.—Decision that no violation of the code was involved in the acquisition by the Glove City Amusement Co. of the Hamilton, Hamilton, N. Y., operated for a number of years by W. C. Smalley, was yesterday rendered by the National Compliance Council.

The case, brought under the "interference with lease" provisions of the code, reached Washington after the

*(Continued on page 3)*

## *Report British Busy On Stereoscope Film*

Experiments being carried out by Gaumont British and Imperial Chemical Industries may result in the showing of stereoscopic films within two years, according to Joan Littlefield,

*(Continued on page 6)*

## *No Paper Tomorrow*

***Motion Picture Daily* will not publish tomorrow, which is New Year's Day.**

MOTION PICTURE
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## *"Heart" and Waring, Paramount, $55,000*

First week of Fred Waring and his orchestra on the stage and "Here Is My Heart" on the screen was good for $55,000 at the Paramount. The Rivoli, with the first seven days of "The Mighty Barnum" behind it tallied $37,000 for the period.

"Forsaking All Others" is headed for a $70,000 week at the Capitol. For the first three days the take was $34,000. Four days of "The Band Plays On" was brutal at $4,500. "Music in the Air" at the Palace garnered about $7,000, while the second week of "Hell in the Heavens" at the Mayfair ended with $11,000. The Astor is no heartache for Walter Reade. For the second week of "Babes in Toyland," the tally was $10,500, and despite the fact that Loew opened the picture at the New York at a smaller admission, Reade intends to keep Laurel & Hardy at his house as long as the gross keeps up. The Mayfair last week dropped to a 55 cents top, the same as the Roxy. This also holds for the Astor.

## *Greenblatt in New Job*

Arthur Greenblatt today assumes operation of General Pictures Exchange, moving Greenblatt Exchange into General's quarters in the Film Center Bldg. Phil Meyer moves over to the Fox exchange to assume management of Gaumont British sales in the local territory.

## Saenger Loses 122 Theatres To 4 Circuits

(*Continued from page* 1)

operated by Sparks, receives 12 theatres of the former Saenger holdings in Florida.

Saenger Theatres, itself, which prior to its 1932 receivership operated or had interests in 167 theatres in eight states, is reduced to 45 houses in six states under the decentralization program. Saenger is completely divested of its operating interests in North Carolina and Virginia, while its former holdings in Texas are reduced to two houses at Texarkana; in Florida, to two at Pensacola; in Arkansas, to three; in Alabama, to four; in Louisiana, to eight, and in Mississippi, to 26. Paramount holds a 50 per cent interest in Saenger, with the remaining 50 per cent held by E. V. Richards, the operator. Paramount also holds a 50 per cent interest in the Wilby-Kincey circuit, Jefferson Amusement Co. and Central Florida Theatres, and a two-thirds interest in Publix-Saenger-Sparks.

## *Hatrick West Again Soon*

E. B. Hatrick, in charge of Hearst's film interests, leaves for the coast again the latter part of January. He returned last Monday after setting "Page Miss Glory" as Marion Davies' first under the new Warner deal. His next trip west will be in connection with getting set on other films Miss Davies and Cosmopolitan Prod. will make this season.

## *Disney Plans Expansion*

HOLLYWOOD, Dec. 30.—Walt Disney has made an application for a permit to erect an additional building to house artists and other studio help at his studio on Hyperion Ave.

## *Japan Plans Reel Action*

TOKYO, Dec. 30.—Plans to prevent newsreels from depicting the Japanese in an unfavorable light are being made by the film bureau of the Foreign Office.

## Hope for New FWC Setup Next Month

(*Continued from page* 1)

January. As yet Spyros and George Skouras have not signed the 10-year joint operating contract.

In addition to taking over assets of Fox West Coast, National will acquire all Wesco subsidiary units, including Fox Rocky Mountain and Fox Midwest. These two units are expected to be taken out of bankruptcy by the end of March. New companies have already been formed to replace them. Associated Theatres will supplant Fox Rocky Mountain and Fox Midcontinent will replace Fox Midwest.

Spyros Skouras leaves for the coast the latter part of January, while S. R. Kent, president of National, departs either today or tomorrow.

## *Sichelman Heading New Fox Sales Unit*

With the creation of a new foreign division to handle distribution of all pictures made outside of the Hollywood studios, Clayton P. Sheehan, Fox general foreign manager, has appointed Jack Sichelman head of the new department. Sichelman for the past two years has been managing the Fox Movietone News bureau. He has taken over his new duties. The newly created branch of the foreign department will handle Spanish, French, German and British films acquired by the company in addition to all "dubbed" pictures.

Irving Maas continues as assistant foreign manager. Harry Mersay, who assisted Sichelman in his former post, has been promoted to head of the Fox Movietone News statistics bureau.

## *Harry McMahon Married*

PITTSBURGH, Dec. 30.—Harry McMahon, chief projectionist at Warners' Kenyon on the Northside, and Mary Stanley of Fairmont, W. Va., have been married here. McMahon is a member of Variety Club.

## *Para. to Start Drive*

Paramount tomorrow starts a three months' sales drive.

## ◂ *Purely Personal* ▸

ARCHIE FEINBERG, general sales manager of U. S. Air Conditioning Corp., is making temporary New York headquarters at the International Seat Co. offices in the Paramount Bldg. pending the opening of a new U, S. office here for Kooler-Aire sales.

HAROLD F. CLARK, advertising and promotion man with MacFadden publications, has been named assistant to CARROLL RHEINSTROM, advertising manager of MacFadden's women's group and *Photoplay*.

MAURICE SIGLER, AL HOFFMAN and ALBERT GOODHEART, songwriters, who have been working for Gaumont-British in London, are on their way home on the *Washington*.

ARTHUR HAMMER is now general representative for the Photocolor Studio and Laboratories of Irvington-on-Hudson.

MAX LEVINSON left for Boston Saturday after spending three days, two of which were taken up with code matters, here.

PAUL MUNI, accompanied by MRS. MUNI, arrives here Wednesday from the coast on the *Santa Elena*.

NATHAN YAMINS is in Bermuda. He returns to Fall River, Mass., the end of the week.

J. P. MEDBURY'S "Crazy People" has been bought by Paramount for GEORGE BURNS and GRACIE ALLEN.

SAM MOROSS left yesterday for Atlanta to spend the holiday with relatives.

BOB HOPE has completed work in another Vitaphone musical, "Say When."

SIDNEY and LEO JUSTIN return from a southern vacation cruise on Jan. 4.

## *Open at Hickory, N. C.*

HICKORY, N. C., Dec. 30.—Formal opening of the new Carolina theatre here was attended by dozens of civic and business leaders of this section and hundreds of people unable to crowd into the theatre were turned away. John F. Miller is owner and operator.

In the afternoon of opening day a reception was held and over 5,000 called. Hickory's population is only 12,000.

## *Goldstone Starts Jan. 2*

HOLLYWOOD, Dec. 30. — "Typee," Phil Goldstone's first for M-G-M, will go into production Jan. 2. After a two weeks' shooting schedule at the studio the entire unit will leave for a two months' location trip to the south seas.

## *Max Young Recovers*

CANTON, Dec. 30.—Max Young, 50 per cent of the firm of Young and Reinhart, operating the McKinley, State and Mozart, again is back on the job after a six months' illness.

## *Penner's Next Selected*

HOLLYWOOD, Dec. 30.—Joe Penner's next for Paramount will be "Joe College."

## *Consolidated Off Half on Big Board*

(*Quotations at the close of Dec.* 29)

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Columbia Pictures, vtc | 37⅞ | 38½ | 38⅞ | + ⅞ | 300 |
| Consolidated Film Industries | 6 | 5⅞ | 5⅞ | ..... | 600 |
| Consolidated Film Industries, pfd | 19⅞ | 19½ | 19⅞ | — ½ | 700 |
| Eastman Kodak | 112¾ | 111½ | 112½ | +1 | 900 |
| Eastman Kodak, pfd | 121 | 121 | 121 | ..... | 3,000 |
| Fox Film "A" | 13¾ | 13½ | 13¾ | + ¼ | 1,000 |
| Loew's, Inc. | 35⅜ | 34¾ | 34¾ | — ¼ | 3,500 |
| Paramount Publix, cts | 3⅜ | 3¼ | 3⅜ | + ⅛ | 4,100 |
| Pathe Exchange | 1¼ | 1⅛ | 1¼ | + ⅛ | 700 |
| Pathe Exchange "A" | 15⅝ | 15 | 15 | ..... | 1,900 |
| RKO | 2½ | 2⅜ | 2⅜ | ..... | 600 |
| Warner Bros | 4⅝ | 4½ | 4⅝ | + ¼ | 1,400 |
| Warner Bros., pfd | 21¼ | 21¼ | 21¼ | + ¼ | 1,000 |

## *Technicolor Has Quarter Rise on Curb*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| Technicolor | 13½ | 13¼ | 13¼ | + ¼ | 200 |
| Trans Lux | 2¾ | 2½ | 2½ | ..... | 400 |

## *Pathe Bonds Gain 1¼ Points*

| | High | Low | Close | Net Change | Sales |
|---|---|---|---|---|---|
| General Theatre Equipment 6s '40 | 8⅜ | 8⅜ | 8⅜ | ..... | 3 |
| Keith B. F. 6s '46 | 73½ | 73½ | 73½ | + ½ | 1 |
| Loew's 6s '41, ww deb rights | 105¼ | 105 | 105 | — ¼ | 4 |
| Paramount F. L. 6s '47 | 61⅞ | 61⅞ | 61⅞ | ..... | 3 |
| Paramount Publix 5½s '50 | 62 | 62 | 62 | + ⅛ | 8 |
| Pathe 7s '37, ww | 102 | 101½ | 102 | +1¼ | 4 |
| Warner Bros. 6s '39, wd | 58¾ | 58¾ | 58¾ | + ¼ | 8 |

# Propose 75¢ As Hourly Low In Booth Wage

*(Continued from page 1)*

For theatres seating more than 4,000, regardless of admission, the rate is $6 an hour.

It is explained in the schedule that the figures given are the rate per hour that the theatre is in operation, and no operator shall work more than 30 hours a week. Where booth cost on Oct. 1, last, was less than $60 a week, the minimum booth cost shall be $60 a week, but where booth cost on Oct. 1 is reduced, the reduction shall not be more than 33 1/3 per cent a week. Exceptions may be made by an arbitrator or arbitration board which may be provided for collectively.

The proposed schedule is to exist for a period of 10 years, subject to collective revision at stated intervals, the first revision to be no sooner than two years from the date of enactment.

### Fight on Minimum Seen

Independent exhibitors are understood planning to go to Washington on Jan. 11 to fight the proposed 75 cents per hour booth minimum. Many of the booths are now being operated at costs considerably less than those contained in the proposed agreement and efforts to increase operators' wages will be contested vigorously, it is reported.

The fact-finding committee, which prepared the schedule, met again over the week-end at Campi headquarters to go over details of the plan. Some of the members are understood not in accord, particularly independents, and efforts are being made to revise the schedule prior to the Capitol hearing.

## *No Code Breach Is Found at Hamilton*

*(Continued from page 1)*

regional board at Albany and Code Authority had found themselves unable to deal with it. The matter was heard Dec. 20 before the compliance board, which rendered the following decision:

"Complainant has not sustained the burden of proving that respondent knowingly and intentionally interfered with pending negotiations between complainant and his landlord pertaining to or affecting the possession, operation or occupancy of the Hamilton Theatre, Hamilton, N. Y., for the purpose of preventing the consummation of such negotiations so as to deprive complainant of continued operation, possession or occupancy of such theatre.

"Upon the basis of the evidence submitted, the compliance council does not find a violation of the code as charged, and, therefore, recommends that the case be closed."

## *ITOA Plans Work on Clearance Schedule*

Plans are under way by the I.T.O.A. to draw up a clearance and zoning schedule for the local territory, now that the labor situation is nearing a settlement, it was indicated by Harry Brandt, president, on Saturday.

While he would not dilate on the subject at this time, Brandt some time ago stated that as soon as a basic wage scale is set the unit would sign the code and ask for a schedule. The proposed schedule is understood to be directed at Loew's, which, the unit claims, has excessive protection in practically all its situations. Resolutions hitting Loew's protection have been scheduled at two I.T.O.A. meetings, but have not come up, the belief being that demand for a revision of the entire zoning situation would preclude a direct attack on the major circuit.

# MOTION PICTURE DAILY'S HOLLYWOOD PREVIEW

## *"Life Begins"*

*(Universal)*

Hollywood, Dec. 30.—This is a roadshow, and just as March of Time dramatizes fact news via radio for intense interest, Dr. Eugene Frenke, in a daring film departure, picturizes Dr. Robert Cornish's world famous experiment of bringing a dead dog to life.

Charged with human drama and unique thrills, the story visualizes the scientist's (Onslow Stevens) love for his son (George Breakstone) and the boy's love for his dog (Scooter). The plot is heart appealing, climaxed by Dr. Cornish's actual laboratory performance.

Produced with montage effects and startling camera angles, the film moves from a mild start to a breath-taking finish, revealing an amazing discovery so powerful and truthful that this high point transcends all else.

Stevens and Breakstone render fine performances, with the cast including Lois Wilson, Stanley Fields, Frank Reicher, Richard Carle and a group of youngsters all good.

The story is by Frenke and James Hogan and the screen play by Arthur Horman and John Woodrich, with dialogue by Mary McCarthy and Wolfe Gilbert. Robert Planck photographed well.

Coming on the publicity flood describing Dr. Cornish's amazing experiments plus a production deviation from the beaten path and the dramatic power of the idea itself, the film should stimulate real business provided plenty of elbow grease is used in attracting crowds, as word of mouth will provoke subsequent trade. This out of the ordinary film demands out of the ordinary exploitation. Production Code Seal, No. 425. Running time, 60 minutes. "G."

# *Looking 'Em Over*

## *"Beast of Borneo"*

*(Du World)*

Set this down as a mediocre film, which, aside from a synthetic thrill or two, has little to offer in the way of real entertainment. Its appeal seems to be directed primarily at the juveniles. There is not one cast name that might be used as a selling argument. The story is routine, with small regard for plausibility. Photography and settings are no better than adequate, while the actors struggle valiantly but to little avail with the material at hand.

A doctor (Eugene Sigaloff) goes to Borneo with his woman assistant (Mae Stuart) in search of a grown orang-outang on which he wishes to try certain of his experiments. He becomes jealous of his guide (John Foster), an American engaged in capturing animals for zoos. Foster barely escapes death when he is carried off by a giant orang-outang after he has been struck unconscious by the doctor, Miss Stuart comes to his rescue and the doctor dies in the embrace of the beast.

There is a measure of fun provided by the antics of a trained chimp. The jungle scenes may hold some interest, regardless of whether they are authentic or not.

Harry Garson directed. No code seal. Running time, 64 minutes. "G."

## *Hollywood Personals*

**Hollywood, Dec. 30.—Gene Raymond's beautiful red and white Christmas cards a sensation . . . also Jean Harlow's pure white ones. . . . Charles MacArthur off for New York. . . . Madge Evans on her way to Broadway via train. . . . Jack Conway posing for passport pictures prior to sailing for England. . . . E. B. De Groot, executive of the Boy Scouts of America, sends a personal letter of congratulations to John Considine, Jr., for his production, "Sequoia." . . . The dancing team of Veloz and Yolanda doing roles in Paramount's "Rumba" as well as instructing George Raft and Carole Lombard in the rumba. . . . William Faversham spotted in "Becky Sharp" by Pioneer Prod. . . .**

# "Veil" Beats Bad Chicago Holiday Drop

Chicago, Dec. 30.—Cold weather and snow put more than the usual dent in Christmas business, but in spite of this "The Painted Veil" ran up to the $18,000 mark at the Roosevelt in 11 days. This is $7,000 over par for a week.

"Bright Eyes" did well with a stage show at the Chicago, getting $35,000. The only other attraction to do better than fair, however, was "Chu Chin Chow," with $10,000 at the McVickers in its second week.

Total first run business was $99,000. Average is $130,600.

Estimated takings:

***Week Ending Dec. 24:***

**"THE PAINTED VEIL" (M-G-M)**

ROOSEVELT — (1,591), 25c-35c-50c, 11 days. **Gross:** $18,000. (Average, $11,000)

***Week Ending Dec. 27:***

**"PURSUIT OF HAPPINESS" (Para.)**

ORIENTAL—(3,940), 25c-40c, 7 days. Stage: Gus Van, Ted Cook band, Alton Girls. **Gross:** $15,000. (Average, $15,000)

**"BRIGHT EYES" (Fox)**

CHICAGO—(4,000), 25c-50c-68c, 7 days. Stage: B. & K. Christmas Festival, Proske's Tigers. **Gross:** $35,000. (Average, $34,600)

**"THE GAY BRIDE" (M-G-M)**

GARRICK—(900), 25c-35c-40c, 7 days. **Gross:** $5,000. (Average, $5,000)

**"CARAVAN" (Fox)**

PALACE—(2,509), 25c-35c-50c, 7 days. Stage: Milton Berle, Baby Rose-Marie, Pat Rooney. **Gross:** $20,000. (Average, $22,000)

***Week Ending Dec. 28:***

**"KID MILLIONS" (U.A.)**

UNITED ARTISTS—(1,700), 30c-40c-60c, 7 days, 3rd week. **Gross:** $11,000. (Average, $17,000)

**"FLIRTATION WALK" (F.N.)**

APOLLO—(1,400), 25c-35c-50c, 7 days, 4th Loop week. **Gross:** $8,000. (Average, $12,000)

***Week Ending Dec. 25:***

**"CHU CHIN CHOW" (Gaumont British)**

McVICKERS—(2,284), 25c-35c-50c, 7 days, 2nd week. Stage: Shakespearean Plays. **Gross:** $10,000. (Average, $9,000)

***Week Ending Dec. 29:***

**"ONE EXCITING NIGHT" (Univ.)**

STATE-LAKE — (2,776), 20c-25c-35c, 7 days. Stage: Joe Larry, Jr Revue. **Gross:** $12,000. (Average, $15,000)

# "Toyland" on Dual $5,000 Omaha Lead

Omaha, Dec. 30. — Most of the Christmas week business downtown was centered at the Orpheum. A combination of "Babes in Toyland" and "Home on the Range" ran $500 over normal for a total of $5,000.

Total first run business was $10,400. Average is $9,500.

Estimated takings for the week ending Dec. 24:

**"MARIE GALANTE" (Fox)**
**"REDHEAD" (Monogram)**

WORLD—(2,200), 25c-40c, 5 days. Gross: $2,800. (Average, $2,500)

BRANDEIS—(1,200), 20c-25c-35c, 5 days. **Gross:** $2,600. (Average. $2,500)

**"FUGITIVE LADY" (Col.)**
**"WEDNESDAY'S CHILD" (Radio)**
**"BABES IN TOYLAND" (M-G-M)**
**"HOME ON THE RANGE" (Para.)**

ORPHEUM—(3,000), 25c-40c, 4 days. **Gross:** $5,000. (Average, $4,500)

## *Extras Ask New Rate*

Hollywood, Dec. 30.—The extras standing committee has recommended to Washington that a minimum of $10 a day be set for riding actors and that this clause be inserted in the code.

# BARNUM, YOU

# "COLOSSAL!"
# "STUPENDOUS!"
# "GIGANTIC!"

# WALLACE
# BEERY

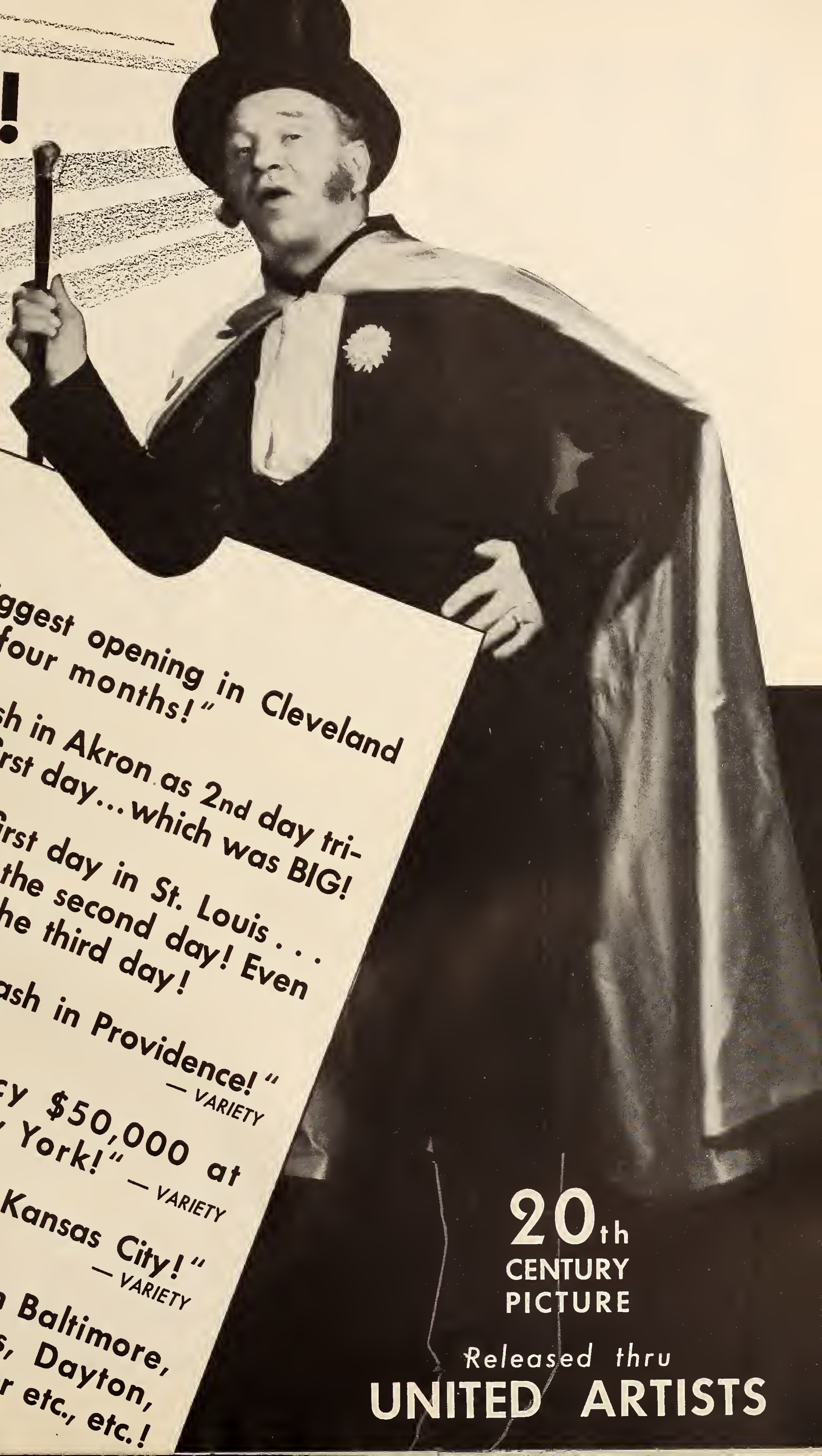
in

# THE MIGHTY
# BARNUM

**A DARRYL F. ZANUCK Production**

**PRESENTED BY JOSEPH M. SCHENCK**

# AID IT!



"Biggest opening in Cleveland in four months!"

Smash in Akron as 2nd day triples first day...which was BIG!

Great first day in St. Louis... BIGGER the second day! Even BIGGER the third day!

"A Real smash in Providence!" — VARIETY

"Hitting fancy $50,000 at RIVOLI, New York!" — VARIETY

"Strong gross in Kansas City!" — VARIETY

nd just as big in Baltimore,
ston, Columbus, Dayton,
risburg, Rochester etc., etc.!

**20th CENTURY PICTURE**

*Released thru*

**UNITED ARTISTS**

# Mexico Is Hit By the Start Of Free Show

*(Continued from page 1)*

bank's depositors and exhibitors are worrying about a spread of the idea.

* * *

Cinelandia, devoted exclusively to shorts from noon to midnight, has been opened in a business building. This is the first house of the kind in Mexico. French and German two-reelers have made up the programs so far. Arcady Boytler, French actor and director, heads a group of Mexican men behind the venture.

* * *

Mexican producers are continuing to show a fancy for 10 and 12-reel historical films. The latest to be announced is a drama based on the life and deeds of Netzahualcoyotl, poet and king of the Texcocans.

* * *

Shock pictures are going over big here. An outstanding example is the reception being accorded "Forgotten Men" at the Cine Principal. Capacity crowds are the rule day and night at 28 cents. A heavy exploitation campaign preceded the showing.

## *Free Shows Stopped In Boston Theatres*

*(Continued from page 1)*

home after three days in New York. He said an agreement has been reached with Scott's Furriers to switch tryouts for ether shows from the Boston Opera House to one of the local theatres with the completed air program staged in a radio broadcasting station.

New England independents objected to Scott's free admissions to the opera house during the tryouts, claiming that this type of gratis show has hurt theatre attendance. The fur concern has agreed to put on the tryouts at one of the local theatres where admissions are charged for the regular show. The tryouts will be an added attraction for which no increase in admissions will be charged, Levinson said. Whether the test performances will be put on at one theatre or routed has not been determined.

## *Stanley Returns to Shows in Pittsburgh*

PITTSBURGH, Dec. 30.—After two months of straight pictures, the Stanley will return to stage shows, temporarily at least, the week of Jan. 11 when Jack Benny comes here at the head of his own unit. His wife and air partner, Mary Livingston, will be with him.

## *Marcus Takes House*

INDIANAPOLIS, Dec. 30. — Manny Marcus has taken over management of the Capitol. The house is operated by the Central City Amusement Co., of which Carl Niesse is general manager.

## *Oscar Bradley to Coast*

HOLLYWOOD, Dec. 30.—Oscar Bradley, recently signed as musical supervisor by Fox, arrives here within the next two weeks to assume his new duties.

# *Business Revival Forecast; One Exhibitor Body Urged*

### By EMMETT THURMON

*(Continued from page 1)*

ture success of the industry, that the children be brought back to the theatre in order that they may grow up "movie-minded."

The theatre code has moulded a few of the broken links in the production, administration and exhibiting ends of the industry. The code is not perfect by any means and has not accomplished all it was hoped for. There has been much chiseling and manipulation to avoid the spirit and purpose thereof. Local exhibitors should be given a greater reign and control of the exhibition end of the industry. Local conditions are different and, therefore, need the ingenuity, experience and knowledge of local exhibitors to formulate plans, methods and means of better handling the situations. The various boards set up under the code are not rendering the impartial and fair administration of the various things that come within their jurisdiction as was anticipated. It is hoped that these errors and mistakes may be corrected in the near future.

It is evident that the various representatives of the producers, distributors and exhibitors are beginning to more thoroughly understand and appreciate the necessity of a close and mutual interest of each other than ever before. Yet, there is much to be accomplished along this line. Live and let live is still a fundamental necessity in the industry.

#### Urges One Exhibitor Body

One of the greatest necessities, insofar as the exhibitors are concerned, is one national organization that will represent the exhibitors honestly, fairly and for the interest of all. It is quite difficult to accomplish any great good when the exhibitors fuss, fight and disagree among themselves as to a national policy. A united front with all guns directed on a strategic point is vital.

The Federal laws pertaining to copyrighted music should be changed in order that the exhibitors and producers should not be overburdened with unreasonable, unjust and detrimental fees, licenses and taxes. This can be accomplished when our senators and congressmen thoroughly understand the situation and they can be made to understand if the exhibitors co-operate in a body to present their cause.

Fundamentally, there isn't anything wrong with the industry. It is a wonderful enterprise and essential to the welfare and contentment of the public. It affords the cheapest and best entertainment possible. The business is not a racket, but a legitimate industry, worthy of the most serious consideration of our best minds. Many individuals deserve much credit for the valuable work, effort and good judgment which they have used in building up this great business thus far. If we profit by the mistakes of yesterday, tomorrow will be filled with pleasant surprises; if the unworthy can be eliminated and quality substituted therefor, the industry will survive and build on to greater heights.

### By M. E. COMERFORD

*(Continued from page 1)*

I feel, however, that we will experience a real revival in business during the coming year. Every indication now points that way. The appreciation in the value of securities, the advance in orders along the major industrial lines and other tangible evidences of increasing public confidence sustains the conviction that as a nation we are getting back on our feet.

In that relation it is also very reasonable to conclude that the bigger business elements will come into more complete harmony with the announced purposes of the national government. As these policies have also been made a part of the official programs of about 43 states, including all of the major commonwealths, we can, with much hope, look for business revivals of a very definite nature.

All of this will be mutual. American business leaders are reasonable. They are also patriotic and, in the main, have no desire to oppose the policies of the government.

As in other lines, it is to be presumed that where changes are necessary those in charge of different major elements in the business will make readjustments to fit into the general scheme of things. As matters move generally so we must move. We can even assume a leadership and give our resources and facilities to the work of helping to guide these new movements and coordinate the prosperity trend of the nation.

#### Sees Opportunity for Service

I feel that we are in a position to lead and our daily contact with the public will enable us to be of much service to government, business and the people generally. In my own districts, I am putting this idea into practice as much as I can and I find that these efforts not only help the general situation along but meet with popular approval.

In the specific handling of our own business, of course, we must have appealing programs. It is not only necessary to have good pictures, but the shows must be blended to meet up with the desires and emotions of the people. We could with profit give more time to that feature.

In picture production attention must be given to the demands made upon us by church authorities and others. Some of these may seem unreasonable. But let us always approach the matter in a conciliatory and helpful way. It is the right of the government and the churches to insist upon certain picture standards as is the case in other things. We are in agreement with all on the desirability of having wholesome entertainment. That is our policy and will be found to be the general rule. It is only the exceptions to this which cause controversy.

In 1935, I feel that every responsible element in our business should move toward aiding the trend toward prosperity. That is fundamental. We must recognize it. Then in the directing of our internal business affairs we will find that an honest, equitable and fair policy all around will beget confidence and increase our general business and bring prosperity to all theatre owners and, of course, in a corresponding degree to all others in the industry. I earnestly hope for a prosperous 1935.

# KMTA Closely Watching Two Legislatures

*(Continued from page 1)*

ranks, will represent the industry in this territory at Jefferson City, Mo., while R. R. Biechele, secretary of the organization, will watch developments at Topeka.

Several bills inimical to the industry are reported ready to be thrown into the Missouri hopper. In addition, Governor Park has announced he will seek extension of the sales tax and a boost in the present levy of one-half of one per cent to at least one per cent.

The sales, or occupation tax is at present absorbed by the exhibitor as an assessment on theatre tickets. Stapel favors a levy that can be passed on to the ticket buyer.

The Missouri sales and liquor taxes, passed at the 1933 session as emergency measures, have not produced the expected or required revenue for relief, which faces a deficit of $2,500,000 for the biennium ending Dec. 31. Merchants throughout the state are reported to have organized to resist extension or increase of the sales tax, but it is pointed out that opponents must present some taxation program in order to defeat the sales levy increase.

## *Report British Busy On Stereoscope Film*

*(Continued from page 1)*

correspondent of the North American Newspaper Alliance, in an article cabled to this country.

Gaumont, the article states, has equipped a special research laboratory for the experiments and hopes for definite results within the next year. One system involves embedding in the film itself two separate lenses and also requires a special screen. Details are being kept secret. Complicated processes of filming and projection are involved, the writer states.

"A second process," the article continues, "involves the printing of two views of the same scene on the same positive film. The difference of the angle of the two views is the distance between human eyes. In projection the film would have to travel behind ten lenses, and the screen would have to be fitted with lines or bars to prevent the right eye from seeing the left-eye picture and vice versa.

"Up to the present, most film producers here have been afraid of the introduction of stereoscopy and of color films. Their advent would involve revolutionizing their methods of photography and new projection installations. The public, however, once a stereoscopic film had been successfully launched, would turn away from the present shadow pictures as they did from silent films when the first talkie appeared."

## *More Delay for "Sharp"*

HOLLYWOOD, Dec. 30.—The production of Pioneer's first picture, "Becky Sharp," which was temporarily halted by the death of Lowell Sherman, who was directing it, will be further hindered, it is thought, by a cold and eye illness that has confined Miriam Hopkins to her home.

# WILL YOU BE THERE WHEN THE FEDERATION ROLL IS CALLED?

Come–On–Boys! Keep up the good work!

We of the Amusement Industry must make GOOD our promise.

A complete list of all contributors to the Federation Emergency Campaign will be published in this publication soon. Will your name be among the missing?

You don't want this to happen—Neither do we.

So come through, boys—You've never failed a good cause yet.

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whose services are given without regard to race, color, or creed, must wipe out a $2,071,000 deficit by December 31, in order to balance its $3,655,000 budget. Federation helps more than a quarter of a million people every year. These unfortunates need Federation NOW more than ever before.

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I hereby make a special donation of $............... payable before December 31, 1934.

1934

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# Urges Swing To Intern'l Film Slant

**By J. H. SEIDELMAN**
*Foreign Manager, Columbia*

There have been many changes in the past 12 months in the foreign markets, and these changes have very forcibly divided the world into two major classifications: (a) English-speaking territories, including those which permit and accept American pictures with or without superimposed titles. (b) Non-English speaking countries.

The American motion picture has held its own in the territories under (a) and in fact can boast of considerable progress in those countries. England and its colonies are, of course, the most important group of these territories, and represent a very substantial percentage of the foreign income. Fortunately, there has been no serious legislation in this group to impede the progress of American pictures. While it is true that local-made pictures have improved and increased in demand, they have only replaced the poorer American pictures and not the better class of imported productions.

### Laws Hurting U. S. Films

The group of territories represented in (b) presents the most difficult problems and returns the least revenue. The serious economic conditions of the various countries have forced the passing of legislation which has not only made it unprofitable for American companies to do business, but, in many instances, wholly impossible. Fortunately this group of territories contributes only a small portion of foreign income.

A producer who wants to do a 100 per cent job must be "international minded" and must definitely plan to include in his program a few of the international type pictures. Local pictures can never compete with the important pictures of Hollywood as long as they are confined to the limitations of a particular language or country. The formula for making suitable pictures for the foreign market must certainly be well known to Hollywood producers by this time. The most important thing of all is for such producers to be "foreign" as well as American-conscious when considering material for motion picture production.

Suitable "international" pictures with less dialogue and more music will do more to break down local legislative resistance than all official diplomacy combined. With such pictures the year 1935 holds great promise to the American industry.

## *Michael Back on Job*

Buffalo, Dec. 30.—Improved in health after his recent accident and illness, Jules H. Michael, Buffalo zone chairman of the M.P.T.O., is back at his desk every afternoon.

# *Predicts Higher Takes for Outstanding in Attractions*

**By CHARLES R. ROGERS**
*Producer for Paramount*

Hollywood, Dec. 30.—I believe 1935 will prove that the outstanding picture will gross more than ever before and that the ordinary "program picture" will gross even less than in recent years.

I arrive at this conclusion from observation and my contact with the activities of the various major studios in Hollywood.

I find that the important producers are concentrating on the so-called "special picture," and that is where all of their enthusiasm lies, and when they are called upon to produce the so-called "program picture," they accept it grudgingly and do it in the light of a favor to the studio with not one iota of the enthusiasm it should receive.

In view of this trend, it is very evident to me that 1935 will see the "special" better than ever and the "program picture" deteriorating.

I believe that this situation is much more serious than the industry at large realizes, as a great deal of the terrific losses the theatres take are due to these so-called "program pictures." Therefore, it would seem to me that something very drastic and intelligent will have to be done before long by the production end of our industry to bring up the value of the program picture so that it will serve a better purpose than merely to meet a release schedule from a major company.

# Entirely Up To Hollywood Perspective

**By ARTHUR W. KELLY**
*V. P. in Charge Foreign Sales, United Artists*

American pictures will continue to dominate the foreign market in 1935 as in previous years, provided Hollywood realizes that we are doing a world-wide business, and keeps turning out product that has an international appeal.

Every producer in Hollywood should have a map of the world tacked up on his wall, or a globe decorating his desk to remind him constantly that he is making pictures not only for Bridgeport and Broadway, but Bombay and Buenos Aires, London and Shanghai—in fact, every corner of the earth.

What moviegoers the world over want are pictures that tell a down-to-earth story with a miximum of action and a minimum of dialogue. Variety, of course, is essential. Lavish musical films, while desirable, should not predominate. Sophisticated society films are unacceptable and should be eliminated in non-English speaking countries.

On the whole, the average fan abroad would rather see a Hollywood-made product with its tremendous star and production values (either dubbed or with superimposed titles) than a home-made picture in his own language.

If the present trend toward action pictures is adhered to, the industry will do a far greater foreign business in 1935 than at any time in its history.

# Themes Bulk Big Abroad, Avers Hicks

**By JOHN W. HICKS, JR.**
*Vice-President, Paramount International Corp.*

So far as it can be judged from this December vantage point, 1935 is coming in like any other year, neither better nor worse than any previous twelve months. During 1934 many of our problems have become intensified, but on the other hand many of the knotty ones have been cleared up. Therefore, so far as a forecast of 1935 is concerned, any person's guess is as good as the next person's.

One of the problems which we have always with us is that regarding overseas production. I believe there must always be a certain amount of this. The British quota law for a number of years has required American distributors to produce in England, although there is always the possibility that new legislation will some day call for fewer and better quota pictures.

Naturally the question of overseas distribution brings up the allied question of how Hollywood's production activities can aid us materially. Undoubtedly the foremost of these aids can come with the production of pictures with themes understandable in all parts of the world. Our axiom in this connection is that if a picture's theme can be understood wholeheartedly appreciated by the middle west of America, it can most certainly be understood throughout the world. Secondly there is the aid which can come from pictures more easily understandable by persons not knowing the language, but they produce material savings both in superimposing and dubbing costs.

Third of these aids comes in the making each year of a few outstanding productions designed primarily with foreign distribution in view. It is possible to make pictures which might not appeal tremendously in America, but which are large grossers overseas. Often these pictures are of the type truly entitled to the term of "spectacle." Musical pictures, in which real singers sing real songs are outstanding money-makers abroad. 1934 has witnessed the triumphs of a few pictures of this type and the magnitude of these triumphs is proof enough of the advisability of making such films a definite part of every major company's program. So far as the proportion of these in relationship to other product is concerned, there is something which any internationally minded production executive can gauge for himself without excessive prompting from the international department of his company.

The best guarantee for international distribution of the average picture, in addition to its having universality in theme, is that it should have a cast of players known to the public. We have to remember that audiences in foreign countries have to be content with either superimposed titles or dubbing and that, accordingly, they have to be compensated for being invited into the theatre by the prospect of seeing at least a couple of film faces that they readily know and love. We fully realize that in order to get new faces we have to bring them on the screen and make them known, but this process should be accompanied by showing them in association with definitely known film favorites. If the newcomers have the requisite talent, this will pretty soon show and the fans will get to know them just as they got to know their favorites of old.

# Sees Quality Bettered for Foreign Mart

**By CLAYTON P. SHEEHAN**
*General Foreign Manager, Fox*

It appears to me that 1935 will witness a steady improvement in the quality of product produced for international entertainment.

In Europe, especially in England, local production has increased at a tremendous pace and American producers have seen the wisdom of producing quality product for their own account in many countries. Fox has greatly expanded its local production schedule for 1935 in England, France, Germany and also its Spanish-language pictures made in Hollywood.

It would seem that the awakening of picture producers in overseas territories is a good competition omen for the future of the motion picture.

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